

Workplace Discrimination, Harassment, and Violence Response Policy

October 2023



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

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Workplace Discrimination, Harassment, and Violence Response Policy (October 2023)



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Contents

I.	Theological Statement	5
II.	Two Criteria Must Be Met for This Policy to Apply.....	5
III.	Those Who Can Lodge a Complaint	5
IV.	This Policy Is Required by Law	6
V.	Options for Making a Complaint Outside This Policy	6
VI.	Individuals Shall not Fear Retaliation from the Church.....	7
VII.	Definitions.....	7
	Discrimination.....	7
	Harassment.....	8
	Racial Harassment	9
	Microaggressions.....	9
	Sexual Harassment.....	9
	Violence	10
VIII.	Procedures to Respond to Complaints	10
	Definitions.....	10
	A. Procedures to Respond to Complaints: Lay People	13
	B. Procedures to Respond to Complaints: Ministry Personnel	18
	C. Procedures to Respond to Complaints: Regional and General Council Offices	18
IX.	This Policy Applies to International Complaints	21
	Complainant or Respondent Works/Volunteers with The United Church of Canada	22
	Complainant or Respondent Is from the Global Partner or Someone from the Community Participating in the Global Partner Project.....	22
	Complaint Process	22
X.	Responding to Complaints of Systemic Discrimination.....	23
XI.	Procedures for Indigenous Communities	23
XII.	Notes to the Policy.....	24
XIII.	Appendices.....	25
	Appendix A: Select Applicable Legislation*	25
	Appendix B: Definition and Prohibited Grounds of Discrimination in Employment*	26
	Appendix C: Definitions of Harassment*	31
	Appendix D: Definitions of Sexual Harassment*	36
	Appendix E: Definitions of Workplace Violence*	38
	Appendix F: Complaint Form	40

Appendix G: Responsible Bodies 42
Appendix H: Informal Resolution Process 43
Appendix I: Formal Resolution Process 44
Appendix J: Administrative Leave 45
Appendix K: Role of Consultants 46
Appendix L: Role of Pastoral Care 47
Appendix M: Revisions to the Policy 48

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.

I. 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.

II. Two Criteria Must Be Met for This Policy to Apply

- [3] First, this Policy applies to any person in the Church who has either allegedly demonstrated or experienced behaviour that constitutes discrimination, harassment, and/or violence. Any person in the Church includes:
- members, adherents, lay people, ministry personnel, staff, or volunteers in pastoral charges; communities of faith; regional councils; General Council Office; and institutions, agencies, organizations, or bodies that operate under the name and/or control of the Church.
- [4] Second, the alleged behaviour must have occurred in the performance of one’s work, duty, and/or obligation for the Church:
- through virtual communities, platforms, and networks (e.g., Teams, Zoom), electronic means (e.g., telephone, fax), and other modes of communication, including social media platforms; and/or
 - in a physical environment of work, worship, and/or study.

Note: These environments may include bodies that have an affiliation with the Church and have adopted the Policy, including incorporated bodies, KAIROS, and The United Church of Canada Foundation. In the event of a complaint involving workplace harassment, discrimination, and/or violence, these bodies may use the Church’s Policy or their own internal policy provided that it is consistent with provincial or territorial legislation.

III. Those Who Can Lodge a Complaint

- [5] There are two categories of Complainants:
- **First category:** A person who has allegedly experienced workplace discrimination, harassment, and/or violence in the workplace.
 - **Second category:** A person who has seen, heard, and/or has evidence about a person being an alleged victim of workplace discrimination, harassment, and/or violence by a person to whom this Policy applies. This person may include an

employer, a minister, or someone the alleged victim has confided in. The alleged victim of the complaint will be offered the opportunity to participate in the investigation and become the Complainant at any time.

Note: The Church, as an employer, has a positive obligation to maintain a safe and healthy workplace.

Anonymous Complaints

[6] The Church is required to conduct a fair investigation. A fair investigation requires, among other things, that the Respondent in a complaint has a right to know the case before them, which includes notice of the allegations and who is making them. Therefore, as a general rule anonymous complaints will not be pursued. However, the Church may enquire whether the alleged victim(s) will become Complainants. In the absence of a Complainant or Complainants, the Church is not able to proceed with a formal investigation of the complaint.

IV. This Policy Is Required by Law

[7] Discrimination, harassment, and violence in the workplace are not allowed by the Church or by provincial, territorial, and federal law.

[8] 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.

V. Options for Making a Complaint Outside This Policy

[9] Complainants may decide not to make a complaint under this policy. They can choose to make a complaint under provincial and territorial human rights legislation¹ or occupational health and safety legislation.

[10] 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.

[11] Every province and territory may have one or more pieces of legislation that deal with inappropriate behaviour in the workplace. These laws apply to the Church in its respective

¹ 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*.

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 [Appendix A: Select Applicable Legislation](#). This is not a complete list.

VI. Individuals Shall not Fear Retaliation from the Church

[12] Individuals who share concerns about discrimination, harassment, or violence in the workplace will not be subject to any form of retaliation from the Church. Retaliation includes firing, suspending, intimidating, imposing a penalty, and denying a right or benefit.

[13] There shall 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.

VII. Definitions

[14] The definitions below are for reference only and may vary across applicable jurisdictions.² Individuals are encouraged to review the applicable legislation in their respective jurisdiction, as well as the definitions in the attached appendices.

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

Discrimination

[16] 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.

[17] 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.

² Applicable jurisdiction(s) refers to the Church's operations in all provinces and territories in Canada.

Direct Discrimination

[18] 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.

Systemic Discrimination

[19] 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.

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

Harassment

[21] 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.

[22] 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.)

[23] 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.

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

[25] 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 the

applicable legislation in their respective jurisdiction. The applicable definition in applicable jurisdictions as of November 30, 2021, is set out in [Appendix C: Definitions of Harassment](#).

Racial Harassment

- [26] 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.
- [27] 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.
- [28] 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.
- [29] 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

- [30] Microaggressions are putdowns and slights marginalized groups face every day from other people who sometimes do not know they are being offensive or patronizing.
- [31] Microaggressions can be overt or subtle, and include discriminatory comments disguised as compliments.

