



## Workplace Discrimination, Harassment, and Violence Response Policy

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**If you experience or witness violence, call 9-1-1. Once everyone is safe and medical care is provided or sent for, your supervisor or equivalent should be notified of the incident.**

### **Theological Statement**

- [1] The United Church of Canada (the “church”) believes that all people are created in God’s image and all people deserve the same human rights and freedoms.
- [2] The United Church of Canada is committed to providing safe environments for work, worship and study that are free from discrimination, harassment, and violence.

### **Two Criteria Must Be Met for This Policy to Apply**

- [3] First, the policy applies to any person, including members, adherents, lay people, ministry personnel and elected members or volunteers from all communities of faith, the Regional Councils and the General Council, who have allegedly demonstrated or experienced behaviour that constitutes discrimination, harassment and/or violence.
- [4] If the alleged behaviour arises as a result of sexual misconduct, which includes sexual harassment, pastoral sexual misconduct, sexual assault, child abuse and sexual abuse, please refer to The United Church of Canada’s [Sexual Misconduct Prevention and Response Policy and Procedures](#).
- [5] Second, the alleged behaviour must occur in the church’s environment of work, worship and/or study. These environments also include bodies that have a direct affiliation with the church (i.e. incorporated bodies) where a responsibility or activity is being undertaken on behalf of the church.

### **This Policy Is Required by Law**

- [6] Discrimination, harassment, and violence in the workplace are not allowed by the church and by provincial, territorial, and federal law.
- [7] By law, the church is required to have a policy that addresses harassment, discrimination, and violence in the workplace. Communities of faith may use this policy or develop their own customized policy. If a community of faith chooses to develop its own policy, the procedure for complaints must be the same as this policy to ensure consistency in the complaints process in the church. In addition, any customized policy must comply with provincial or territorial legislation related to discrimination, harassment, and violence.

## Options for Making a Complaint Outside of This Policy

- [8] Complainants may decide not to make a complaint under this policy. They can choose to make a complaint under provincial and territorial human rights legislation<sup>1</sup> or occupational health and safety legislation.
- [9] However, complainants must choose their forum to make a complaint. They cannot make a complaint at the same time under this policy and other relevant legislation.
- [10] Every province and territory may have one or more pieces of legislation that deals with inappropriate behaviour in the workplace. These laws apply to the church in its respective provincial and territorial jurisdiction. Accordingly, the church encourages anyone accessing this policy to review and familiarize themselves with the applicable legislation in their respective jurisdiction. In an effort to facilitate this, the church has attached at [Appendix A: Select Applicable Legislation](#), a list of certain relevant legislation. This is not a complete list.

## Individuals Shall not Fear Retaliation from The United Church

- [11] Individuals who share concerns about discrimination, harassment or violence in the workplace will not fear any form of retaliation from the United Church. Retaliation includes firing, suspending, intimidating, imposing a penalty, denying a right or benefit.
- [12] There will not be any retaliation for individuals who:
- report an incident, make a complaint or might make a complaint under this policy;
  - are named in a complaint or might be named in a complaint;
  - participate or cooperate in an investigation related to this policy; and
  - are associated with a person who has made a complaint under this policy and/or any other process or procedure.

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<sup>1</sup> Applicable legislation includes the British Columbia *Human Rights Code*, the Alberta *Human Rights Act*, the Saskatchewan *Human Rights Code*, the Manitoba *Human Rights Code*, the Ontario *Human Rights Code*, the New Brunswick *Human Rights Act*, the Prince Edward Island *Human Rights Act*, the Newfoundland *Human Rights Act*, the Nova Scotia *Human Rights Act*, the Yukon *Human Rights Act*, the Northwest Territories *Human Rights Act*, and the Nunavut *Human Rights Act*.

## **This Policy Applies to International Complaints**

- [13] This policy applies to anyone or any organization, as well as other bodies that have a direct affiliation with the church, who are carrying out a responsibility or activity on behalf of the church in international locations.
- [14] The criteria set out in sections 3 to 5 of this policy apply to incidents occurring in international locations.
- [15] Below is the process for complaints that occur in international locations (excluding Bermuda):

### ***Complainant or Respondent works/volunteers with The United Church of Canada***

- (a) The United Church of Canada supports global programming outside of Canada initiated by the General Council Office, as well as congregations and other communities of faith. In the event a complaint arises involving inappropriate behaviour in the workplace, in worship or while studying, Church in Mission, specifically the Church in Partnership and Identity and Mission clusters<sup>2</sup> (CIM) must be notified as appropriate.
- (b) The CIM will direct the complainant or respondent to a direct and confidential communication channel to lodge their complaint and/or receive additional support and resources to manage the situation.

### ***Complainant or Respondent is from the Global Partner or someone from the community participating in the Global Partner project***

- (c) The Human Resources person or equivalent of the Global Partner will collaborate with the CIM regarding how to lodge a complaint and provide support and resources to deal with the complaint as appropriate.

### ***Complaint Process***

- (d) Once The United Church of Canada receives a complaint, it will be sent to the appropriate Responsible Body. The appropriate Responsible Body will depend on the position of the complainant and/or respondent at the church ([Appendix G: Responsible Bodies](#)). In the case of a non-employee, the

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<sup>2</sup> The Church in Mission provide support and leadership to The United Church of Canada to participate in God's mission of justice, peace and transformation in the world, through its various ministries and partners in their contextual response to God's invitation and partnership. The Church in Mission Unit has four collaborative staff teams: Church in Partnership, Identity and Mission, EDGE Ministries, Refugees, and Leadership and Administration. Church in Mission Unit provides support and leadership to The United Church of Canada in seeking to be an intercultural and anti-racist church that is welcoming, relational, adaptive, justice seeking, intentional, and mission-centred.

Responsible Body will be the executive minister of the regional council where the complainant and/or respondent is associated with.

- (e) The Responsible Body will determine under which legislation, international or provincial/territorial, will apply. The Responsible Body will work with the Human Resources department or equivalent of the organization where the alleged incident took place to review their workplace safety and/or harassment policy and legislation to determine which legislation and policy will take precedent. If a complaint arises in an international location that does not have legislation regarding workplace safety and/or harassment, the complaint will be reviewed under the appropriate provincial/territorial law where the complainant or respondent is from.
- (f) In all circumstances, the incident will be reviewed under the legislation and/or policy that is more comprehensive.
- (g) The Responsible Body will collaborate with CIM and the Global Partner to talk about resource sharing to address the complaint.
- (h) If it is established that the jurisdiction is either provincial/territorial within Canada, the complaint will follow the procedure as set out in this policy to resolve the complaint.

## Definitions

[16] The definitions provided below are for reference, but these definitions could vary across applicable jurisdictions<sup>3</sup> and all individuals are encouraged to review the applicable legislation in their respective jurisdiction, as well as the definitions in the attached Appendices.

[17] Please note that in the event any of the definitions outlined below conflict or are inconsistent with applicable legislation, the applicable legislative definition will be used.

