

Workplace Discrimination, Harassment and Violence Response Policy

Purpose

Collier Street United Church [CSUC] is a nurturing faith community where diversity and inclusion are welcomed and celebrated in our worship and work in the community and the world.

CSUC is committed to providing safe work and worship environments free from discrimination, harassment, and violence [DHV].

CSUC will not tolerate any behaviour by any person – including but not limited to its members, adherents, ministry personnel, non-ministry employees, and elected members, volunteers, or visitors – that constitutes discrimination, harassment, or is violent or threatens violence. DHV in the workplace is prohibited by federal and provincial law and the church's laws.

All complaints of DHV toward anyone within CSUC will be taken seriously and dealt with in a spirit of compassion and justice.

Definitions

Discrimination includes any distinction, exclusion, or preference based on protected grounds set out in human rights legislation that nullifies or impairs equality for employment opportunities or equality in employment terms and conditions. Discrimination includes unwelcome comments or actions relating to a person's personal characteristics — for example, race, gender, sexual orientation, and age.

The impact of the behaviour, not the intention behind it, determines whether the concerning behaviour is discriminatory. Discrimination is prohibited and violates human rights legislation and within the church.

There are two forms of discrimination: direct and systemic.

(i) Direct Discrimination

Direct discrimination is an action, behaviour, or practice of treating a person unequally based on prohibited grounds. It may be overt and admitted or covert and denied. Examples of direct discrimination include making jokes or comments about a person's disability; imitating a person's accent, speech, or mannerisms; making persistent or inappropriate comments about pregnancy or childbirth; or making inappropriate comments about age or sexual orientation.

(ii) Systemic Discrimination

Systemic discrimination refers to policies or practices that appear to be neutral on their surface but that may have discriminatory effects on individuals based on one or more Human Rights Code grounds.

Harassment includes improper and unwanted comments or conduct when such conduct might reasonably be expected to cause insecurity, discomfort, offence, or humiliation to another person. Harassment is a form of discrimination. Harassment usually results from a series of incidents, but one incident could form the basis of a harassment complaint.

Harassment may be written, verbal, electronic, physical, a gesture or display, or any combination of these. A complaint of harassment can be made based on inappropriate interaction between co-workers; supervisors and employees; or between employees and members, adherents, or volunteers in a community of faith. (This is not meant to be a complete list.)

Harassment can include jokes or innuendo, verbal abuse, pranks, hazing, inappropriate online conduct, unwelcome invitations, comments about appearance or clothing, setting impossible expectations, constant negativity, and/or undermining behavior.

NOTE: Harassment does not include constructive criticism, evaluating or monitoring performance or setting performance standards, corrective or disciplinary action, or organizational change for business reasons.

Racial Harassment

Racial harassment is unwelcome, unfair, or unsafe behaviour related to race based on prohibited grounds. Racial harassment includes behaviour related to a person's race, colour, ancestry, where a person was born, ethnic background, place of origin, or creed.

Racial harassment can include name-calling, racial slurs, racist jokes, ridicule, insults, or different treatment because of racial identity; degrading a person of a particular group; or negative comments made because of a person's race, colour, citizenship, place of origin, ancestry, ethnic background, or creed.

Individual racism can range from targeted racial harassment and overt discrimination to micro-aggressions, which can include subtle events that occur on a regular basis such as constant slights, putdowns, or invalidation directed at a marginalized group.

Systemic or institutional racism consists of patterns of behaviour, policies, and practices that are part of the social or administrative structures of an organization and that create or perpetuate a position of relative disadvantage for racialized people. These behaviours, policies, and practices often seem neutral but effectively exclude racialized individuals.

Microaggressions

Microaggressions are putdowns and slights marginalized groups face every day from other people who sometimes do not know they are being offensive or patronizing.

Microaggressions can be overt or subtle, and include discriminatory comments disguised as compliments.

Sexual Harassment

Sexual harassment means engaging in a course of improper or unwelcome comments or conduct because of sex, sexual orientation, gender identity, or gender expression, where the course of comment or conduct is known or should reasonably be known to be unwelcome. Sexual harassment can also be a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the recipient, and the person knows or should know that the solicitation or advance is unwelcome.

Sexual harassment can include unwelcome remarks, jokes, innuendo, propositions or taunting, persistent unwanted attention, physical contact of a sexual nature, or sexual assault.