Sexual Harassment

- [32] 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.
- [33] As previously referenced, all complaints that are sexual in nature will be dealt with under the Sexual Misconduct Response Policy and Procedures.
- [34] Sexual harassment can include unwelcome remarks, jokes, innuendo, propositions or taunting, persistent unwanted attention, physical contact of a sexual nature, or sexual assault.

[35] The definition of sexual harassment may vary across applicable jurisdictions and may be subject to legislative change. Individuals are encouraged to review the applicable legislation in their respective jurisdiction. The applicable definition in applicable jurisdiction as of November 30, 2021, is set out in [Appendix D: Definitions of Sexual Harassment](#).

Violence

[36] 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.

[37] 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.

[38] 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.

[39] 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.

[40] 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 in [Appendix E: Definitions of Workplace Violence](#).

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

VIII. Procedures to Respond to Complaints

Definitions

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

[42] **Applicable ministry:** This refers to communities of faith, regional councils, National Indigenous Organization, and other ministries in which ministry personnel are employed.

- [43] **Bad faith, trivial, or vexatious complaints:** These types of complaints 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 subject themselves to a range of penalties.
- [44] **Business days:** For this Policy, business days refers to Monday to Friday.
- [45] **Complainant:** A person who has made a complaint about being a victim of harassment, discrimination, or violence.
- [46] **Complaint:** A complaint is one or more accusations of sexual misconduct made by the person who allegedly experienced the misconduct. An admission of misconduct is also treated as a complaint. Complaints cannot be anonymous.
- [47] **Confidentiality:** Refers to a party providing information to another party with the expectation that it will not be shared with anyone else except as required by law.
- The Church may need to share confidential and/or personal information in the course of an investigation.
 - For example, information obtained about an incident or complaint, 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.
- [48] **Conflict Resolution Facilitator:** An individual retained by the Church to assist in mediating disputes. The Office of Vocation maintains a list of trained Conflict Resolution Facilitators, which you can access by contacting complaintresponse@united-church.ca.
- [49] **Consultant:** Consultants are neutral and independent trained individuals. Both the Complainant and the Respondent are each assigned their respective Consultant to help them understand the Policy and may assist them in drafting and/or responding to complaints. A list of Consultants can be found on the [Safe Spaces for Worship and Work page](#) of the Church's website.
- [50] **Investigation plan:** A document that sets out the issues, the parties, and potential witnesses to interview. It may also set out what challenges may arise and the strategies to deal with them. It will detail what resources are required to complete investigations within a reasonable time.
- [51] **Investigator:** An individual retained by the Church to conduct the formal investigative process associated with submitted complaints. The Policy Writer and HR Specialist at the General Council Office can assist in retaining Investigators.

- [52] **Legal representative:** The parties have a right to retain, at their own cost, a paralegal, lawyer or other paid or unpaid advocate.
- [53] **Ministry personnel:** A general term that refers to members of the Order of Ministry, designated lay ministers, candidates serving under appointment, admission ministers serving under appointment, diaconal supply, and ordained supply.
- [54] **Pastoral care:** Comfort and support provided to a Complainant or Respondent by a ministry personnel, Indigenous Elder, or Traditional Knowledge Keeper.
- [55] **Policy Writer and Human Resources Specialist:** This position supports the Responsible Body to administer this Policy and assists with retaining Consultants, Investigators, and Conflict Resolution Facilitators.
- [56] **Reasonable Accommodation:** The organization will accommodate the accessibility needs of everyone involved in the process within the Church to ensure full access and participation. Accommodation includes providing documents in alternative formats, off-site and after-hours meetings, interpretation, and translation.
- [57] **Records:** All materials related to the complaint, including the investigation and outcome, are retained in confidence according to the Church's retention policies.
- [58] **Respondent:** The person alleged to have discriminated against, harassed, or committed an act of violence toward another person.
- [59] **Responsible Body:** The individual or group of individuals that deals with the complaint. The Responsible Body changes according to the position of the Respondent in the he Church ([Appendix G: Responsible Bodies](#)).
- [60] **Social media:** The online means of interactions among people in which they can create, share, or participate in virtual communities, applications, and networks, including Facebook, Instagram, SnapChat, Whatsapp, and Texts.
- [61] **Support person:** A Complainant or Respondent can bring a person of their choice (friend, family, or colleague) with them to support them during the investigation process.

The Responsible Body Receives the Complaint and May Delegate Its Authority

- [62] 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.
- [63] In the event the Responsible Body is not able to act for any reason, they must establish to whom to delegate this responsibility. The following are some situations where the Responsible Body may decide to delegate its authority to receive and handle 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 with or even delegate their responsibility to receive and handle 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: Lay People

[64] This procedure is to be used where the Respondent (or Respondents) is an employee, a member, an adherent, a congregational designated minister, a licensed lay worship leader, or a volunteer of an applicable ministry.

[65] Where urgent intervention is required, the Responsible Body will alert the appropriate people in the applicable ministry to take steps to ensure the Complainant is safe and not subjected to further harassment, discrimination, and/or violence. If there is a concern for the safety of the alleged victim and/or the community as a whole, the Respondent, if an employee, should be placed on paid administrative leave.

[66] If the Respondent is a volunteer or attends the applicable ministry as a member or adherent and the Complainant attends the same applicable ministry in person, they should be asked to not physically attend the applicable ministry and may be subject to further restrictions deemed appropriate for that situation.

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

The process is identified by the letter L, which stands for layperson, followed by the number in the process (for example, L1, L2, and so on).

Consultant is assigned

L1. When a Complainant presents their complaint to the Responsible Body, that body ensures that a Consultant is assigned to the Complainant to help them understand the process, including the option to approach the Respondent without a written complaint (but only if it safe and practical to do so), and to assist in writing their complaint, if required. If the Complainant is unable or unwilling to write a complaint, the notes made by the Consultant of the conversation with the Complainant will serve as the written record of the complaint.