## Discrimination

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

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<sup>3</sup> Applicable jurisdiction(s) refers to the church's operations in all provinces and territories in Canada.

- [19] It is the impact of the behaviour, not the intention behind it that determines whether the concerning behaviour is discriminatory. Discrimination is prohibited and is a violation of human rights legislation in each applicable jurisdiction and within the church.

There are two forms of discrimination: direct and systemic.

**(i) Direct Discrimination**

- [20] Direct discrimination is an action, a behaviour, or a practice of treating a person unequally on the basis of any of the 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 related to pregnancy or childbirth; or making inappropriate comments related to age or sexual orientation.

**(ii) Systemic Discrimination**

- [21] 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.
- [22] Please be aware that the prohibited grounds may vary across applicable jurisdictions and may be subject to legislative change. Individuals are encouraged to review their applicable legislation in their respective jurisdiction. The applicable definition and prohibited grounds in applicable jurisdictions as of November 30, 2021, are set out at [Appendix B: Definition and Prohibited Grounds of Discrimination in Employment](#).

**Harassment**

- [23] Harassment includes improper and unwanted comment 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.
- [24] 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; between managers and employees; or between employees and members, adherents, or volunteers in a community of faith. (This is not meant to be a complete list.)
- [25] 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.

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

[27] Be aware that the definition of harassment may vary across applicable jurisdictions, may be subject to legislative change and can include workplace bullying. Where workplace bullying is included in the definition of harassment, it will be treated as harassment for the purposes of this Policy and will not be tolerated. Individuals are encouraged to review their applicable legislation, in their respective jurisdiction. The applicable definition in applicable jurisdictions as of November 30, 2021, is set out at [Appendix C: Definitions of Harassment](#).

### **Racial Harassment**

[28] 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.

[29] 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.

[30] 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.

[31] 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**

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

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

## Sexual Harassment

- [34] 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.
- [35] As previously referenced, all complaints sexual in nature will be dealt with under the [Sexual Misconduct Prevention and Response Policy and Procedures](#).
- [36] Sexual harassment can include unwelcome remarks, jokes, innuendo, propositions or taunting, persistent unwanted attention, physical contact of a sexual nature, or sexual assault.
- [37] Be aware that the definition of sexual harassment may vary across applicable jurisdictions and may be subject to legislative change. Individuals are encouraged to review their applicable legislation, in their respective jurisdiction. The applicable definition in applicable jurisdiction as of November 30, 2021, is set out at [Appendix D: Definitions of Sexual Harassment](#).

## Violence

- [38] 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.
- [39] 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.
- [40] The organization 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.
- [41] The organization 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.

- [42] The definition of workplace violence may vary across applicable jurisdictions and may be subject to legislative change. Individuals are encouraged to review their applicable legislation, in their respective jurisdiction. The applicable definition in each applicable jurisdiction as of November 30, 2021 is set out at [Appendix E: Definitions of Workplace Violence](#).
- [43] Workplace includes any location, permanent or temporary, where an employee performs any work-related duty.

## Procedures to Respond to Complaints

### Definitions

The following definitions apply to the procedures outlined in this policy:

- [44] **Responsible Body:** The Responsible Body is the individual or group of individuals that deals with the complaint. The Responsible Body changes according to the position of the respondent in the church ([Appendix G: Responsible Bodies](#)).
- [45] **Conflict Resolution Facilitator:** An individual retained by the church to assist in mediating disputes. A list of Conflict Resolution Facilitators can be found on [The United Church of Canada website](#).
- [46] **Complainant:** A person who has made a complaint about being a victim of harassment, discrimination or violence.
- [47] **Consultant:** Consultants are neutral and independent and have been trained to review what the complainant has experienced and the options available to them. [The Ministry and Employment Policy Coordinator](#) at the church can assist in accessing consultants.
- [48] **Respondent:** The person alleged to have discriminated against, harassed or committed an act of violence toward another person.

### The Responsible Body Receives the Complaint and May Delegate its Authority

- [49] The Responsible Body is the individual or group of individuals that the respondent reports to. In other words, the Responsible Body is the respondent's employer.
- [50] In the event, the Responsible Body is not able to act for any reason, they must establish to whom this responsibility will be delegated to. The following are some situations where the Responsible Body may decide to delegate its authority to receive complaints:

- If an individual in the Responsible Body is a complainant, if there is no bias and/or apprehension bias, the complaint may be received by another individual in the Responsible Body.
- Alternatively, the Responsible Body may decide to delegate their responsibility to the individual or body that it is accountable to. For example, if the Responsible Body is the Ministry and Personnel Committee, the complaint will be received by the governing body because the Ministry and Personnel Committee is accountable to them.
- If a Responsible Body does not have the expertise and/or resources to handle a complaint, they are encouraged to delegate their responsibility to an appropriate body. For example, a community of faith may want to collaborate or even delegate their responsibility to receive a complaint to the Executive Minister of the Regional Council, who may be in a better position to handle the complaint.

#### **A. Procedures to Respond to Complaints: Communities of Faith or Other Ministries**

- [51] This procedure is to be used where the respondent or respondents—work for or are a member, full member, adherent, volunteer and so on to a community of faith or another ministry.
- [52] If the respondent works for or answers to a Regional Council or the General Council Office in a professional or volunteer capacity, see the next section under [Procedures to Respond to Complaints: Regional and General Council Offices](#).
- [53] Where urgent intervention is required, as an interim measure the RB will alert the community of faith to take steps to ensure the complainant is safe and not subjected to further discrimination, harassment, or violence. In certain circumstances, this could include placing the respondent on paid administrative leave.

#### **Informal Resolution Options ([Appendix H: Informal Resolution Process](#))**

- C1. The Responsible Body 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.
- C2. The complainant can request assistance and be accompanied by another person at the meeting with the respondent, or any other meeting in the process.

- C3. 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 someone they feel comfortable with, such as a Consultant. Alternatively, the complainant could speak to the Responsible Body.
- C4. Other options to consider before making a formal complaint include:
- A facilitated conversation with the assistance of an agreed-upon third party or a Conflict Resolution Facilitator
  - Mediation
  - A conflict coaching through the Employee and Family Assistance Program (EFAP) through Life Works

Before any options of informal resolution are implemented, both parties must be in agreement that such an option can be pursued.

#### **Formal Complaint Procedures ([Appendix I: Formal Resolution Process](#))**

- C5. If the matter remains unresolved for any reason, or if it is determined that informal efforts are not appropriate in the circumstances, the complainant must set out a detailed complaint in writing in the Workplace Discrimination, Harassment and Violence Prevention Policy Complaint Form ([Appendix F: Complaint Form](#)). A Consultant can assist with this process. If the complaint is not sufficiently detailed, further details may be requested.
- C6. The complainant sends the complaint to the Responsible Body. The Responsible Body depends on the position of the respondent at the church ([Appendix G: Responsible Bodies](#)).

The Regional Council will act as a resource to communities of faith in dealing with complaints.