Violence

Violence is the use of physical force against a person that causes or could cause physical injury. It also includes attempting to use physical force, a statement or behaviour that could reasonably be interpreted as a threat to use physical force.

Domestic violence is violence between two people who currently have, or have had in the past, a personal intimate relationship, such as spouses, partners, or people in a relationship.

CSUC will take all reasonable precautions to protect a person if a domestic violence situation is likely to expose someone to physical injury in the workplace or threaten their safety and the safety of others, and if the organization is aware or should reasonably be aware of the situation. Reasonable precautions will be determined on a case-by-case basis and may include developing an individual safety plan for the affected person.

CSUC will reassess risks of violence as often as necessary and will implement measures to address identified risks. Measures may include security protocols, implementing additional policies and procedures, and providing training on how to respond to a violent or potentially violent situation.

Workplace includes any location, permanent or temporary, where an employee performs any work-related duty.

Principles

Bad faith, trivial, or vexatious complaints made by complainants may themselves be a violation of this policy. A bad faith complaint is one that the complainant knows is false or is made for a purpose other than gaining a satisfactory remedy. The decision can be made to refuse to deal with such matters at any stage of the complaint or investigation process. Anyone who is found to have made such a complaint may be subject to a range of penalties similar to those that may be taken when a respondent is found to have discriminated against or harassed another person.

Confidentiality: Confidentiality concerning complaints is maintained to the extent possible regarding the circumstances giving rise to the complaint and is subject to CSUC's obligation to

conduct a thorough investigation. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary to investigate or take corrective action on the incident or complaint or is otherwise required by law. A breach of confidentiality violates this policy and the CSUC Code of Conduct, and Communication Policy.

Confidentiality regarding the findings of an investigation is maintained, except to the extent necessary to implement or defend the corrective or disciplinary action taken or as required by law. Where corrective or disciplinary action is taken against either the complainant or the respondent, the other party is advised that action has been taken but is not provided with the particulars of that action.

Freedom from reprisal: Every person with a concern or complaint has the right to bring it forward under this policy without reprisal or threat of reprisal.

Records: All materials related to the complaint, including the investigation and outcome, are retained in confidence according to CSUC/UCC retention guidelines.

Timelines: All incidents will be addressed, and procedures carried out in a timely fashion – in most cases, within three months. However, exceptions do occur, and in cases that require more time, the parties are informed of the delay and, if appropriate, the reasons for the delay.

Roles and Responsibilities

Complainant: A person who has made a complaint. The Complainant is expected to participate in the resolution process(es) fully.

Ministry & Personnel Committee [M&P]: The responsible individual or group of individuals that receive the complaint, manages the Informal Resolution Process and prepares a recommendation based on the outcome(s) of the informal process. M&P is a liaison for CSUC with the Region, supporting the Formal Complaint Process. M&P will be briefed on the Formal Investigation Report, will carry out and follow up on the approved actions as required, and will brief the PRE or Church Board on the outcomes and required actions, as may be necessary, in a timely manner.

Personnel Review Executive [PRE]: The PRE comprises the Chair of M&P, the Chair of the Church Board, and the Minister and acts on behalf of the Church Board as outlined in the CSUC Constitution. The PRE will review the recommendations provided by M&P and will approve the appropriate actions to be taken.

Respondent: The person alleged to have discriminated against, harassed, or committed an act of violence toward another person. The Respondent is expected to participate in the resolution process(es) fully.

Support People: A complainant or respondent may request a support person to accompany them during the interview(s) as part of the complaint process. An eligible support person does not

include an individual who is a party to the process; holds a board or other executive volunteer or paid role at Collier Street United Church; a staff member at CSUC, or a legal representative (i.e., lawyer). A support person is present to support the individual they accompany; they do not have any standing within the complaint process, nor do they participate in any way.