Complaint is sent to the Respondent

L2. Once there is a written complaint with sufficient details, another Consultant will be assigned to the Respondent and will forward the complaint to the Respondent, usually either in person or by e-mail. The Consultant discusses pastoral care for the Respondent and family and reviews the Policy with the Respondent. The Respondent should respond to the allegations, including possible resolutions, within 10 business days of receiving the complaint. If the Respondent is unable or unwilling to write a response to the complaint, the notes made by the Consultant of the conversation with the Respondent may serve as a response to the complaint with the permission of the Respondent.

Pastoral care is made available to both parties

L3. 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 or designate will make the offer of pastoral care. Employees of the Church have access to counselling and support through the Employee and Family Assistance Program (EFAP) with TELUS Health.

Informal resolution is encouraged if appropriate

L4. Before any options of informal resolution are implemented, both parties must agree to them. The Complainant is encouraged to speak directly with the Respondent, but only if it is safe and practical to do so. The Complainant should tell the Respondent that their behaviour or comment is unacceptable, unwelcome, and being experienced as discrimination, harassment, and/or violence and ask the Respondent to stop.

L5. This approach may be most effective in situations where the Complainant believes the Respondent is unaware of the impact of their actions and/or conduct.

Support person

L6. The Complainant and Respondent can be accompanied by a support person at any meeting in the process.

Other informal options before making a formal complaint

L7. These options include:

- a facilitated conversation with the assistance of an agreed-upon third party or a Conflict Resolution Facilitator;
- mediation; and/or
- conflict coaching through the Employee and Family Assistance Program (EFAP) through TELUS Health.

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

Complainant writes detailed complaint

L8. If a matter remains unresolved for any reason, or if it is determined that informal efforts are not appropriate given the circumstances, the Complainant is encouraged to set out a detailed written complaint using the Workplace Discrimination, Harassment, and Violence Policy and Procedures Complaint Form ([Appendix F: Complaint Form](#)). A Consultant can assist with this process. If the complaint is not sufficiently detailed, further details will be requested.

Complaint is sent to the Responsible Body

L9. The Complainant sends the complaint to the Responsible Body ([Appendix G: Responsible Bodies](#)). Alternatively, a complaint can be submitted to the confidential complaints email address (ComplaintResponse@united-church.ca). The position that the Respondent holds in the community of faith or other applicable ministry determines the Responsible Body to which the complaint is submitted.

The regional council and/or the Policy Writer and HR Specialist will act as a resource to applicable ministries in dealing with complaints.

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

Complaint is forwarded to the Respondent

L10. Once a complaint is received, it is forwarded to the Respondent within 10 business days by a Consultant who is assigned to that individual. The Consultant usually delivers the complaint by e-mail or in person. The Respondent should submit a written response to the complaint within 10 business days of receiving it. If needed, the Respondent can request more time to respond. It is at the discretion of the Responsible Body to disclose all, part, or a summary of this written response to the Complainant. The Respondent is informed that their written response may be provided in part or in a summary for clarity and to ensure that language in the response will not further revictimize the Complainant.

Pastoral care is made available to both parties

L11. 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. Employees of the Church have access to counselling and support through the Employee and Family Assistance Program (EFAP) with TELUS Health.

Another attempt is made at dispute resolution

L12. If practical, parties should be given another opportunity to resolve the complaint informally before a formal process begins. Options for an informal process include assigning a neutral third party, such as a Conflict Resolution Facilitator or mediator; a no-blame conciliatory meeting; a facilitated conversation; or Indigenous alternative approaches to dispute resolution.

An Investigator is assigned

L13. The Responsible Body assesses the complaint and the response. If there are discrepancies between the complaint and response and/ or any other concerns identified by the Responsible Body, an Investigator will be assigned.

L14. The Investigator will provide an investigation plan to the Responsible Body before starting the investigation to ensure that there is consensus in the direction of the investigation. As the investigation proceeds, the Investigator may need to consult the Responsible Body on possible changes to the investigation plan resulting from information learned from the investigation.

L15. 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. The investigation occurs whether or not the Respondent is away from their position for any reason, including medical leave initiated by the Respondent. Even if the Respondent is on medical leave, they may still be able to participate in the investigation.

Investigator writes a report

L16. The Investigator writes a report for the Responsible Body that includes their findings of fact and, if requested, recommendations. The Responsible Body can accept all, some, or none of the recommendations of the investigator.

Responsible Body informs the parties of the outcome

L17. The report is sent to the Responsible Body. The Responsible Body will meet with the parties before making any findings. It may accept all, some or none of the findings of the investigation report. If the Responsible Body accepts findings that the Respondent engaged in misconduct, it will take appropriate corrective action. If the findings are not substantiated, the Responsible Body will likely not take any further action. The action is based on the findings of the Investigator, the nature of the complaint, and all relevant circumstances, including any previous discipline.

L18. If the Respondent is an employee, options for actions include no further action; progressive discipline, including termination; or a directed program, such as counselling.

L19. If the Respondent is a member, an adherent, or in a position of responsibility within the community of faith or other applicable ministry, options for actions include no further action, removal or suspension from the office the Respondent holds in the community of faith or other applicable ministry, and/or considering the revocation of membership(s) of the person in the community of faith and/or other applicable ministry.

L20. The Responsible Body could also decide to hold a formal hearing to deal with more complex matters. This applies where the Respondent is a congregational designated minister, an adherent, or a lay member other than a ministry personnel. In a formal hearing of a formal complaint, the Formal Hearing Committee is responsible for deciding whether the formal complaint has been proven. See section J.9.5 of [The Manual](#) for more information about formal hearings in this context.

L21. The Responsible Body will provide the Complainant and Respondent with a written letter with the findings and outcomes that the Responsible Body has accepted. For confidentiality and privacy reasons, the parties are not provided a copy of the investigation report. The Responsible Body will meet with the parties before making their findings and may also choose to follow up with an in-person meeting to discuss the outcomes with each party separately.

L22. The Responsible Body will bear the costs associated with the investigation.

Confidentiality is maintained except as required by law

L23. 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 of the general nature of the corrective action but is not provided with the particulars of that action.

Requests for reconsideration

L24. The parties of the investigation can ask that a final decision be reconsidered by the Responsible Body within 30 calendar days of the date of the decision.

L25. A request for consideration must include:

- reasons for the reconsideration;
- submissions in support of the reconsideration; and
- remedy or relief desired.

