

Creating Safe and Respectful Environments Policy

Our Commitment against Discrimination, Harassment (including Bullying), Violence, and Sexual Misconduct

September 2024



The United Church of Canada/L'Église Unie du Canada

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1.0 Policy Statement

- 1.1 At The United Church of Canada, a commitment has been made to the principles of respect, dignity, and inclusivity in order to ensure that a safe and supportive environment is provided to all employees and those affiliated with the United Church. In accordance with legislative compliance requirements, this policy has been created to establish a framework that prioritizes safety and well-being and aligns with the prevailing legal standards and regulations.
- 1.2 Communities of faith or other affiliated entities may adopt this policy or develop one of their own. If a community of faith or other affiliated entity develops their own policy, procedures must be in keeping with The United Church of Canada's policy so consistent application of process can be ensured. Where a community of faith or other affiliated entity has not developed their own policy, then, by default, this policy will be in place.

2.0 Theological Statement

- 2.1 The United Church of Canada believes that God intends for all life to have freedom from abuse and injustice; God desires for all human beings, created in God's image, to experience mutual respect, care, protection, and empowerment.
- 2.2 The United Church of Canada is committed to providing safe environments for work, worship, and study that are free from discrimination, harassment (including bullying), violence, and any form of sexual misconduct. These actions are contrary to God's desire for life in all its fullness for all people and will not be tolerated by the United Church.
- 2.3 The United Church of Canada is called to create safer spaces, to engage in healing, and to restore right relationships in situations where standards have not been upheld. Jesus taught God's way of mutuality and respect, calling people to create and sustain life-giving relationships based on the dignity of each person.

3.0 Purpose

3.1 The fundamental purposes of this policy are

- to ensure legislated compliance
- to protect the safety and the rights of those individuals to whom this policy applies
- to educate and train individuals on how to recognize discrimination, harassment (including bullying), violence, or any form of sexual misconduct
- to clearly outline the duty to report any actions that meet the criteria set in this policy
- to provide leaders (for a definition of leader, please see section 6.1) with an understanding of their duties under this policy.

3.2 Previously, there were two United Church of Canada policies covering the topics of discrimination, harassment (including bullying), violence, and sexual misconduct. In order to streamline processes, these two policies have been combined. Where necessary, information that is unique or specific to sexual misconduct concerns will be noted in this document.

4.0 Scope

4.1 This policy applies to the following groups:

- Ministry personnel, which encompasses members of the Order of Ministry, including those who are retired or otherwise inactive (for example, individuals on long-term disability) or seconded to work within another entity, designated lay ministers, candidates serving under appointment, admission ministers serving under appointment, diaconal supply, and ordained supply
- General Council and regional council employees
- Employees or volunteers of communities of faith, where this policy has been adopted, or where a policy has not been developed and therefore, by default, this policy is in place
- Those individuals participating in activities that occur within, or are sanctioned by, The United Church of Canada—for example, a Bible study group, an affiliated summer camp, a fundraising event, etc.
- Affiliated organizations that have chosen to adopt this policy

4.2 Work, duties, activities, or obligations sanctioned by The United Church of Canada may be undertaken in a physical environment of work, worship, or study or through virtual communities, platforms, and networks such as Teams or Zoom as an example. This policy also applies to electronic means of communication, including but not limited to e-mail, telephone, fax, or social media.

4.3 These environments may or may not fall within the conventional definitions of “workplace.” For the purpose of this policy, the word “environment” will be used to describe a “place or mode” where work, duties, activities, or obligations sanctioned by The United Church of Canada occur.

4.4 This policy has been created to provide clarity around the expectations of respectful conduct and to support the complaint reporting and resolution procedures. Typically, an external body such as a Human Rights Commission will expect that internal processes available to the affected individual will be accessed before bringing the complaint

forward to the external body. Complainants considering accessing an external body rather than using internal methods should contact them directly for guidance and support in determining the best course of action.

- 4.5 Regardless of the forum, legal representation is not required to process a complaint that falls under this policy. If a complainant or a respondent chooses to access legal support to process or respond to a complaint, costs that they incur will be their own responsibility.
- 4.6 Where a complaint does not fall within the scope of this policy, another policy might be applicable, such as the *Code of Ethical Conduct* for employees or the *Ethical Standards and Standards of Practice for Ministry Personnel*, as described in *The Manual*. For more information about these policies as well as reporting and follow-up procedures, please follow the links provided here ([The Manual](#)).

5.0 Definitions

- 5.1 Applicable legislation, including definitions included within this policy, may vary across jurisdictions. The definitions included in this policy are not inclusive and are for reference only. Individuals are encouraged to review the most up-to-date legislation for their jurisdiction by following the links provided in Appendix A of this document. In the event that a definition contained in this policy conflicts with or is inconsistent with applicable legislation, definitions in the legislation will be followed.
- 5.2 The following is a list of terms relevant to this policy. For more information, refer to Appendix B: Definitions.