Procedures

CSUC M&P will assess the complaint and the applicability of this policy to respond to the complaint, including whether a formal or informal resolution process is appropriate in the circumstances.

a) **Informal Resolution Process** – *See Appendix A and CSUC Conflict Resolution Policy:*

- i. M&P may advise the complainant to speak directly with the respondent only if it is safe and practical to do so. The complainant should tell the respondent that their behaviour or comment is unacceptable and is being experienced as discrimination or harassment and ask the respondent to stop. One situation where this may work is when the complainant believes the respondent is unaware of the impact of their actions or conduct.
- ii. The complainant can request assistance and be accompanied by another person at the meeting with the respondent, or any other meeting in the process.
- iii. If the complainant does not believe it is practical or safe for them to communicate directly with the respondent on their own, they can confidentially discuss the incident(s) with a representative of M&P.
- iv. M&P will determine and carry out the appropriate resolution steps to resolve the matter. Informal processes may be recommended, such as a facilitated conversation, mediation, or other forms of dispute resolution, to be facilitated by the M&P or appointee. Before any options of informal resolution are implemented, both parties must be in agreement that such an option can be pursued.
- v. Following informal resolution steps, M&P will review the gathered information and outcomes and prepare a recommendation(s) to resolve the matter for the PRE of the CSUC Church Board.
- vi. The PRE will review the recommendation(s) and will approve the appropriate actions to be taken.

NOTE: Should a member of M&P or the PRE be the complainant or respondent, a different board member or regional personnel will be appointed in their place.

b) **Formal Complaint Process** – *See Appendix B for a sample and CSUC Conflict Resolution Policy:*

- i. Matters requiring a Formal Complaint Resolution Process will be referred to appropriate United Church Region personnel for resolution, utilizing the most current investigation policy and process. Each stage in dealing with a case of discrimination, harassment, or violence needs to minimize further distress for the parties involved and include as few people as possible. Every effort will be made to maintain confidentiality to the extent possible; confidentiality is expected of all involved. The Investigation process will be concluded as timely as possible.
- ii. M&P will provide liaison services during the formal investigation process. Upon conclusion of the investigation, M&P will receive a briefing on the investigation report, will carry out and follow-up on the approved actions as required, and will brief the PRE and/or Church Board on the outcomes and required actions, as may be necessary, in a timely and confidential manner.

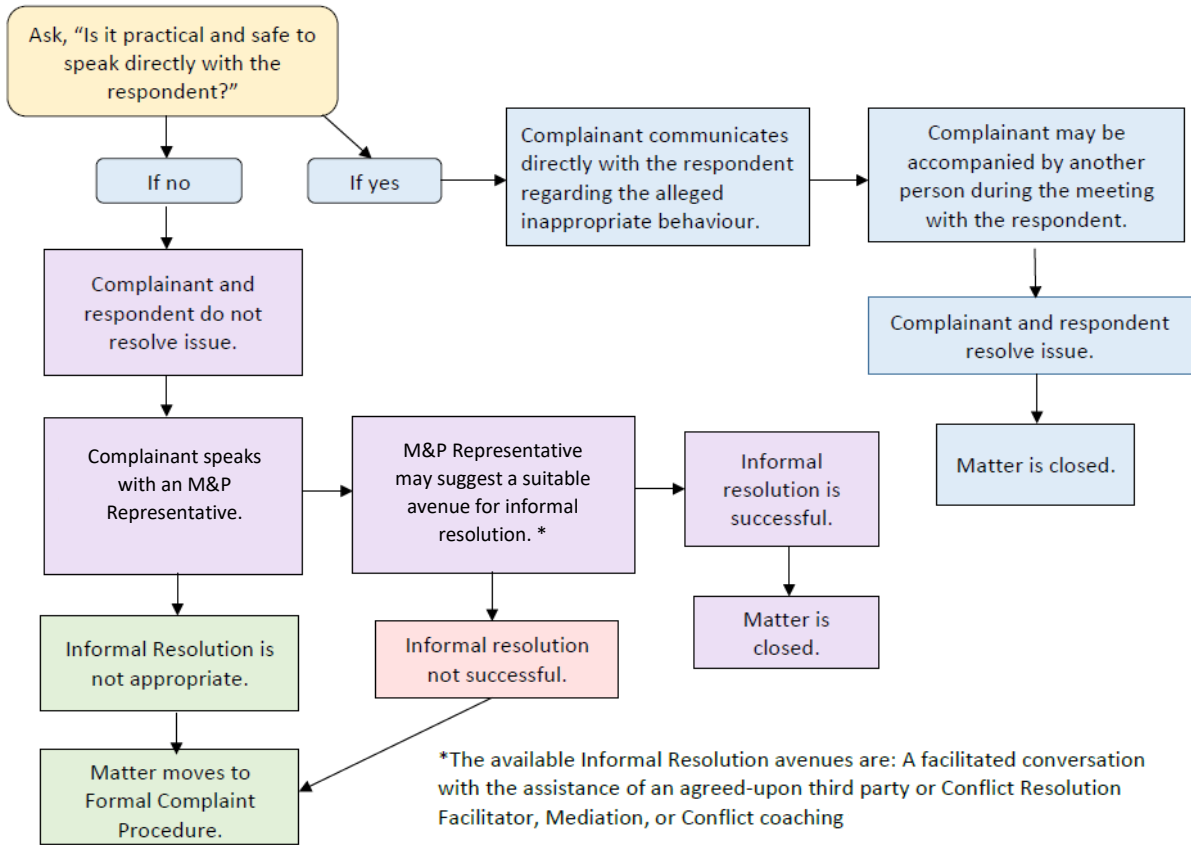
1. APPROVED (Church Board):