L26. The Responsible Body will grant a request for reconsideration if it is satisfied that

- there are new facts or evidence that could not have been produced earlier that could change the outcome of the final decision;
- the decision was not in accordance with the rules of natural justice that

impacted the outcome of the investigation (such as the Respondent not being aware of the allegations against them and not having an opportunity to be heard or to respond); and

- other factors exist that the Responsible Body needs to give greater weight.

L27. New evidence, such as facts that happened after the completion of the investigation, will not be considered for reconsideration.

L28. The Responsible Body has 30 calendar days to respond in writing to the reconsideration.

L29. If the Responsible Body finds that there are grounds for the reconsideration, it will take corrective action as required.

No appeal process

L30. There is no appeal process for a final decision regarding the disposition of a complaint.

Investigations are completed within three months

L31. 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. Except in exceptional circumstances, the Responsible Body will decide how to move forward and will communicate its decision to the parties within 30 calendar days of receiving the investigation report.

B. Procedures to Respond to Complaints: Ministry Personnel

[67] The Responsible Body that manages complaints of workplace misconduct for ministry personnel is the Office of Vocation. See [Office of Vocation: Structure and Responsibilities](#), Appendix A: Procedure to Address Concerns about Ministry Personnel, for procedures related to workplace misconduct of ministry personnel.

C. Procedures to Respond to Complaints: Regional and General Council Offices

[68] The following process applies when the Respondent(s) are employees, contract workers, or volunteers of the General Council Office, including ministry personnel. For ministry personnel, the outcome of the complaint will be shared with the Office of Vocation, which may take additional action. For staff members who belong to other professional bodies, their respective regulatory bodies may be informed of the outcome of a complaint.

[69] If the Respondent is ministry personnel working for the regional and General Council offices and the complaint against them stems from a pastoral relationship and/or interaction, B. Procedures to Respond to Complaints: Ministry Personnel applies.

[70] The Responsible Body may implement interim measures to ensure the Complainant is safe and not subjected to further misconduct. If there is a concern for the safety of the alleged victim and/or the workplace as a whole, the Respondent may be placed on paid administrative leave.

Note: The other processes in this Policy were established for communities of faith and the Office of Vocation, and in practice, these processes have not worked well for employees of the regional and General Council offices because they engage in employment relationships and not pastoral ones, which requires a different approach.

The process is identified by the letter G, which stands for regional and General Council Office, followed by the number in the process (for example, G1, G2, and so on).

Complaint submitted to employer

G1. The Complainant can informally communicate their concerns to their direct supervisor, Director of Human Resources and Payroll Manager, and/or their Responsible Body. They can communicate it informally. Once the Complainant communicates their concerns to the Responsible Body, the Complainant can submit a formal written complaint. Alternatively, complaints can be submitted to complaintresponse@united-church.ca, which is monitored by the Policy Writer and HR Specialist and forwarded to the Responsible Body to review.

Complaint Response Team

G2. The Responsible Body will form a Complaint Response Team, which may include the Respondent's and Complainant's supervisors, if applicable; Director of Human Resources and Payroll Manager; Policy Writer and HR Specialist; and General Counsel. They will review the complaint and ask the Respondent to respond within 10 business days of receiving the allegations and their expected outcomes.

Pastoral care is made available to both parties

G3. The Complaint Response Team can arrange pastoral care for the parties. Employees of the Church also have access to counselling and support through the Employee and Family Assistance Program (EFAP) with Telus Health.

Complaint Response Team develops a tailored process

G4. Whether or not the Respondent responds, the Complaint Response Team will determine the best way to address the complaint. As each complaint is unique, the Complaint Response Team will outline a specific and tailored process with timelines to address the complaint. A Consultant or designate is assigned to both the Respondent and Complainant to explain the process and assist, if requested, with writing the complaint or response to the complaint. The Consultant may also use their written notes of their conversation with the Complainant or Respondent as the written complaint or response to the complaint provided that it is approved by the person to whom they are assigned.

The Consultant will inform them of their right to legal representation at their own expense.

G5. The Complaint Response Team determines the issues and how they will be addressed. Some issues may be resolved informally and others more formally. The Complaint Response Team may also decide to make preliminary inquiries to determine whether a formal investigation is necessary.

Investigator is retained

G6. If the Complaint Response Team retains an Investigator, the Investigator will provide an investigation plan to the Complaint Response Team before starting the investigation to ensure that there is consensus on the direction of the investigation. If there are proposed changes to the investigation plan, the Investigator informs the Complaint Response Team before proceeding further with the investigation.

G7. 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. The investigation occurs whether or not the Respondent is away from their position for any reason, including medical leave initiated by the Respondent. Even though the Respondent is on medical leave, they may be able to participate in the investigation.

Investigator writes a report

G8. The Investigator writes a report that includes their findings and, if requested, recommendations. The report is provided to the Complaint Response Team, who then communicate the findings and resolution to the parties in-person and in writing. For confidentiality and privacy reasons, the parties are not provided a copy of the investigation report.

Action is taken by Complaint Response Team

G9. The Complaint Response Team can decide to take no further action; progressive discipline, including termination; or a directed program, such as counselling.

G10. The Complaint Response Team may forward the disposition and resolution of the complaint to the Respondent's applicable professional body, in which case the professional body may take further action.

Request for reconsideration

G11. The parties to the investigation can ask that a final decision be reconsidered by the Responsible Body within 30 calendar days of the date of the decision.

G12. A request for consideration must include:

- Reasons for the reconsideration;
- Submissions in support of the reconsideration; and

- Remedy or relief desired.

G13. The Responsible Body will grant a request for reconsideration if it is satisfied that

- there are new facts or evidence that could not have been produced earlier that could change the outcome of the final decision;
- the decision was not in accordance with the rules of natural justice that impacted the outcome of the investigation (such as the Respondent not being aware of the allegations against them and not having an opportunity to be heard or respond); and
- other factors exist that the Responsible Body should have given greater weight.

G14. New evidence, such as facts that happened after the completion of the investigation, will not be considered for reconsideration.

G15. The Responsible Body has 30 calendar days to respond in writing to the reconsideration.

G16. If the Responsible Body finds that there are grounds for the reconsideration, it will take corrective action as required.