Assault	Discrimination	Racial Harassment
Bullying	Domestic Violence	Sexual Abuse of Children
Consent	Harassment	Sexual Harassment
Consent Involving Children	Intimate Partner Violence	Sexual Misconduct
Direct Discrimination	Lateral Violence	Systemic Discrimination
	Pastoral Sexual Misconduct	Violence

6.0 Roles and Responsibilities

- 6.1 For the purposes of this policy the terms “leader” or “leadership” will be used to describe those who are responsible for ensuring safe and respectful environments. As examples, a leader may be
 - an employee, such as a manager, director, or Executive Minister
 - a spiritual leader, such as a minister
 - a volunteer, such as the Chair of the Ministry and Personnel (M&P) Committee or the Chair of the Board of a community of faith
 - a program leader, such as a camp counsellor, Sunday school teacher, or choir director

- 6.2 Leaders of The United Church of Canada are responsible for
 - 6.2.1 ensuring procedures outlined in this policy and its supporting programs—i.e., orientation and training—are followed and that stakeholders (see definition in section 6.6) have been provided with the information they need
 - 6.2.2 promoting an environment that is free of discrimination, violence, harassment, (including bullying) and any form of sexual misconduct
 - 6.2.3 acting as role models in demonstrating respectful and responsible behaviour
 - 6.2.4 developing standards that minimize incidents of discrimination, harassment (including bullying), violence, and any form of sexual misconduct in the environments for which they are responsible
 - 6.2.5 assessing those environments annually to ensure risks that may lead to discrimination, harassment (including bullying), violence, and any form of sexual misconduct are addressed
 - 6.2.6 promptly addressing and investigating incidents and complaints in an appropriate manner and taking corrective actions as required
 - 6.2.7 putting measures in place, where notified, to protect stakeholders from domestic or intimate partner violence that may occur in a United Church environment
 - 6.2.8 ensuring that this policy is posted in a conspicuous place in the environment or through virtual mechanisms as needed
- 6.3 Leaders have a duty to act immediately if they observe or are presented with allegations of a potentially dangerous situation, including domestic or intimate partner violence.
- 6.4 Leaders are responsible for addressing potential problems immediately and before they become serious.
- 6.5 To ensure neutrality and confidentiality, leaders must have an objective third party investigate if allegations of discrimination, harassment (including bullying), violence, and any form of sexual misconduct name a leader, as per Appendix D of this document.
- 6.6 For the purpose of this policy, the term “stakeholder” will be used to describe those individuals to whom this policy applies. As examples, an employee, a volunteer, a minister, or a member of a community of faith would be considered a stakeholder.
- 6.7 Stakeholders hold important responsibilities in ensuring the safety and well-being of themselves and those who share their environment. Duties of stakeholders include
 - 6.7.1 being aware of and adhering to this policy and its supporting procedures
 - 6.7.2 treating all individuals in United Church environments with respect and dignity
 - 6.7.3 participating in orientation and training related to this policy
 - 6.7.4 refraining from engaging in any discriminatory, violent, or threatening behaviour, including bullying or any form of sexual misconduct
 - 6.7.5 prompt reporting of incidents of discrimination, harassment (including bullying), violence, or any form of sexual misconduct, whether directly experienced or observed

- 6.7.6 cooperating in an investigation and resolving matters involving discrimination, harassment (including bullying), violence, and any form of sexual misconduct
- 6.8 Stakeholders have the additional duty to notify leadership if a restraining order is in effect, or if a potentially violent non-church-related situation, such as domestic or intimate partner violence, exists and could result in violence or harassment in a United Church of Canada environment.
- 6.9 Implementing a policy of this nature involves a variety of roles working collaboratively to ensure issues are reported and addressed. These roles include:
- **Complainant:** The person bringing the complaint forward. They may be bringing it forward for another person or on their own behalf.
 - **Consultant:** Individual who is trained in this policy and can be contracted by The United Church of Canada to assist the complainant or the respondent to navigate through the complaint process.
 - **Investigator:** Independent contractor who completes investigations as assigned by the responsible body.
 - **Leader:** Person who is responsible for ensuring a safe and respectful environment for stakeholders.
 - **Respondent:** The person, body, or group named in the complaint.
 - **Responsible Body:** The individual or group of individuals with the authority to manage issues that are forwarded to them.
 - **Staff Support:** A United Church of Canada employee* who monitors the complaint response e-mail inbox and ensures complaints received through that mechanism are processed. The Program Coordinator – Pastoral Relations and Remedial Processes* supports the processes involving ministry personnel who are named as a respondent in a complaint.
 - **Stakeholder:** An individual to whom this policy applies.

*Position titles and responsibilities may change from time to time, based on organizational requirements.

For more information about these roles, please see Appendix C.