Lianne Patterson
Board Chair (Name)

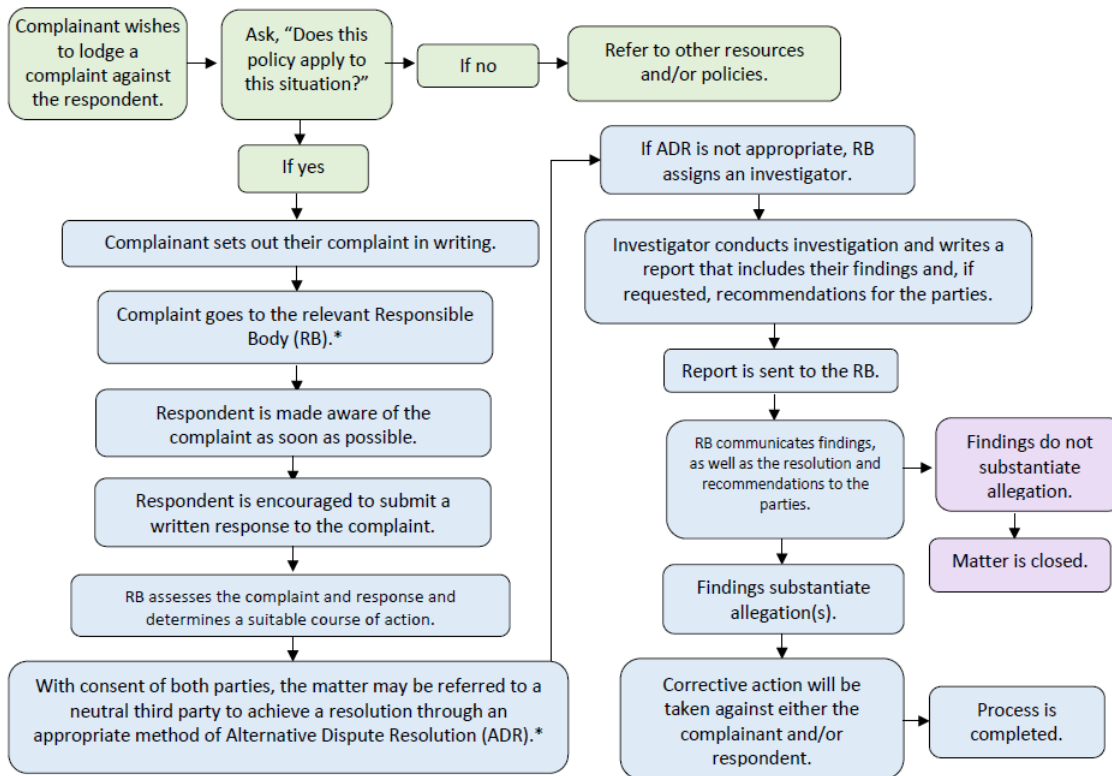

Board Chair (Signature)

DATE APPROVED: March 28, 2023

Appendix A – Informal Resolution Process



Appendix B – Sample Formal Resolution Process (see UCC Workplace Discrimination, Harassment and Violence Response Policy for current Formal Resolution Process)



*See **Responsible Bodies** (Appendix G).

*If both Complainant and Respondent are employees, counselling and support are available through Employee and Family Assistance Program (EFAP). If any party does not have access to EFAP, pastoral care is available upon request.

*Applicable ADR methods include Mediation, No Blame Conciliatory Meeting, and Facilitated Conversation.