No appeal process

G17. There is no appeal process for a final decision regarding the disposition of a complaint.

Ideally the investigation is completed within three months

G18. 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.

IX. This Policy Applies to International Complaints

[71] This Policy applies to anyone or any organization, as well as other bodies that have a direct affiliation with The Church, that are carrying out a responsibility or activity on behalf of The Church in international locations.

[72] The criteria set out in [II. Two Criteria Must Be Met for This Policy to Apply](#) of this Policy apply to incidents occurring in international locations.

[73] Below is the process for complaints that occur in international locations (excluding the community of faith in Bermuda, which will follow the process outlined for all other complaints in this Policy):

Complainant or Respondent Works/Volunteers with The United Church of Canada

- (a) The Church supports global programming outside of Canada initiated by the General Council Office, 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 Unit, specifically the Church in Partnership and Identity and Mission clusters³ must be notified as appropriate.
- (b) The Church in Mission Unit will direct the Complainant and Respondent to complaintresponse@united-church.ca 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 collaborates with the Church in Mission Unit on how to lodge a complaint and will provide support and resources to deal with the complaint as appropriate.

Complaint Process

- (d) Once the Church receives a complaint, it is sent to the appropriate Responsible Body. The appropriate Responsible Body will depend on the position/role of the Respondent at the Church ([Appendix G: Responsible Bodies](#)). In the case where the Respondent is not part of the Church, the Responsible Body will be the Executive Minister of the regional council the Complainant is associated with.
- (e) The Responsible Body determines under which legislation, international or provincial/territorial, applies. The Responsible Body works with the Human Resources department or equivalent of the organization where the alleged incident took place to review their workplace safety and/or Sexual Misconduct Policy and legislation to determine which legislation and Policy will take precedence. If a complaint arises in an international location that does not have legislation on workplace discrimination, harassment, and/or violence, the complaint is usually reviewed under the appropriate law of the province/territory the 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 collaborates with the Church in Mission Unit and the Global

³ The Church in Mission Unit provides 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 three collaborative staff teams: Church in Partnership, Identity and Mission, and Executive Minister Cluster. Church in Mission Unit provides supports 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.

Partner to talk about resource sharing to address the complaint.

- (h) If it is established that the jurisdiction is either provincial or territorial within Canada, the procedure set out in this Policy will be used to resolve the complaint.

X. Responding to Complaints of Systemic Discrimination

- [74] This process relates to when there is no Respondent. If there is a Respondent, then the relevant above procedures apply.
- [75] 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).
- [76] 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).
- [77] 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.
- [78] Note that the three-month time frame within which complaints against individuals are usually resolved may not apply to complaints of systemic discrimination.

XI. Procedures for Indigenous Communities

- [79] This Policy may be tailored for the purposes of Indigenous communities. It is recommended that, where a Respondent is an Indigenous ministry personnel, the prescribed processes outlined under sections A, B or C, as appropriate, be followed. In terms of reconciliation processes, the Indigenous ministry personnel may be subject to both prescribed remedial processes (under the Office of Vocation's processes) and reconciliation processes in alignment with their respective Indigenous community.
- [80] Where a Respondent is Indigenous non-ministry personnel, the applicable ministry may consider following a process that honours their restorative culture and practices, or consult with the respective regional council, National Indigenous Council, or the Office of Vocation for further support.

XII. Notes to the Policy

- [Workplace Discrimination, Harassment, and Violence Response Policy](#)
- [The Manual](#)
- [Office of Vocation: Structures and Responsibilities](#), Appendix A: Procedure to Address Concerns about Ministry Personnel

XIII. Appendices

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	<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: Definition and Prohibited Grounds of Discrimination in Employment*

Province	Definition
British Columbia	<p><i>Human Rights Code</i> [RSBC 1996] Chapter 210 (Section 13)</p> <p>13(1) A person must not</p> <ul style="list-style-type: none"> (a) refuse to employ or refuse to continue to employ a person, or (b) discriminate against a person regarding employment or any term or condition of employment <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><i>Alberta Human Rights Act</i>, RSA 2000, c A 25.5</p> <p>7(1) No employer shall</p> <ul style="list-style-type: none"> (a) refuse to employ or refuse to continue to employ any person, or (b) discriminate against any person with regard to employment or any term or condition of employment, <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><i>The Saskatchewan Human Rights Code</i>, 2018, SS 2018, c S-24.1</p> <p>16(1) 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>16(2) No employee shall discriminate against another employee on the basis of prohibited ground.</p> <p>(m.01) 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><i>The Human Rights Code</i>, CCSM c H175</p> <p>9(1) In this Code, “discrimination” means:</p> <ul style="list-style-type: none"> (a) differential treatment of an individual on the basis of the individual's actual or presumed membership in or association with

	<p>some class or group of persons, rather than on the basis of personal merit; or</p> <p>(b) differential treatment of an individual or group on the basis of any characteristic referred to in subsection (2); or</p> <p>(c) 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>(d) 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>9(2) 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>Ontario</p>	<p><i>Human Rights Code</i>, RSO 1990, c. H.19</p> <p>5(1) 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>New Brunswick</p>	<p><i>Human Rights Act</i>, RSNB 2011, c 171</p> <p>2.1 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>4(1) No person shall, based on a prohibited ground of discrimination because of</p> <p>(a) refuse to employ or continue to employ any person, or</p> <p>(b) discriminate against any person in respect of employment or any term or condition of employment.</p>

	<p>4(4) 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"> (a) the use or circulation of a form of application for employment, (b) the publication of an advertisement in connection with employment or causing its publication, or (c) an oral or written inquiry in connection with employment.
<p>Prince Edward Island</p>	<p><i>Human Rights Act, RSPEI 1988, c H-12</i></p> <p>6(1) No person shall refuse to employ or to continue to employ any individual</p> <ul style="list-style-type: none"> (a) on a discriminatory basis, including discrimination in any term or condition of employment; or (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. <p>6(3) 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>7(1) 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>Newfoundland</p>	<p><i>Human Rights Act, 2010, SNL 2010, c H-13.1</i></p> <p>14(1) 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>9(1) 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,</p>

	gender expression, marital status, family status, source of income and political opinion.
Nova Scotia	<p><i>Human Rights Act</i>, RSNS 1989, c 214</p> <p>5(1) 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>
Yukon	<p><i>Human Rights Act</i>, RSY 2002 c 116</p> <p>9 No person shall discriminate (b) in connection with any aspect of employment or application for employment</p> <p>7 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>
Northwest Territories	<p><i>Human Rights Act</i>, SNWT 2002, c 18</p> <p>5(1) 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>7(1) No person shall, on the basis of a prohibited ground of discrimination, (b) discriminate against any individual or class of individuals in regard to employment or any term or condition of employment</p>
Nunavut	<i>Human Rights Act</i> , SNu 2003 c 12