7.0 Confidentiality

- 7.1 All information related to incidents of discrimination, harassment (including bullying), violence, or any form of sexual misconduct will be handled with the highest level of confidentiality. This includes details of the complaint, identity of the complainant, respondent, witness, and all associated documentation.
- 7.2 Access to information related to the complaint and investigation, where applicable, will be restricted to individuals who need to know in order to perform their roles. Information will be disclosed only when necessary to conduct appropriate follow-up or when required by law.
- 7.3 The identity of the complainant will be disclosed to the respondent unless there are compelling safety reasons to maintain anonymity.

- 7.4 All parties involved in a complaint are expected to maintain confidentiality and ensure their information sharing and storage systems meet the highest standards of security. This expectation applies to all applicable responsible bodies, including individual communities of faith that may be part of the process of responding to a complaint within their environment.

8.0 Reporting Requirements

- 8.1 If violence in the environment is witnessed or experienced and the safety of those involved is in question, police/emergency services should be immediately contacted by dialing 911. Once the immediate danger is resolved, the incident must be reported to leadership.
- 8.2 Complaints received through this policy must identify the conduct that falls within legislated definitions of discrimination, harassment (including bullying), violence, or any form of sexual misconduct. For more information, please see section 5.0 Definitions.
- 8.3 The complaint should include as much detail about the incident(s) as possible, including the name of the alleged victim; the person who is named in the complaint; dates; times; witnesses; and location or mode of how the discrimination, harassment (including bullying), violence, or any form of sexual misconduct occurred—for example, through e-mail or social media or in person.
- 8.4 The complaint must describe how the person bringing the complaint forward and the person named in the complaint are connected through The United Church of Canada. If there is no formal connection through the United Church between the individuals identified in the complaint, this policy will not apply.
- 8.5 The complainant is the person bringing the complaint forward. They may be bringing it forward for another person or on their own behalf. If a person is bringing forward a complaint on behalf of another individual, they must name the alleged victim and must have seen, heard, and/or have direct evidence of the act being reported. An example would include hearing about it directly from the alleged victim. A parent or guardian of a child who has allegedly experienced sexual misconduct by a person to whom this policy applies may report on their behalf. The person named as the victim will be offered the opportunity to participate in the investigation and become the complainant at any time.
- 8.6 Hearsay will not be considered a valid basis for a complaint. Hearsay is information that you have heard but do not know to be true. An example of hearsay may include being told about an alleged incident from a third party, not from the person(s) involved in the situation directly. A person who brings a complaint forward based on hearsay will be notified that the complaint cannot be processed.

9.0 Timeframes for Complaint Submission

- 9.1 There is no time limit on accepting a complaint that involves sexual misconduct, as there may be barriers that can impact the ability of a complainant to report in a timely manner. Once a complaint of this nature is received, The United Church of Canada will work to ensure that a prompt and comprehensive process is initiated.

- 9.2 This will also apply in cases where time has elapsed and the individual who is the subject of the mistreatment has reached the age of an adult. The person reporting is encouraged to record the details of the disclosure or the reasonable grounds of suspicion and relevant dates and times.
- 9.3 Historical complaints may be received where the ministry personnel who has been named is deceased. Complaints of this nature will be processed based on the information that can be made available. Recommendations will be forwarded to the responsible body to determine appropriate next steps.
- 9.4 In the case of complaints that involve discrimination, harassment (including bullying), or violence that are not sexual in nature, the report should be received within one year of the last known incident(s). Under exceptional circumstances, reports received outside of this time period will be considered, providing a reasonable cause for the delay is provided and accepted by the responsible body.
- 9.5 Once the complaint process has been initiated, complainants are asked to provide their formal complaint within 30 days of initial contact.

10.0 Anonymous Complaints

- 10.1 In some situations, a complainant may wish to report a concern; however, their fear of reprisal or retaliation hinders their willingness to identify themselves through the reporting process.
- 10.2 Generally, complaints submitted anonymously restrict the effectiveness of follow-up processes due to a lack of detailed information and access to the complainant. In situations where an anonymous complaint has been received, the responsible body will determine what alternate methods for gathering information could be used to determine the validity of the complaint and complete appropriate follow-up.
- 10.3 If a complaint that is received anonymously names an alleged victim or victims, they will be notified of the complaint and asked to become the complainant. A complaint cannot proceed without a complainant.
- 10.4 Where an anonymous complaint is received and a victim cannot be confirmed and details of the complaint cannot be substantiated, the complaint cannot be formally pursued. Complaints of this nature will not be forwarded to the named respondent.
- 10.5 Anonymous complaints can be received through the following avenues:
- Anonymously through a confidential service. Reports can be submitted via the online portal at clearviewconnects.com.
 - Via telephone (live agent or voicemail) at 1-866-805-2859.
 - Submitting a written report by mail to the ClearView confidential post office box (P.O. 11017, Toronto, ON, M1E 1N0).