**Note:** If the complaint concerns the Regional Council Executive Minister or any employee, volunteer or a person who answers to a Regional Council or General Council, please see the procedures in the next section under [Procedures to Respond to Complaints: Regional and General Council Offices](#).

- C7. Once a complaint is received, it is forwarded to the respondent as soon as possible, but no longer than seven (7) business days, by electronic mail or mail. A Consultant may be asked to deliver the complaint in person. The respondent is encouraged to submit a written response to the complaint within 15 business days following receipt of the complaint. It is at the discretion of the Responsible Body to disclose all, part or a summary of this written response to the complainant.

- C8. Pastoral care is made available to both parties. If a party or parties are working with a Consultant, the Consultant will discuss how they can access pastoral care. In other cases, the Regional Council Executive Minister will make the offer of pastoral care.
- C9. The Responsible Body assesses the complaint and the response, if applicable, and determines a suitable course of action. The Responsible Body considers whether the complaint reveals any broader systemic issues that should be addressed.
- C10. With the consent of the parties, the matter might be referred to a neutral third party, such as a Conflict Resolution Facilitator, to work with the complainant and respondent to achieve a mutually agreeable resolution through alternative dispute resolution
- C11. Where the complaint is still not resolved or the Responsible Body determines that an alternative process is not appropriate, the Responsible Body will assign an investigator.
- C12. The investigator arranges to interview the parties and any witnesses. If possible, the interviews are held in person, but may be conducted over the phone or using other technology.
- C13. The investigator writes a report that includes their findings and, if requested, recommendations. The report is sent to the Responsible Body for dealing with the complaint. The Responsible Body will communicate the findings, including resolution and recommendations, to the parties in writing. The Responsible Body may also choose to follow-up with an in-person meeting to discuss the resolution and recommendations.
- C14. If the findings support the allegations in the complaint, the Responsible Body will take corrective action. The corrective action is based on the findings of the investigator, the nature of the complaint, and all relevant circumstances, including any previous discipline.
- C15. If the finding of the investigator is that the complaint is not substantiated, no further action is taken.
- C16. 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.
- C17. All of the procedures should be carried out in a timely fashion—in most cases within a three-month period. Exceptions do occur, however, and in cases that

require more time the parties are informed of the delay and, if appropriate, the reasons for the delay.

## **B. Procedures to Respond to Complaints: Regional and General Council Offices**

This procedure is to be used where the respondent or respondents work for or are accountable to a regional council or the General Council Office. If the respondent works for or are accountable to a community of faith or other church ministry, **see the previous section under [Procedures to Respond to Complaints: Communities of Faith or Other Ministries](#)**.

Where urgent intervention is required, as an interim measure the Human Resources Manager will take steps to ensure the complainant is safe and not subjected to further discrimination, harassment, or violence. In certain circumstances this could include placing the respondent on paid administrative leave.

### **Informal Resolution Options (see [Appendix H: Informal Resolution Process](#))**

- R1. The Responsible Body may advise the complainant to communicate 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.
- R2. The complainant can request assistance and be accompanied by another person at the meeting with the respondent, or any other meeting in the process.
- R3. 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 someone they feel comfortable with, such as a Consultant. Alternatively, the complainant could speak to their own supervisor or a colleague.
- R4. Other options to consider before making a formal complaint include
  - A facilitated conversation with the assistance of an agreed-upon third party or a Conflict Resolution Facilitator
  - Mediation
  - Conflict coaching through the Employee and Family Assistance Program (EFAP) through Life Works

Before any options of informal resolution are implemented, both parties must agree that such an option can be pursued.

### **Formal Complaint Procedures (See [Appendix I: Formal Resolution Process](#))**

- R5. If the matter remains unresolved for any reason, or if it is determined that informal efforts are not appropriate in the circumstances, the complainant must

set out a detailed complaint in writing in the Workplace Discrimination, Harassment and Violence Prevention Policy Complaint Form ([Appendix F: Complaint Form](#)). A Consultant can assist with this process. If the complaint is not sufficiently detailed, further details may be requested.

The Human Resources Manager, General Council Office, may refer the complainant to a Consultant.

- R6. The complainant sends the complaint to the Human Resources Manager, General Council Office. If the complaint is not sufficiently detailed, further details may be requested.

**Note:** If the complaint is about the Human Resources Manager, Moderator, General Secretary, Regional Council Executive Ministers, or the Executive Minister, Ministry and Employment ([Appendix G: Responsible Bodies](#)), to determine who will receive the complaint.

- R7. Once a complaint is received, it is forwarded to the respondent as soon as possible, but no longer than seven (7) business days, by electronic mail or mail. A Consultant may be asked to deliver the complaint in person. The respondent is encouraged to submit a written response to the complaint within 15 business days following receipt of the complaint. It is at the discretion of the Responsible Body to disclose all, part or a summary of this written response to the complainant.
- R8. If the complaint is against ministry personnel, the Human Resources Manager advises and consults with the Office of Vocation Coordinator.
- R9. Where the parties to the complaint are employees, counselling and support are available through the Employee and Family Assistance Program of Life Works. If any party is not an employee or does not have access to the Employee and Family Assistance Program, and wishes pastoral care, that will be provided to them on request.
- R10. The Human Resources Manager assesses the complaint and the response, if applicable, and determines a suitable course of action. The Human Resources Manager considers whether the complaint reveals any broader systemic issues that should be addressed.
- R11. With the consent of the parties, the matter may be referred to a neutral third party, such as a Conflict Resolution Facilitator, to work with the complainant and respondent to achieve a mutually agreeable resolution through mediation, a no-blame conciliatory meeting, a facilitated conversation, or another form of dispute resolution.

- R12. Where the complaint is still not resolved or it is determined that an alternative process is not appropriate, an investigator is assigned to investigate the complaint.
- R13. The Human Resources Manager advises the manager or supervisor of the respondent that a complaint has been received and the process that will be used to work to resolve it.
- R14. The investigator arranges to interview the parties and any witnesses. If possible, the interviews are held in person but may be conducted over the phone or using other technology.
- R15. The investigator writes a report that includes their findings and, if requested, recommendations. The report is provided to the Human Resources Manager, who then communicates the findings, as well as the resolution to the appropriate person as set out in paragraph 13 and discusses the findings and appropriate outcome with that person.
- R16. If the findings support the allegations in the complaint, The Responsible Body will take appropriate corrective action. The corrective action is based on the findings of the investigator, the nature of the complaint, and all relevant circumstances, including any previous discipline.
- R17. If the findings of the investigator is that the complaint is not substantiated, no further action is taken.
- R18. Confidentiality with respect to 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.
- R19. All of the procedures should be carried out in a timely fashion—in most cases within a three-month period. Exceptions do occur, however, and in cases that require more time the parties are informed of the delay and, if appropriate, the reasons for the delay.