	<p>7(1) 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>7(6) 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>
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***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)
British Columbia	<p>Policy Item P2-21-2 Employer Duties – Workplace Bullying and Harassment</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>Policies for the Workers Compensation Act, P2-21-2</p>
Alberta	<p><i>Occupational Health and Safety Act, C O-22</i></p> <p>1 (n) “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>
Saskatchewan	<p><i>The Saskatchewan Employment Act, SS 2013, c. S-15.1</i></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>Manitoba</p>	<p><i>The Human Rights Code, CCSM c H175</i></p> <p>19(2) 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><i>The Workplace Safety and Health Regulation, Man. Reg. 217/2006</i></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>1.1.1(1) 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>1.1.1(2) Reasonable conduct of an employer or supervisor in respect of the management and direction of workers or the workplace is not harassment</p> <p>1.1.1(3) 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>
Ontario	<p><i>Occupational Health and Safety Act</i>, RSO 1990, c O.1</p> <p>1(1) "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><i>Human Rights Code</i>, RSO 1990, c. H.19</p> <p>10(1) "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>5(2) 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>
New Brunswick	<p><i>Occupational Health and Safety Act</i>, General Regulation, NB Reg 91-191</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>
Prince Edward Island	<p><i>Occupational Health and Safety Act - General Regulations</i>, PEI Reg EC180/87 and <i>Workplace Harassment Regulations</i>, PEI Reg EC710/19</p> <p>1. (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>
Newfoundland	<p><i>Occupational Health and Safety Regulations</i>, 2012, NLR 5/12</p> <p>22. (2) 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>
Nova Scotia	<p><i>Human Rights Act</i>, RSNS 1989, c 214</p> <p>3(ha) “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>
Yukon	<p><i>Human Rights Act</i>, RSY 2002 c 116</p> <p>14 (2) “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>
Northwest Territories	<p><i>Human Rights Act</i>, SNWT 2002, c 18</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><i>Occupational Health and Safety Regulations</i>, NWT Reg 039-2015</p> <p>34 (1) 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
Nunavut	<p><i>Occupational Health and Safety Regulations</i>, Nu Reg 003-2016</p> <p>34 (1) 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>

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

Appendix D: Definitions of Sexual Harassment*

Province	Definition
British Columbia	<p>Human Resources Policy 11 - Discrimination and Harassment in the Workplace</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>
Manitoba	<p><i>Manitoba Human Rights Code</i> CCSM c H175</p> <p>19(2) 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>
Ontario	<p><i>Human Rights Code</i>, RSO 1990, c H.19</p> <p>7(2) 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>7(3) 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><i>Occupational Health and Safety Act</i>, RSO 1990, c O.1</p> <p>1(1) "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>
New Brunswick	<p><i>Human Rights Act</i>, RSNB 2011, c 171</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>
Prince Edward Island	<p><i>Employment Standards Act</i>, RSPEI 1988, c E-6.2</p> <p>24. “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>25. Every employee is entitled to employment free of sexual harassment.</p> <p>26. Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment</p>
Nova Scotia	<p><i>Human Rights Act</i>, RSNS 1989, c 214</p> <p>3(o) “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)
British Columbia	<p><i>Occupational Health and Safety Regulation 296/97</i></p> <p>4.27 "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>
Alberta	<p><i>Occupational Health and Safety Act, Chapter O-2.1</i></p> <p>1 (rr) "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>
Saskatchewan	<p><i>The Occupational Health and Safety Regulations, 1996, RRS c O-1.1</i> Reg 1</p> <p>37 (1) "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>
Manitoba	<p><i>The Workplace Safety and Health Regulation, MReg. 217-2006</i></p> <p>1.1 "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>
Ontario	<p><i>Occupational Health and Safety Act, RSO 1990, c O.1</i></p> <p>1(1)"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>
New Brunswick	<p><i>Occupational Health and Safety Act, General Regulation, NB Reg 91-191</i></p>

	2 “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;
Prince Edward Island	<i>Occupational Health and Safety Act - General Regulations, EC180/87</i> 52.1 “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.
Newfoundland	Occupational Health & Safety Regulations, 2012, NLR 5/12 22(1) 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.
Nova Scotia	Violence in the Workplace Regulations, NS Reg. 209/2007 2(f) “Violence” means any of the following: (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 (ii) conduct, or attempted conduct of a person that endangers the physical health or physical safety of an employee.
Northwest Territories	Occupational Health and Safety Regulations, NWT Reg 039-2015 35 (1) 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
Nunavut	Occupational Health and Safety Regulations, Nu Reg 003-2016 35 (1) 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

***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:

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.

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

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.

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

Please describe the resolution that you are seeking.

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.