11.0 Determining the Validity of a Complaint

11.1 When a complaint is received, it will be assessed to determine the validity of the report. This assessment will consider the following points:

11.1.1 Does the information provided meet a definition of discrimination, harassment (including bullying), violence, or any form of sexual misconduct, as per legislative requirements?

11.1.2 Is there a valid connection through The United Church of Canada between the complainant and respondent?

11.1.3 If the complaint involves discrimination, harassment (including bullying), or violence, did the last incident occur within the past 12 months (for more information on timeframes, please see section 8.0)?

11.1.4 Does an anonymous complaint provide sufficient information that follow-up can be conducted?

In situations where the complaint does not meet these criteria, the complainant will be informed. In some cases, another forum to bring the concern forward may be available, and this information will be provided to the complainant.

12.0 Informing a Respondent about the Complaint

12.1 Principles of natural justice and procedural fairness support that an individual named in a complaint has the right to know the identity of the complainant in order to be able to respond fully. The respondent also has the right to understand the nature of the complaint and the details that have been provided.

12.2 Most complaint resolution processes used by The United Church of Canada require that these details be shared. For example, mediation, a facilitated conversation, conducting an investigation, or forwarding a report to the authorities for follow-up require that the names of the complainant and the respondent and the issues that have been brought forward are shared.

12.3 Given these requirements, once a complaint has been determined to be valid, the complaint, including the name of the complainant, will be shared with the respondent. In exceptional cases only, such as situations where a credible safety concern has been identified, the respondent will not be informed of the identity of the complainant.

12.4 Where this is the case, alternate means for gathering information may be undertaken, such as document review, seeking witness statements, etc. Once the background information has been gathered, next steps in the investigation will be determined. This will be done on a case-by-case basis and may involve legal consultation.

12.5 Individuals who are involved in a complaint shall not be subjected to any form of retaliation from the responsible body or those associated with the complaint. This includes individuals who bring a complaint forward, those who are named in a complaint, or those who are associated with a person or process connected to a complaint.

12.6 Individuals involved in a complaint will be informed that they are not to contact or otherwise engage with others named in the process. If they do, the person should

contact their consultant, who will forward this information promptly. Failure to follow these expectations may result in further action being taken, up to and including suspension, administrative leave, or the involvement of authorities, where safety is of concern.

13.0 Obligations Under the Policy

- 13.1 In some instances, an individual may be unclear about whether their concern falls under this policy. Individuals are encouraged to review the policy and applicable legislation to help them determine next steps. They may also contact a consultant and ask general questions about how the policy is applied.
- 13.2 Where a consultant has been made aware of specific incidents that fall under the definitions within this policy, the consultant has an obligation to bring the concern forward to leadership, even if the complainant decides they do not want to pursue it. A potential complainant will be made aware of the consultant's obligation to report at the outset of any discussion.
- 13.3 It is important that all parties understand that once a complaint under this policy is brought forward that includes concrete details, leadership has an obligation to ensure appropriate follow-up is conducted, even if the complainant is reluctant to have formal action taken.
- 13.4 An investigation may also be initiated if The United Church of Canada becomes aware of an incident that falls under this policy that has not been formally reported. An example may include a leader witnessing an incident of discrimination, harassment (including bullying), violence, or any form of sexual misconduct, or learning about it from a third party who has direct evidence of the incident.

14.0 Police Involvement

- 14.1 Where actions that have been reported may be considered criminal in nature, the information should be forwarded to the authority or agency and/or police, as defined in provincial or territorial laws, in the jurisdiction in which the incident is alleged to have occurred. The alleged victim should be encouraged to do so on their own behalf. If this reporting does not occur, the responsible body will contact the appropriate authority or agency to make the report. The person reporting is to keep the information confidential, except as required by law.
- 14.2 Where the authority that received the report decides to proceed with an investigation, no representative of The United Church of Canada will initiate an internal investigation at the same time.
- 14.3 When the respondent is in an accountable relationship with The United Church of Canada, the matter should be reported by the complainant to the appropriate authority or agency and/or police and also to the United Church.
- 14.4 Once the appropriate authority or agency and/or police have completed their work, the responsible body may move forward with internal investigation or other steps.

15.0 Child Sexual Abuse and Police Involvement

- 15.1 Child sexual abuse includes sexual assault, interference, exploitation, invitation to touching, procurement, and indecent acts to a child under the age of 16, as examples. The age increases to 18 if the person in question is in a position of trust or authority with the child. Examples of positions of trust include minister, teacher, counsellor, etc.
- 15.2 Age-related exceptions under the *Criminal Code of Canada* are noted regarding the age of consent when the two parties are close in age and there is no relationship of trust, authority, dependency, or other possibility of exploitation.
- 15.3 When a complaint of sexual misconduct is made involving a child designated as a minor, the person will immediately report the suspicion and the information upon which it is based to the authorities or agency and/or police of that jurisdiction. The report can also be forwarded to the responsible body, who will act on the complaint through internal processes once authorities have completed their review.