### **Responding to Complaints of Systemic Discrimination**

- [54] A complaint alleging that a policy or procedure is discriminatory must first be brought to the attention of the chair of the governing body of the community of faith or the regional council Executive Minister or the General Secretary (depending on where the systemic issue is being experienced).
- [55] On receiving a complaint of systemic discrimination, reasonable efforts will be made to resolve the complaint if that is possible. Informal resolution could include

- amending a policy or procedure on agreement or bringing a proposal (see *The Manual*, section F, Initiating Action and Change).
- [56] If the matter cannot be resolved by these methods, a formal complaint may be brought forward to the Regional Council about a community of faith or to the General Council Executive if the complaint relates to denominational structures or policies alleged to be discriminatory.
- [57] Note that the three-month time frame within which complaints against individuals are usually resolved may not apply to complaints of systemic discrimination.

### Notes to the Policy

- [58] **Accommodation:** The organization will accommodate the special needs of everyone involved in the process within the church to ensure full access and participation. Accommodation could include providing documents in alternative formats, off-site and after-hours meetings, interpretation, and translation.
- [59] **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 themselves 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.
- [60] **Confidentiality:** Confidentiality with respect to complaints is maintained to the extent possible, having regard to the circumstances giving rise to the complaint and subject to the church'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 for the purpose of investigating or taking corrective action on the incident or complaint, or is otherwise required by law.
- [61] **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.
- [62] **Records:** All materials related to the complaint, including the investigation and outcome, are retained in confidence according to the church's retention policies.
- [63] **Review:** This policy will be reviewed as necessary and at least annually.

**Appendix A: Select Applicable Legislation**

<b>Province</b>	<b>Applicable Legislation</b>
<b>British Columbia</b>	<i>Occupational Health and Safety Regulation, BC Reg 296/97</i> <i>Workers Compensation Act</i> <i>Human Rights Code</i>
<b>Alberta</b>	<i>Occupational Health and Safety Act</i> <i>Occupational Health &amp; Safety Regulation, Alta. Reg. 62/2003</i> <i>Alberta Human Rights Act</i>
<b>Saskatchewan</b>	<i>The Saskatchewan Employment Act</i> <i>The Saskatchewan Human Rights Code, 2018</i>
<b>Manitoba</b>	<i>Workplace Safety and Health Regulation, Man Reg 217/2006</i> <i>The Human Rights Code</i>
<b>Ontario</b>	<i>Occupational Health and Safety Act</i> <i>Human Rights Code</i>
<b>New Brunswick</b>	<i>Occupational Health and Safety Act</i> <i>Occupational Health and Safety Act, General Regulation, NB Reg 91-191</i> <i>Human Rights Act</i>
<b>Prince Edward Island</b>	<i>Occupational Health and Safety Act - General Regulations, PEI Reg EC180/87 and Workplace Harassment Regulations, PEI Reg EC710/19</i> <i>Human Rights Act</i> <i>Employment Standards Act</i>
<b>Newfoundland</b>	<i>Occupational Health &amp; Safety Regulations, 2012, NLR 5/12</i> <i>Human Rights Act, 2010</i>
<b>Nova Scotia</b>	<i>Violence in the Workplace Regulations, NS Reg. 209/2007</i> <i>Human Rights Act</i>
<b>Yukon</b>	<i>Human Rights Act</i>
<b>Northwest Territories</b>	<i>Human Rights Act</i> <i>Occupational Health and Safety Regulations, NWT Reg 039-2015</i>
<b>Nunavut</b>	<i>Human Rights Act</i> <i>Occupational Health and Safety Regulations, Nu Reg 003-2016</i>

**\*Please note this list is not exhaustive and any legislation listed in Appendix A may be amended from time to time and is not intended to be legal advice. Please consult the current provincial legislation.**

## Appendix B: Definition and Prohibited Grounds of Discrimination in Employment\*

Province	Definition
British Columbia	<p><b><i>Human Rights Code [RSBC 1996] Chapter 210 (Section 13)</i></b></p> <p><b>13(1)</b> A person must not</p> <p>(a) refuse to employ or refuse to continue to employ a person, or</p> <p>(b) discriminate against a person regarding employment or any term or condition of employment</p> <p>because of the race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.</p>
Alberta	<p><b><i>Alberta Human Rights Act, RSA 2000, c A 25.5</i></b></p> <p><b>7(1)</b> No employer shall</p> <p>(a) refuse to employ or refuse to continue to employ any person, or</p> <p>(b) discriminate against any person with regard to employment or any term or condition of employment,</p> <p>because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.</p>
Saskatchewan	<p><b><i>The Saskatchewan Human Rights Code, 2018, SS 2018, c S-24.1</i></b></p> <p><b>16(1)</b> No employer shall refuse to employ or continue to employ or otherwise discriminate against a person or class of persons with respect to employment, or a term or condition of employment, on the basis of a prohibited ground</p> <p><b>16(2)</b> No employee shall discriminate against another employee on the basis of prohibited ground.</p> <p><b>(m.01)</b> The prohibited grounds include religion; creed; marital status; family status; sex; sexual orientation; disability; age; colour; ancestry; nationality; place of origin; race or perceived race; receipt of public assistance; and gender identity;</p>
Manitoba	<p><b><i>The Human Rights Code, CCSM c H175</i></b></p> <p><b>9(1)</b> In this Code, “discrimination” means:</p> <p><b>(a)</b> differential treatment of an individual on the basis of the individual's actual or presumed membership in or association with</p>

	<p>some class or group of persons, rather than on the basis of personal merit; or</p> <p><b>(b)</b> differential treatment of an individual or group on the basis of any characteristic referred to in subsection (2); or</p> <p><b>(c)</b> differential treatment of an individual or group on the basis of the individual's or group's actual or presumed association with another individual or group whose identity or membership is determined by any characteristic referred to in subsection (2); or</p> <p><b>(d)</b> failure to make reasonable accommodation for the special needs of any individual or group, if those special needs are based upon any characteristic referred to in subsection (2).</p> <p><b>9(2)</b> The applicable characteristics for the purposes of clauses (1)(b) to (d) are ancestry, including colour and perceived race; nationality or national origin; ethnic background or origin; religion or creed, or religious belief, religious association or religious activity; age; sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy; gender identity; sexual orientation; marital or family status; source of income; political belief, political association or political activity; physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device; social disadvantage.</p>
<p><b>Ontario</b></p>	<p><b><i>Human Rights Code, RSO 1990, c. H.19</i></b></p> <p><b>5(1)</b> Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.</p>
<p><b>New Brunswick</b></p>	<p><b><i>Human Rights Act, RSNB 2011, c 171</i></b></p> <p><b>2.1</b> For the purposes of this Act, the prohibited grounds of discrimination are race, colour, national origin, ancestry, place of origin, creed or religion, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity</p> <p><b>4(1)</b> No person shall, based on a prohibited ground of discrimination because of</p> <ul style="list-style-type: none"> <li>(a) refuse to employ or continue to employ any person, or</li> <li>(b) discriminate against any person in respect of employment or any term or condition of employment.</li> </ul>