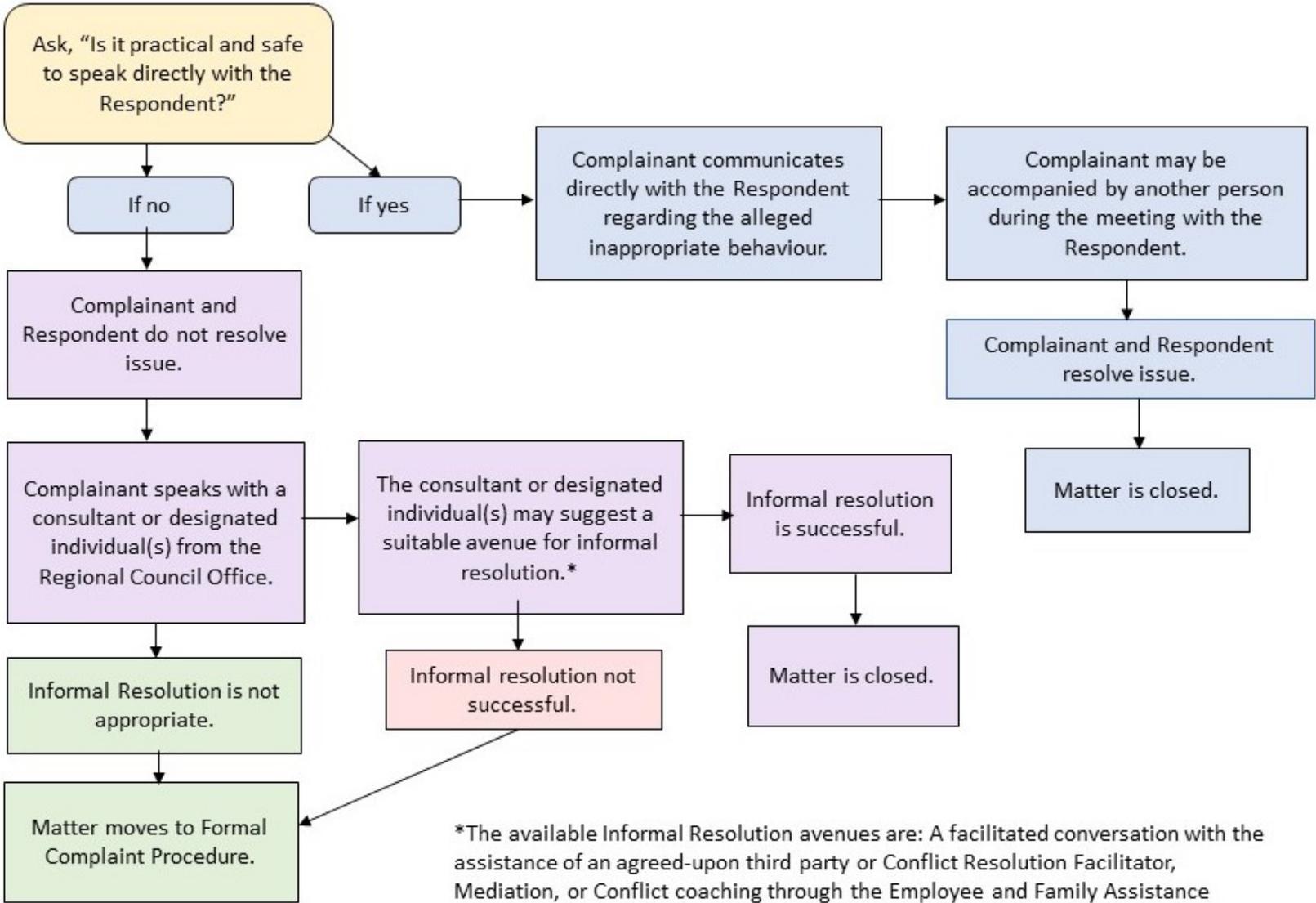
Recipient's Signature: _____ Date (dd/mm/yyyy): _____

Appendix G: Responsible Bodies

Which Responsible Body receives the complaint?	The Responsible Body is determined by the position of the Respondent in the Church
Community of Faith	Respondent is a United Church of Canada member, adherent, lay employee, congregational designated minister, licensed lay worship leader, or volunteer of a community of faith.
Office of Vocation	Respondent is a United Church minister (ordained, diaconal, and/or designated lay minister) or Candidate.
Executive Minister of the Regional Council	Respondent is the chair of the M&P Committee and/or council/board of a community of faith, a volunteer, or any person accountable to that regional council.
Director of Human Resources and Payroll	Respondent is a staff member of a regional council or the General Council Office.
Executive Officer of Shared Services	Respondent is the Director of Human Resources and Payroll Services or an Executive Minister.
General Secretary	Respondent is the Moderator
General Secretary Supervision Committee	Respondent is the General Secretary

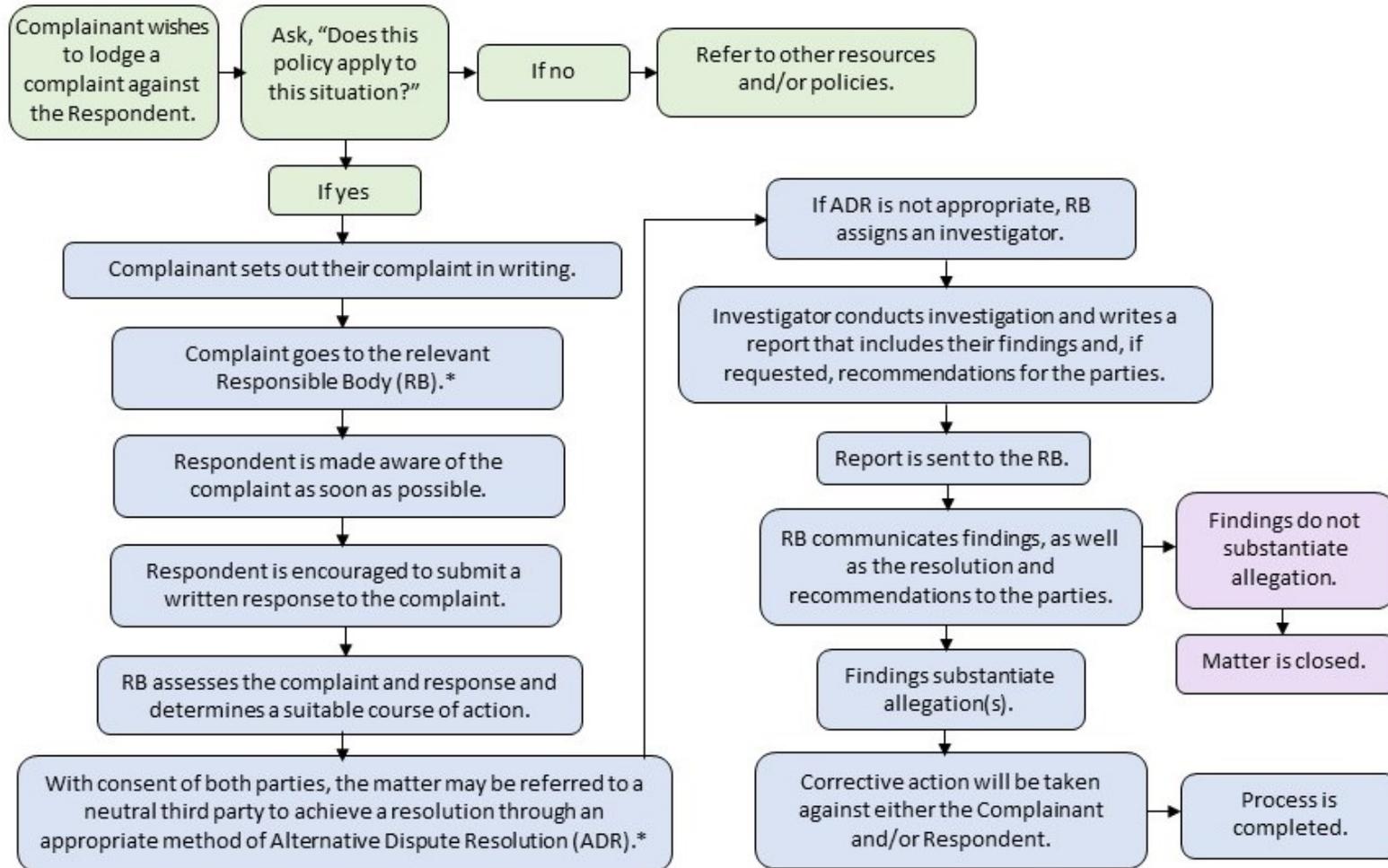
***NB: A Responsible Body may delegate its authority, in the event it is unable or unwilling to act, to another appropriate Responsible Body. For example, a community of faith can delegate its responsibility to a regional council.**