16.0 Vexatious Complaints

- 16.1 A bad faith or vexatious complaint is a report the complainant knows is false or is made for a purpose other than communicating a legitimate concern that falls within this policy. A vexatious complaint may be denied at any stage of the process and may initiate a penalty for the person bringing it forward. Determinations on whether a complaint is considered vexatious will be made by the responsible body.

17.0 Responding to Complaints of Systemic Discrimination

- 17.1 This process applies when there is no individual respondent but is instead directed at a policy or procedure that is perceived to be discriminatory. In this case, the responsible body is considered the respondent.
- 17.2 Depending on circumstances, and to ensure that there is no conflict of interest or perception of bias, the complaint will be brought to the attention of one of the following individuals for consideration:
- chair of the governing body of the community of faith
 - regional council Executive Minister
 - General Secretary
- 17.3 On receiving a complaint of systemic discrimination, reasonable efforts will be made to resolve the complaint, if possible. Informal resolution may be attempted, including amending a policy or procedure, bringing forward a proposal for training, etc. For more information, please see [The Manual](#), section F Initiating Action or Change.
- 17.4 If the matter cannot be resolved by these methods, a formal complaint can be brought forward to the regional council about a community of faith or to the General Secretary if the complaint relates to denominational structure or policies alleging to be discriminatory.
- 17.5 The three-month time frame for resolving a complaint may need to be extended in these situations.

18.0 Informal Resolution

- 18.1 In certain circumstances, an individual may reach out with a question or concern that can be successfully managed without going through the formal complaint process. The individual may informally reach out to the responsible body, to a leader, or through the complaint response e-mail address to seek guidance on next steps to resolve the issue.
- 18.2 Where it is safe and practical to do so, informal resolution options may be offered, such as mediation, a facilitated conversation led by a conflict resolution facilitator, or conflict coaching. If informal resolution is offered, both parties must agree to participate. For the most part, informal resolution strategies can be effective in situations where the person bringing the concern forward believes the respondent is unaware of the impact of their actions and/or conduct.
- 18.3 Staff support through the Office of Vocation is an excellent source of guidance around how to resolve an issue involving ministerial staff at this level. This process provides an opportunity to bring the parties together to share and learn.
- 18.4 Depending on the situation and the nature of the complaint, several attempts at informal resolution may be used to resolve the issue. If the complaint cannot be managed through these processes, the complainant may choose to submit a formal complaint.
- 18.5 While attempts at informal resolution are not required before a formal complaint is submitted, the reason why informal resolution was not attempted or was not successful if attempted should be included in the formal complaint.

19.0 Formal Complaint Resolution Process

- 19.1 Upon receiving a formal complaint under this policy, The United Church of Canada will promptly process the complaint. Complaint resolution procedures may vary depending on the situation and the role of the respondent in the United Church. For more information about these processes, please refer to the [Creating Safe and Respectful Environments Operating Procedures](#) that support this policy.
- 19.2 Depending on the circumstances and the information gathered, next steps may involve a formal investigation process. To ensure neutrality, investigations will be conducted by a third-party contractor with experience in conducting investigations of this nature.
- 19.3 The results of the investigation will be reported, in writing, to the responsible body. The report will set out findings of fact and will make conclusions about whether or not the allegations have been substantiated. The investigator will also be asked to offer their recommendations on next steps, based on their expertise and experience, familiarity with applicable legislation, and the objectivity that their position as an outside contractor may provide.
- 19.4 The responsible body will determine whether all, some, or none of the findings and recommendations from the investigation will be accepted. Next steps for resolution will also be set out by the responsible body at this time. For more information about how findings involving ministry personnel are established, please refer to the following resources: [Office of Vocation Structure and Responsibilities](#), Appendix A: Procedures to Address Concerns about Ministry Personnel, and [The Manual](#), section J Oversight,

Conflict Resolution, and Discipline.

19.5 The complainant and the respondent will be kept informed of the outcome of the complaint resolution processes. Where a formal investigation has occurred, both the complainant and the respondent will receive a written summary from the responsible body outlining the findings and outcomes. For privacy reasons, the full report will not be shared.

20.0 Outcomes

20.1 Outcomes will be decided by the responsible body, based on the circumstances and findings determined through the complaint resolution process. Each resolution is unique and must be decided based on the needs of the parties and the organization.

20.2 Follow-up may include any of the following options:

- The complaint is closed with no actions required.
- Training is offered.
- Conflict resolution with the parties is done through a facilitator.
- Mediation is offered.
- Performance management (specific to employees) is conducted.
- Disciplinary action, up to and including termination (specific to employees), is taken.

20.3 Restoration of relationships will be thoughtfully considered and implemented with due respect and care once a complaint has been processed. Providing a safe place for individuals to express their thoughts, feelings, and perspectives can facilitate understanding and reconciliation. Additional restorative practices may be encouraged based on the situation and the individuals involved.