	<p><b>4(4)</b> No person shall express either directly or indirectly a limitation, specification or preference, or require an applicant to furnish any information as to a prohibited ground of discrimination, in respect of</p> <ul style="list-style-type: none"> <li>(a) the use or circulation of a form of application for employment,</li> <li>(b) the publication of an advertisement in connection with employment or causing its publication, or</li> <li>(c) an oral or written inquiry in connection with employment.</li> </ul>
<p><b>Prince Edward Island</b></p>	<p><b><i>Human Rights Act, RSPEI 1988, c H-12</i></b></p> <p><b>6(1)</b> No person shall refuse to employ or to continue to employ any individual</p> <ul style="list-style-type: none"> <li>(a) on a discriminatory basis, including discrimination in any term or condition of employment; or</li> <li>(b) because the individual has been convicted of a criminal or summary conviction offence that is unrelated to the employment or intended employment of the individual.</li> </ul> <p><b>6(3)</b> No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment forms employment or prospective employment or make any inquiry in connection with employment that directly or indirectly expresses any limitation, specification or preference or invites information that is discriminatory.</p> <p><b>7(1)</b> No employer or person acting on behalf of an employer shall discriminate between his employees by paying one employee at a rate of pay less than the rate of pay paid to another employee employed by him for substantially the same work, the performance of which requires equal education, skill, experience, effort, and responsibility and which is performed under similar working conditions.</p> <p>The prohibited grounds include age, association, colour or race, creed or religion, disability, ethnic or national origin, family status, gender expression, gender identity, marital status, political belief, sex, sexual orientation, or source of income of any individual or class of individual.</p>

<p><b>Newfoundland</b></p>	<p><b><i>Human Rights Act, 2010, SNL 2010, c H-13.1</i></b></p> <p><b>14(1)</b> An employer, or a person acting on behalf of an employer, shall not refuse to employ or to continue to employ or otherwise discriminate against a person in regard to employment or a term or condition of employment on the basis of a prohibited ground of discrimination, or because of the conviction for an offence that is unrelated to the employment of the person.</p> <p><b>9(1)</b> For the purposes of this Act, the prohibited grounds include race, colour, nationality, ethnic origin, social origin, religious creed, religion, age, disability, disfigurement, sex, sexual orientation, gender identity, gender expression, marital status, family status, source of income and political opinion.</p>
<p><b>Nova Scotia</b></p>	<p><b><i>Human Rights Act, RSNS 1989, c 214</i></b></p> <p><b>5(1)</b> No person shall in respect of... (d) employment... discriminate against an individual or class of individuals on account of age; race; colour; religion; creed; sex; sexual orientation; gender identity; gender expression; physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin; family status; marital status; source of income; political belief, affiliation or activity; that individual's association with another individual or class of individuals having characteristics referred to in 5(1)</p>
<p><b>Yukon</b></p>	<p><b><i>Human Rights Act, RSY 2002 c 116</i></b></p> <p><b>9</b> No person shall discriminate</p> <p><b>(b)</b> in connection with any aspect of employment or application for employment</p> <p><b>7</b> Prohibited grounds</p> <p>It is discrimination to treat any individual or group unfavourably on any of the following grounds ancestry, including colour and race; national origin; ethnic or linguistic background or origin; religion or creed, or religious belief, religious association, or religious activity; age; sex, including pregnancy, and pregnancy related conditions; gender identity or gender expression; sexual orientation; physical or mental disability; criminal charges or criminal record; political belief, political association or political activity; marital or family status; source of income; actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed in paragraphs (a) to (l).</p>

<p><b>Northwest Territories</b></p>	<p><b><i>Human Rights Act, SNWT 2002, c 18</i></b></p> <p><b>5(1)</b> For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity or expression, marital status, family status, family affiliation, political belief, political association, social condition and a conviction that is subject to a pardon or record suspension.</p> <p><b>7(1)</b> No person shall, on the basis of a prohibited ground of discrimination,</p> <p>(b) discriminate against any individual or class of individuals in regard to employment or any term or condition of employment</p>
<p><b>Nunavut</b></p>	<p><b><i>Human Rights Act, SNU 2003 c 12</i></b></p> <p><b>7(1)</b> For the purposes of this Act, the prohibited grounds of discrimination are race, colour, ancestry, ethnic origin, citizenship, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, gender expression, marital status, family status, pregnancy, lawful source of income and a conviction for which a pardon has been granted.</p> <p><b>7(6)</b> No person shall, on the basis of a prohibited ground of discrimination, harass any individual or class of individuals</p> <p>(c) in matters related to employment;</p>

**\*Any legislation listed in Appendix B may be amended from time to time and is not intended to be legal advice. Please consult the current provincial legislation.**

**Appendix C: Definitions of Harassment\***

Province	Definition(s)
<b>British Columbia</b>	<p><b>Policy Item P2-21-2 Employer Duties – Workplace Bullying and Harassment</b></p> <p>“bullying and harassment”</p> <p>(a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but</p> <p>(b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.</p> <p><a href="#">Policies for the Workers Compensation Act, P2-21-2</a></p>
<b>Alberta</b>	<p><b><i>Occupational Health and Safety Act, C O-22</i></b></p> <p><b>1 (n)</b> “harassment” means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker’s health and safety, and includes</p> <p>(i) conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and</p> <p>(ii) a sexual solicitation or advance, but excludes any reasonable conduct of an employer or supervisor in respect of the management of workers or a work site;</p>
<b>Saskatchewan</b>	<p><b><i>The Saskatchewan Employment Act, SS 2013, c. S-15.1</i></b></p> <p>3-1 (1) (l) “harassment” means any inappropriate conduct, comment, display, action or gesture by a person:</p> <p>(i) that either:</p> <p>(A) is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or</p> <p>(B) subject to subsections (4) and (5), adversely affects the worker’s psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and</p> <p>(ii) that constitutes a threat to the health or safety of the worker;</p> <p>(4) To constitute harassment for the purposes of paragraph (1)(l)(i)(B), either of the following must be established:</p>

	<p>(a) repeated conduct, comments, displays, actions or gestures;</p> <p>(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.</p> <p>(5) For the purposes of paragraph (1)(l)(i)(B), harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.</p>
<p><b>Manitoba</b></p>	<p><b><i>The Human Rights Code, CCSM c H175</i></b></p> <p><b>19(2)</b> In this section, "harassment" means</p> <p>(a) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any characteristic referred to in subsection 9(2); or</p> <p>(b) a series of objectionable and unwelcome sexual solicitations or advances; or</p> <p>(c) a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or</p> <p>(d) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.</p> <p><b><i>The Workplace Safety and Health Regulation, Man. Reg. 217/2006</i></b></p> <p>"Harassment" means</p> <p>(a) objectionable conduct that creates a risk to the health of a worker; or</p> <p>(b) severe conduct that adversely affects a worker's psychological or physical well-being.</p> <p><b>1.1.1(1)</b> For the purpose of the definition "harassment" in section 1.1, conduct is</p> <p>(a) objectionable, if it is based on race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin; or</p> <p>(b) severe, if it could reasonably cause a worker to be humiliated or intimidated and is repeated, or in the case of a single occurrence, has a lasting, harmful effect on a worker</p>