Appendix H: Informal Resolution Process



*The available Informal Resolution avenues are: A facilitated conversation with the assistance of an agreed-upon third party or Conflict Resolution Facilitator, Mediation, or Conflict coaching through the Employee and Family Assistance Program (EFAP) through TELUS Health.

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.

Appendix J: Administrative Leave

The following criteria must be considered (in addition to any others that may be relevant) when making the decision on whether the Respondent to the complaint should be placed on administrative leave.

Where any one or more of the first four factors are present, it is strongly recommended that the Respondent be placed on administrative leave pending investigation.

1. Is administrative leave required in order to ensure that there is no undue contact with the Complainant, family, supporters, or advocates?
2. Is the Respondent making a request to be placed on administrative leave?
3. Is there a vulnerable sector in the relevant work community that may be at ongoing risk?
4. Do the allegations include any level of violence?
5. Is the person being investigated by the authorities?
6. Is the ministry site where the Respondent is currently carrying out their duties close to or some distance from where the Complainant is now residing and from where the complaint is alleged to have occurred?
7. Are concerns for the health and welfare of the parties or ministry site best served by placing the Respondent on administrative leave pending investigation?

Appendix K: Role of Consultants

The United Church of Canada recruits and equips a pool of individuals, of diverse background and skill sets, to serve as Consultants to the Workplace Discrimination, Harassment and Violence Prevention Policy (as well as the Sexual Misconduct Prevention and Response Policy), supported by the Office of Vocation. Their role is as follows:

Responsibilities

1. Act as a guide on the processes of the Policy for either a Complainant or Respondent.
2. Be familiar with The United Church of Canada's policies and procedures regarding discrimination, harassment and violence and to be committed to keeping up to date on related issues.
3. Conduct the work in a confidential and respectful manner, while demonstrating sensitivity and discernment.
4. Offer pastoral care, or direct to Employee and Family Assistance Program as applicable
5. Ensure that the individual to whom they are assigned receives a complete copy of the Workplace Discrimination, Harassment and Violence Policy, whether printed or electronic copy, and to review the Policy and procedures with that individual.
6. To encourage the Complainant or Respondent to have a support person present with them at all meetings.
7. To use the Complaint Form (see Appendix E) to help the Complainant to detail their complaint. Also, to inform Complainants who have observed or have first-hand knowledge of a complaint that the matter will not be pursued under this Policy if the complaint is not in writing.
8. To prepare a written account of the meeting with a Complainant, and provide a copy of the account, along with the written signed complaint and/or response, to the appropriate Responsible body.
9. The Consultant will inform the party to whom they are assigned not to have direct or indirect contact with the other party, including their family and friends
10. To advise the individual to whom they are assigned that they do not act as an advocate for them.
11. Advise the Complainant or Respondent that they can retain legal counsel (at their own cost) to assist them with the process.
12. To provide information to the Complainant or Respondent concerning the Investigator and other required information.

Appendix L: Role of Pastoral Care

Pastoral care is the extension of Christian love, help, and support by providing comfort and caring to those experiencing life transitions, illness, grief, and family or personal crisis. For the purposes of this Policy, this ministry is offered to both Complainant and Respondent within our formal resolution process. This individual is a trained and experienced United Church of Canada minister, in good standing, whose role is as follows, to:

1. Provide support and care, often through pastoral counseling;
2. Uphold the integrity of the ministry relationship in which they serve;
3. Honour the dignity, culture, and faith of all persons;
4. Respect personal boundaries such as those of space and touch;
5. Use the power and influence of their office appropriately;
6. Be sensitive to the needs and vulnerabilities of all, while clarifying and maintaining the professional nature of the relationship; and,
7. Advise the Responsible Body or Policy Writer and HR Specialist, as appropriate, should there be any breakdown in the pastoral care relationship.

Appendix M: Revisions to the Policy

Policy Name, Number, and Holder of Policy	Date Approved	Approving Body	Date Revised	List of Revisions
The Workplace Discrimination, Harassment, and Violence Response Policy Held by: GCO OV Dept.	October 11, 2023	Sub-Executive of the General Council	September 2023	<ul style="list-style-type: none"> - Expanding those who can lodge a complaint - Practice regarding dealing with anonymous complaints - Procedures for Indigenous communities - Change to Procedures to Respond to Complaints: Regional and General Council Offices