20.4 For more information about formal outcomes involving ministry personnel, please consult the resources referred to in section 19.4. For information on General Council Office or regional council office employees, please consult The United Church of Canada's [Human Resource Policy Portal](#) on Narthex.

21.0 Reconsideration

21.1 The parties to the investigation can ask that a final decision be reconsidered by responsible body within 30 calendar days of the date of the decision. A request for the reconsideration must include

- reasons for the reconsideration
- submissions in support of the reconsideration (facts or evidence that could not have been produced earlier that could change the outcome of the final decision, an argument that the procedure was not followed properly, or other factors that might affect the outcome)

21.2 New evidence, such as facts or activities that happened after the completion of the investigation, will not be considered. Where this occurs, a new complaint should be submitted.

21.3 The responsible body has 30 calendar days to respond to the reconsideration request. Decisions made at this point are considered final.

22.0 Formal Appeal

22.1 An appeal may be made about a decision made under this policy involving ministry personnel, in accordance with [The Manual](#), section J10.

23.0 Indigenous Communities

23.1 The steps described above will be followed for complaints occurring within an indigenous community, with additional consideration given to ensuring that consultation and reconciliation actions are aligned with Indigenous practices and expectations.

23.2 Where possible, resources supporting the process, such as consultants or investigators, should be familiar with the Indigenous culture or have training on cross-cultural sensitivity.

24.0 International Complaints

24.1 In the case of international complaints, the Church in Mission Unit will be notified of the complaint. If the respondent is not part of the church, the responsible body will be the Executive Minister. If the respondent is an employee, procedures referenced in this policy will apply.

24.2 The responsible body will determine what legislation will apply and will work with Human Resources in the organization where the complaint is originating to determine next steps.

24.3 If there is no clear legislation to apply, the legislation where the respondent resides will apply.

25.0 Evaluation and Accountability

25.1 A debrief may be conducted after a complaint has been resolved to review the process and achieved outcomes. Suggestions can be made for future improvements.

25.2 As per legislative requirements, this policy must be reviewed on an annual basis and shared with stakeholders. The effectiveness of the discrimination, harassment (including bullying), violence, and sexual misconduct policy and associated procedures will be evaluated annually by leadership.

25.3 Records of reports and investigation of discrimination, harassment (including bullying), violence, and any form of sexual misconduct must be kept on file for a minimum of five years.

Appendices

A: Select Applicable Legislation

- Occupational Health and Safety Acts or Regulations, where applicable
- Human Rights Code or Act

B: Definitions

C: Complaint Response Information

D: Responsible Bodies

Appendix A: Select Applicable Legislation*

Province	Applicable Legislation
British Columbia	<i>Occupational Health and Safety Regulation, BC Reg 296/97</i> <i>Workers Compensation Act</i> <i>Human Rights Code</i>
Alberta	<i>Occupational Health and Safety Act</i> <i>Occupational Health & Safety Regulation, Alta. Reg. 62/2003</i> <i>Alberta Human Rights Act</i>
Saskatchewan	<i>The Saskatchewan Employment Act</i> <i>The Saskatchewan Human Rights Code, 2018</i>
Manitoba	<i>Workplace Safety and Health Regulation, Man Reg 217/2006</i> <i>The Human Rights Code</i>
Ontario	<i>Occupational Health and Safety Act</i> <i>Human Rights Code</i>
New Brunswick	<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>
Prince Edward Island	<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>
Newfoundland and Labrador	<i>Occupational Health & Safety Regulations, 2012, NLR 5/12</i> <i>Human Rights Act, 2010</i>
Nova Scotia	<i>Violence in the Workplace Regulations, NS Reg. 209/2007</i> <i>Human Rights Act</i>
Yukon	<i>Human Rights Act</i>
Northwest Territories	<i>Human Rights Act</i> <i>Occupational Health and Safety Regulations, NWT Reg 039-2015</i>
Nunavut	<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: Definitions

Assault: Assault (including sexual assault), is defined in section 265.(1) and (2) of the *Criminal Code of Canada*, which reads as follows:

- (1) A person commits an assault when
 - (a) without the consent of another person, he [sic] applies force intentionally to that other person, directly or indirectly;
 - (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to affect his purpose; or
 - (c) while openly wearing or carrying a weapon or imitation thereof, he accosts or impedes another person or begs.
- (2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

Sexual assault also includes intercourse with children under the age of 16, incest, bestiality, and gross indecency.

Bullying: Refers to repeated, unreasonable actions of individual(s) directed towards a stakeholder or stakeholders that are intended to intimidate, degrade, humiliate, or offend. In certain jurisdictions, bullying is considered a form of harassment. Bullying may, but not always, involve a power imbalance, where the person who is acting as the bully has control or authority over the person who is being bullied. This dynamic can lead to persistent and targeted attacks aimed at asserting dominance.