	<p><b>1.1.1(2)</b> Reasonable conduct of an employer or supervisor in respect of the management and direction of workers or the workplace is not harassment</p> <p><b>1.1.1(3)</b> In this section and in the definition harassment" in section 1.1, conduct includes a written or verbal comment, a physical act or gesture or a display, or any combination of them.</p>
<b>Ontario</b>	<p><b><i>Occupational Health and Safety Act, RSO 1990, c O.1</i></b></p> <p><b>1(1)</b> "workplace harassment" means</p> <p>(a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.</p> <p>(b) workplace sexual harassment</p> <p><b><i>Human Rights Code, RSO 1990, c. H.19</i></b></p> <p><b>10(1)</b> "harassment" means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.</p> <p><b>5(2)</b> Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.</p>
<b>New Brunswick</b>	<p><b><i>Occupational Health and Safety Act, General Regulation, NB Reg 91-191</i></b></p> <p>"harassment", in a place of employment, means any objectionable or offensive behaviour that is known or ought reasonably to be known to be unwelcome, including bullying or any other conduct, comment or display made on either a one-time or repeated basis that threatens the health or safety of an employee, and includes sexual harassment, but does not include reasonable conduct of an employer in respect of the management and direction of employees at the place of employment;</p>
<b>Prince Edward Island</b>	<p><b><i>Occupational Health and Safety Act - General Regulations, PEI Reg EC180/87 and Workplace Harassment Regulations, PEI Reg EC710/19</i></b></p> <p><b>1. (b)</b> "harassment" means any inappropriate conduct, comment, display, action or gesture or any bullying that the person responsible for the conduct, comment, display, action or gesture or the bullying knows, or ought reasonably to know, could have a harmful effect on a worker's psychological or physical health or safety, and includes (i) conduct that is based on any personal characteristic such as, but not limited to, race, creed, religion, colour, sex, sexual orientation, marital</p>

	<p>status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin, gender identity or pregnancy, and (ii) inappropriate sexual conduct that is known, or ought reasonably to be known, to the person responsible for the conduct to be unwelcome, including, but not limited to, sexual solicitations or advances, sexually suggestive remarks, jokes or gestures, circulating or sharing inappropriate images, or unwanted physical contact.</p>
<b>Newfoundland</b>	<p><b><i>Occupational Health and Safety Regulations, 2012, NLR 5/12</i></b></p> <p><b>22. (2)</b> In this section and section 24.1, “workplace harassment” means inappropriate vexatious conduct or comment by a person to a worker that the person knew or ought to have known would cause the worker to be humiliated, offended or intimidated.</p> <p>(4) A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.</p>
<b>Nova Scotia</b>	<p><b><i>Human Rights Act, RSNS 1989, c 214</i></b></p> <p><b>3(ha)</b> “harass” means to engage in a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome;</p>
<b>Yukon</b>	<p><b><i>Human Rights Act, RSY 2002 c 116</i></b></p> <p><b>14 (2)</b> “harass” means to engage in a course of vexatious conduct or to make a demand or a sexual solicitation or advance that one knows or ought reasonably to know is unwelcome</p>
<b>Northwest Territories</b>	<p><b><i>Human Rights Act, SNWT 2002, c 18</i></b></p> <p>14 (2) “harass”, in respect of an individual or class of individuals, means engage in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome by the individual or class</p> <p><b><i>Occupational Health and Safety Regulations, NWT Reg 039-2015</i></b></p> <p><b>34 (1)</b> In this section, “harassment” means, subject to subsections (2) and (3), a course of vexatious comment or conduct at a work site that</p> <p>(a) is known or ought reasonably to be known to be unwelcome; and</p> <p>(b) constitutes a threat at the work site to the health or safety of a worker.</p> <p>(2) To constitute harassment for the purposes of subsection (1), any one of the following must have occurred:</p> <p>(a) repeated conduct, comments, displays, actions or gestures; or</p>

	(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker's health or safety
<b>Nunavut</b>	<p><b><i>Occupational Health and Safety Regulations, Nu Reg 003-2016</i></b></p> <p><b>34 (1)</b> In this section, "harassment" means, subject to subsections (2) and (3), a course of vexatious comment or conduct at a work site that</p> <p>(a) is known or ought reasonably to be known to be unwelcome; and</p> <p>(b) constitutes a threat at the work site to the health or safety of a worker.</p> <p>(2) To constitute harassment for the purposes of subsection (1), any one of the following must have occurred:</p> <p>(a) repeated conduct, comments, displays, actions or gestures; or</p> <p>(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker's health or safety</p>

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**Appendix D: Definitions of Sexual Harassment\***

Province	Definition
<b>British Columbia</b>	<p><b>Human Resources Policy 11 - Discrimination and Harassment in the Workplace</b></p> <p>Sexual harassment is a form of discrimination and is defined as any unwelcome comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job related consequences for the victim of the harassment.</p>
<b>Manitoba</b>	<p><b>Manitoba Human Rights Code CCSM c H175</b></p> <p><b>19(2)</b> In this section, "harassment" means</p> <p><b>(a)</b> a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any characteristic referred to in subsection 9(2); or</p> <p><b>(b)</b> a series of objectionable and unwelcome sexual solicitations or advances; or</p> <p><b>(c)</b> a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or</p> <p><b>(d)</b> a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.</p>
<b>Ontario</b>	<p><b>Human Rights Code, RSO 1990, c H.19</b></p> <p><b>7(2)</b> Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.</p> <p><b>7(3)</b> Every person has a right to be free from,</p> <p>(a) a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or</p> <p>(b) a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.</p> <p><b>Occupational Health and Safety Act, RSO 1990, c O.1</b></p> <p><b>1(1)</b> "workplace sexual harassment" means,</p> <p>(a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender</p>

	<p>identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or</p> <p>(b) making 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.</p>
<b>New Brunswick</b>	<p><b><i>Human Rights Act, RSNB 2011, c 171</i></b></p> <p>“sexually harass” means engage in vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome.</p>
<b>Prince Edward Island</b>	<p><b><i>Employment Standards Act, RSPEI 1988, c E-6.2</i></b></p> <p><b>24.</b> “sexual harassment” means any conduct, comment, gesture or contact of a sexual nature</p> <p>(a) that is likely to cause offence or humiliation to any employee; or</p> <p>(b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.</p> <p><b>25.</b> Every employee is entitled to employment free of sexual harassment.</p> <p><b>26.</b> Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment</p>
<b>Nova Scotia</b>	<p><b><i>Human Rights Act, RSNS 1989, c 214</i></b></p> <p><b>3(o)</b> “sexual harassment” means</p> <p>(i) vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,</p> <p>(ii) a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or</p> <p>(iii) a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance</p>

**\*Any legislation listed in Appendix “D” may be amended from time to time and is not intended to be legal advice. Please consult the current provincial legislation.**