Consent: Consent is a voluntary agreement to engage in an activity by an individual in a position to make such a choice. No consent will be deemed to be given in the following circumstances:

- the application of force to the complainant or another person
- threats or fear of the application of force
- the exercise of authority
- fraud
- the respondent being in a position of trust with the complainant

Consent involving children: Under the *Criminal Code of Canada*, the age of consent for sexual activity is 16 years.

- The age of consent is 18 years when the sexual activity occurs in a relationship of authority, trust, or dependency (e.g., teacher, minister, coach).
- There are exceptions for sexual relationships for people close in age. A person as young as 14 can legally consent to sexually activity with someone who is less than five years older than them as long as there is no relationship of trust, authority, or dependency or any other exploitation.

- A 12- or 13-year-old can consent to sexual activity with another young person who is less than two years older and with whom there is no relationship of trust, authority, or dependency or other exploitation.

In addition to criminal laws against sexual abuse and exploitation of children, each province and territory has its own laws to protect children against sexual abuse and other forms of exploitation. Refer to [Provincial and territorial child protection and legislation and policy - 2018](#) for more information.

Discrimination: Discrimination includes any distinction, exclusion, or preference based on protected grounds set out in human rights legislation that nullifies or impairs equality for opportunities or equality in The United Church of Canada environments.

Discrimination includes unwelcome comments or actions that relate to a person's personal characteristics—for example, race, gender, sexual orientation, and age. 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 United Church.

Discrimination (Direct): 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.

Discrimination (Systemic): 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.

The prohibited grounds may vary across jurisdictions and may be subject to legislative change. Individuals are encouraged to review the applicable legislation in their jurisdiction.

Domestic or Intimate Partner Violence: 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.

Reasonable precautions must be taken to protect a person if a domestic violence situation is likely to expose someone to physical injury in The United Church of Canada environment or threaten their safety and the safety of others, where 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.

Harassment: 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.

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 but not limited to co-workers; managers and employees; employees and members, adherents, or volunteers in a community of faith.

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 behaviour.

The definition of harassment may vary across 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.

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

Harassment (Racial): 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 about 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 microaggressions, 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.

Harassment (Sexual): 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.

Sexual Abuse of Children: Child sexual abuse includes sexual assault, sexual interference, invitation to touching, sexual exploitation, procurement, and indecent acts to a child under the age of 16. If someone is in a position of trust or authority, they are responsible for not taking advantage of anyone under the age of 18 years.

Sexual Misconduct: Sexual misconduct is demeaning, exploitative behaviour of a sexual nature ranging from jokes to unwanted touching, forced sexual activities, and/or threats of such

behaviour, including but not limited to, in person, by text, by e-mail, and through social media sites and other Web platforms.

Sexual assault, sexual harassment, pastoral sexual misconduct, and child sexual abuse are forms of sexual misconduct that are often primarily acts of power by one individual over another.

Sexual Misconduct (Pastoral): Pastoral sexual misconduct is a sexual action, including sexual harassment, sexual abuse, or other sexual activity or conduct, by a person designated as ministry personnel where the person takes advantage of the vulnerability of a person under their pastoral care. It includes consensual actions initiated by an individual who is under the pastoral care of the minister. However, if a minister experiences sexual misconduct by a person under their pastoral care, this is not pastoral sexual misconduct. This would be sexual misconduct and can be dealt with under this policy. For pastoral sexual misconduct to occur, the ministry personnel must be the perpetrator of the sexual misconduct.

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 or making a statement or exhibiting behaviour that could reasonably be interpreted as a threat to use physical force.

Risk of violence will be reassessed as often as necessary, and measures will be implemented to address risks that have been identified. Measures may include security protocols, implementing additional policies and procedures, and providing training on how to respond to a violent or potentially violent situation.

Violence (Lateral): Lateral violence refers to harmful behaviour that occurs between individuals or groups of individuals at the same hierarchical level of an organization or a cultural group. Lateral violence can manifest in various forms, including gossiping, personal putdowns, undermining, exclusion, and verbal abuse. It can range from seemingly innocuous comments to outright hostile behaviour.

Lateral violence is different from bullying due to the typical differences in power dynamics. Bullying usually involves a power differential, where the perpetrator holds authority or control over the victim. Conversely, lateral violence occurs among peers of equal status.

Appendix C: Complaint Response Information

Complainant/Respondent: The *complainant* is the person bringing the complaint forward. They may be bringing it forward for another person or on their own behalf. The *respondent* is the person named in the complaint.