**Appendix E: Definitions of Workplace Violence\***

Province	Definition(s)
<b>British Columbia</b>	<p><b><i>Occupational Health and Safety Regulation 296/97</i></b></p> <p><b>4.27</b> “violence” means the attempted or actual exercise by a person, other than a worker, of any physical force so as to cause injury to a worker, and includes any threatening statement or behaviour which gives a worker reasonable cause to believe that he or she is at risk of injury.</p>
<b>Alberta</b>	<p><b><i>Occupational Health and Safety Act, Chapter O-2.1</i></b></p> <p><b>1 (rr)</b> “violence”, whether at a work site or work-related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence.</p>
<b>Saskatchewan</b>	<p><b><i>The Occupational Health and Safety Regulations, 1996, RRS c O-1.1</i></b></p> <p><b>Reg 1</b></p> <p><b>37 (1)</b> “violence” means the attempted, threatened or actual conduct of a person that causes or is likely to cause injury, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.</p>
<b>Manitoba</b>	<p><b><i>The Workplace Safety and Health Regulation, MReg. 217-2006</i></b></p> <p><b>1.1</b> “violence” means</p> <p>(a) the attempted or actual exercise of physical force against a person; and</p> <p>(b) any threatening statement or behaviour that gives a person reasonable cause to believe that physical force will be used against the person.</p>
<b>Ontario</b>	<p><b><i>Occupational Health and Safety Act, RSO 1990, c O.1</i></b></p> <p><b>1(1)</b> “workplace violence” means,</p> <p>(a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,</p> <p>(b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,</p> <p>(c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.”</p>
<b>New Brunswick</b>	<p><b><i>Occupational Health and Safety Act, General Regulation, NB Reg 91-191</i></b></p>

	<p><b>2</b> “violence” , in a place of employment, means the attempted or actual use of physical force against an employee, or any threatening statement or behaviour that gives an employee reasonable cause to believe that physical force will be used against the employee, and includes sexual violence, intimate partner violence and domestic violence;</p>
<b>Prince Edward Island</b>	<p><b><i>Occupational Health and Safety Act - General Regulations, EC180/87</i></b></p> <p><b>52.1</b> “violence” means the threatened, attempted or actual exercise of any physical force by a person other than a worker that can cause, or that causes, injury to a worker, and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that he or she is at risk of injury.</p>
<b>Newfoundland</b>	<p><b>Occupational Health &amp; Safety Regulations, 2012, NLR 5/12</b></p> <p><b>22(1)</b> Violence means the attempted or actual exercise by a person, other than a worker, of physical force to cause injury to a worker, and includes threatening statements or behaviour which gives a worker reason to believe that he or she is at a risk of injury.</p>
<b>Nova Scotia</b>	<p><b>Violence in the Workplace Regulations, NS Reg. 209/2007</b></p> <p><b>2(f)</b> “Violence” means any of the following:</p> <p>(i) threats including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that he or she is at risk of physical injury</p> <p>(ii) conduct, or attempted conduct of a person that endangers the physical health or physical safety of an employee.</p>
<b>Northwest Territories</b>	<p><b>Occupational Health and Safety Regulations, NWT Reg 039-2015</b></p> <p><b>35 (1)</b> In this section, “violence” means attempted, threatened or actual conduct of an individual that causes or is likely to cause injury, such as a threatening statement or behaviour that gives a worker a reasonable belief that he or she is at risk of injury</p>
<b>Nunavut</b>	<p><b>Occupational Health and Safety Regulations, Nu Reg 003-2016</b></p> <p><b>35 (1)</b> In this section, “violence” means attempted, threatened or actual conduct of an individual that causes or is likely to cause injury, such as a threatening statement or behaviour that gives a worker a reasonable belief that he or she is at risk of injury</p>

**\*Any legislation listed in Appendix “E” may be amended from time to time and is not intended to be legal advice. Please consult the current provincial legislation.**

## Appendix F: Complaint Form

### Complainant Information

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Work Location: \_\_\_\_\_ Title: \_\_\_\_\_

Supervisor's Name (if applicable): \_\_\_\_\_

### Details of Complaint

Name(s) of person(s) against whom this complaint is made:

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Date(s) of incident(s): \_\_\_\_\_

If you are bringing forward a complaint of harassment, please identify the grounds alleged, if applicable. Please review the provincial definitions in Appendix C for the grounds that apply in your province.

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If the harassment is not based on a protected ground, please describe.

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Please describe the conduct, comments, or situation. Include the date, location, and any other relevant information. In cases of multiple incidents, please identify the time period over which these incidents occurred.

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Please list any documents that may be relevant to your complaint, including documents, notes, e-mails and/or other records.

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Please describe the resolution that you are seeking.

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**Witness Information**

List names of possible witnesses:

Name	Position	Contact Phone Number

**Declaration**

I confirm the statement(s) contained in this complaint are true to the best of my knowledge. I understand a copy of this complaint will be provided to the alleged harasser for the purpose of investigating this complaint.

Signature: \_\_\_\_\_ Date (dd/mm/yyyy): \_\_\_\_\_

I acknowledge that I received the complaint.

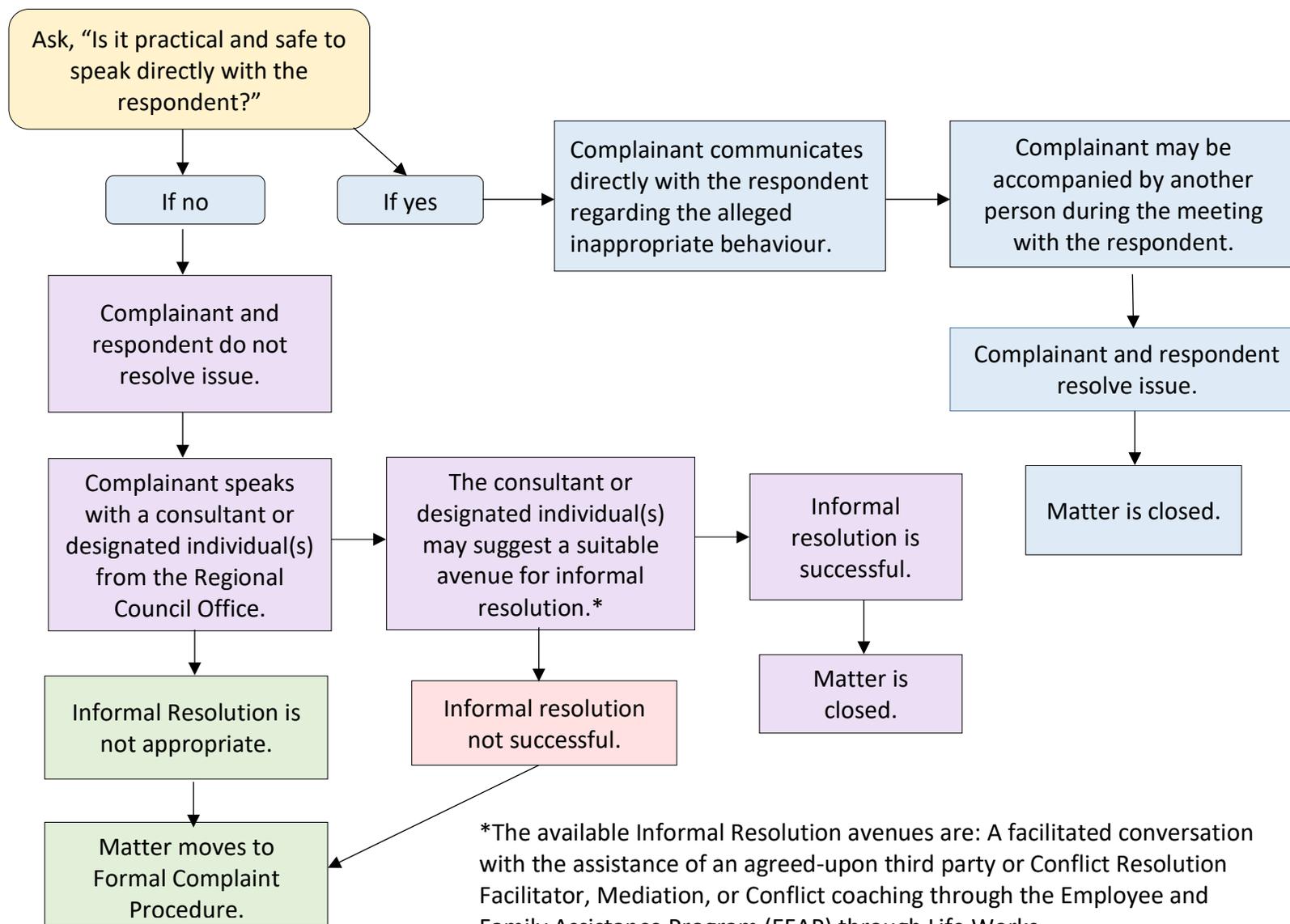
Recipient's Signature: \_\_\_\_\_ Date (dd/mm/yyyy): \_\_\_\_\_

**Appendix G: Responsible Bodies\***

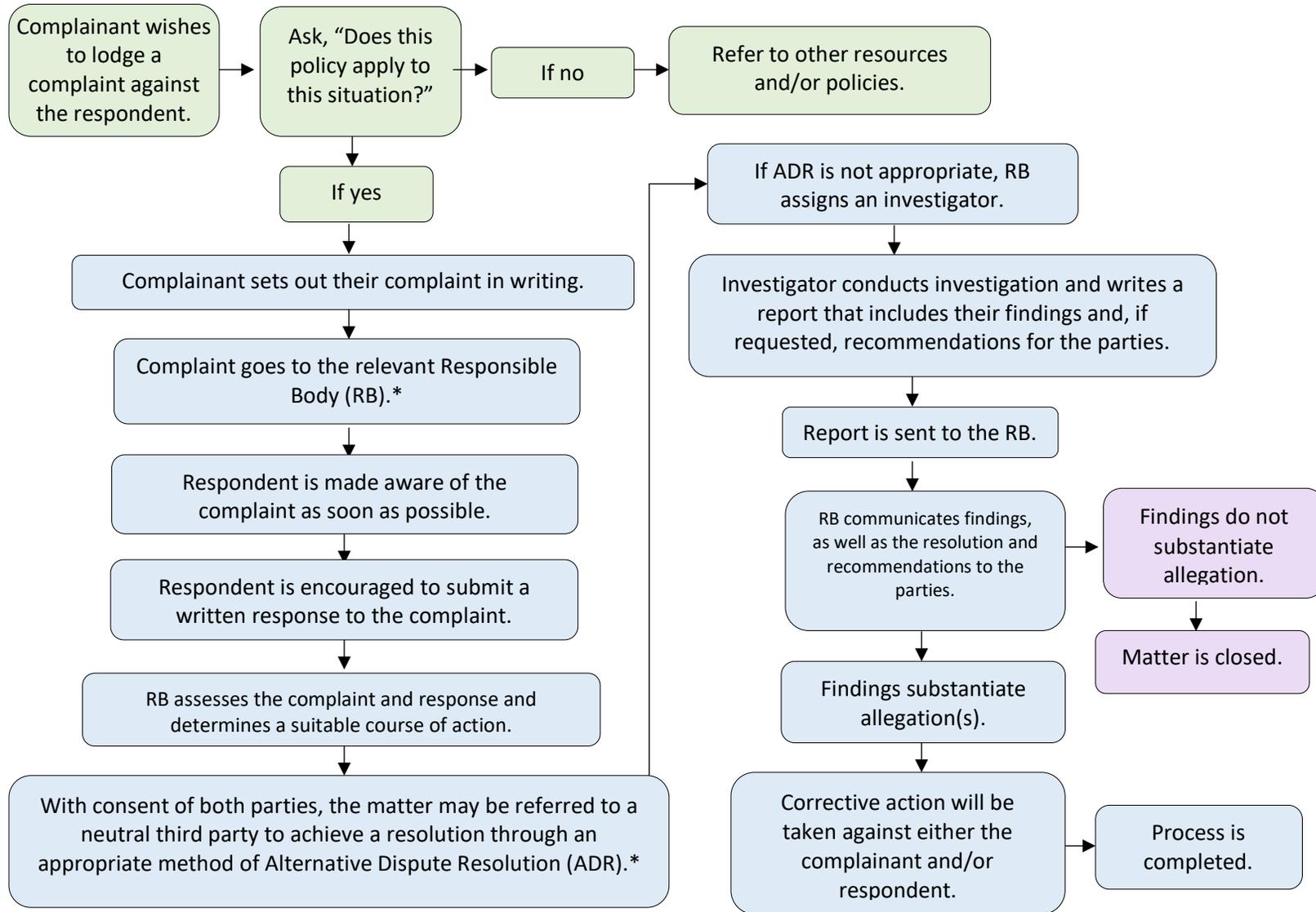
<b>Which Responsible Body receives the complaint?</b>	<b>The Responsible Body is determined by the position of the respondent in the church.</b>
Community of faith	Respondent is a United Church of Canada member, adherent, or lay employee.
Office of Vocation	Respondent is a United Church minister (ordained, diaconal, and/or designated lay minister).
Executive minister of the regional council	Respondent is the chair of the council/board of a community of faith, or a volunteer or any person accountable to the regional council or GCO.
Human resources manager of the General Council Office (GCO).	Respondent is a regional council or GCO employee.
Ministry and Employment Unit of the GCO	Respondent is the HR manager or executive ministers.
General Secretary	Respondent is the Moderator.
General Secretary Supervision Committee	Respondent is the General Secretary.

\* Please note that a given Responsible Body may delegate its authority, in the event it cannot act, to an appropriate person and/or body (see Section 50)

## Appendix H: Informal Resolution Process



## Appendix I: 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.