Consultant: Consultants are trained resources who can be contracted by The United Church of Canada to assist the complainant or the respondent to navigate through the complaint process. Consultants are expected to ensure the individual they are assisting is aware of the following:

- the policy and how it applies to their situation
- their own duty to report if they are informed of a complaint that meets the definitions of the policy
- that they will also inform the individual with whom they are working of their right to legal representation, at their own expense
- the role of a support person in the process and the expectation that that person is neutral and not directly involved in the situation under review
- that they will be offered pastoral care or made aware of other supports that may be available—i.e., such as Employee Assistance Program

Consultants will offer assistance in drafting the complaint or the response and will continue to support communication as the process unfolds.

Investigators: Investigators are independent contractors who complete investigations as assigned by the responsible body. Investigators must submit an investigation plan prior to beginning the investigation in order to ensure the scope of the work is covered. The scope may change depending on the information gathered. They may also offer recommendations for next steps, where applicable, based on their expertise, experience, knowledge of legislative requirements, and standards set in the policy. The investigator must keep Office of Vocation staff support roles and the responsible body informed of changing circumstances.

Office of Vocation Staff Support: An employee from The United Church of Canada General Council Office will monitor the complaint response e-mail inbox and ensure complaints received through that mechanism are processed. Employees will provide assistance in finding consultants or investigators as required and are available to help interpret and administer the policy with the responsible body. The position of *Program Coordinator – Pastoral Relations and Remedial Processes** supports processes involving ministry personnel in relation to the Response Committee and the Remedial Committee, and implements orders determined through those working groups. Supporting staff do not have a decision-making role in the processes.

*Position titles are subject to change, based on the needs of the organization.

Responsible Body: The individual or group of individuals that have authority to manage issues that are forwarded to them. They receive the information gathered about a complaint and make decisions on resolving the complaint. The responsible body changes according to the position of the respondent. For full information on responsible bodies, please refer to Appendix D of this policy.

If the responsible body is not able to act for any reason, such as a conflict of interest or a perception of bias, they must identify the issue and request support around who will take on this

role. In this situation, the governing body of a community of faith needs to make a motion to refer to the matter to the regional council, with this decision noted in meeting minutes.

Support Person: A complainant or respondent can include a person of their choice to support them during the investigation process. Support persons are to be neutral, unbiased, and not directly connected to the complaint. The consultants will confirm this information when they meet with the person they are advising.

Appendix D: Responsible Bodies

The responsible body depends on the position of the respondent in The United Church of Canada. The administration of the complaint response process may vary slightly depending on who is receiving the complaint. The following table provides information on different responsible bodies and their unique processes.

Respondent	Responsible Body Receiving the Complaint	Unique Aspects
Lay employee, member, adherent, licensed lay worship leader, and/or volunteer	Community of faith (COF)	<p>Complaints are received by the Chair of the Board or the M&P Committee Chair, depending on the role of the respondent.</p> <p>Where there is a conflict of interest or a perceived conflict of interest, the conflict must be named and the matter referred to the next level of authority for resolution. In this situation, the governing body of a community of faith needs to make a motion to refer to the matter to the regional council, with this decision noted in meeting minutes.</p>
United Church Minister (ordained, diaconal, and/or designated lay minister)	Office of Vocation (OV)	<p>Complaints are received through the Office of Vocation and assessed by the Response Committee.</p> <p>Investigation reports are forwarded to the Remedial Committee for review and determination.</p> <p>Decisions made are communicated to the regional council and the community of faith as appropriate.</p>
Chair of M&P Committee and/or a council/board of a community of faith, a congregational designated minister, a volunteer, or any person accountable to a regional council	Executive Minister of the Regional Council	<p>The complaint response process may be managed fully by the regional council, including seeking consultants and naming an investigator, or they may request support through the complaint response process.</p>
Employee of a regional council	Director of Human Resources and Payroll	<p>When a complaint is received, it will be reviewed by the HR Director, the supervisors of the complainant and respondent, and General Counsel, where applicable.</p> <p>A plan to address the complaint will be determined, including whether a</p>

		<p>formal investigation is necessary or whether other actions may be taken. The investigation may be conducted internally or through an external investigator, based on the circumstances.</p> <p>For ministry personnel who work for a regional council, the outcome of a complaint received will be shared with the Office of Vocation, which may take additional actions.</p> <p>If the complaint involves a situation where ministry personnel was providing pastoral care, it will be solely managed through the Office of Vocation processes.</p>
Employee of the General Council Office	Director of Human Resources and Payroll	<p>Where the respondent is an employee of a regional council, all steps in the row above will be followed, with the exception being:</p> <p><i>“The complainant and respondent may be offered the services of a consultant to help them understand the policy and procedures; however, a General Council Office employee will communicate directly with those involved in order to gather information, communicate next steps, and share outcomes of the process.”</i></p>
Directors Executive Ministers	Executive Officer to whom they report	An outside investigator will be contracted if an investigation is deemed necessary.
Moderator	General Secretary	An outside investigator will be contracted if an investigation is deemed necessary.
General Secretary	General Secretary Supervision Committee	An outside investigator will be contracted if an investigation is deemed necessary