



Anglican Diocese of Ontario

Anti- Harassment Policy

Version 2.0

Approved By Synod Council February 26, 2019

Policy Statement:

Harassment, whether sexual, racial, based on a personal characteristic, or through abuse of authority, is an unfortunate reality in our society. Christ has taught us that we are all created equal; we are all to treat others as we would like to be treated. But harassment, bullying and violence are also against the laws of our country. They have a negative impact on employees, parishioners, volunteers, and costs in money and productivity.

The Diocese of Ontario is committed to building and preserving a safe, trusting and healthy environment that promotes the values of the Gospel of Jesus Christ and is consistent with the laws and teachings of the Anglican Church of Canada. This must be manifest in our own values and behaviour. The Church manifests a deep respect and concern for the well-being of all persons and upholds the fundamental goodness of all persons in God's creation. Through the death and resurrection of Jesus all humanity is saved, lifted up and transformed. We are deeply aware of the continuing weakness of human beings and the sinfulness of humanity. Knowing that, we must take seriously and respond appropriately to any misconduct including our own clergy, staff, volunteers and parishioners.

Therefore, harassment, bullying and violence will not be tolerated in The Diocese of Ontario, including in individual Parishes/Congregations, at parish events on church property or off, nor at non-church programs being held on Church property. Immediate steps will be taken to end any instances of harassment, bullying or violence of which the Church becomes aware.

All members of the Diocese of Ontario have a responsibility as Christians to ensure that parishes are free from harassment, bullying and violence. Wardens and rectors bear the primary responsibility for encouraging and maintaining a safe and healthy environment. They are free to act, and should act, on this responsibility, regardless if they are in receipt of individual complaints or not. It is the obligation of the Wardens, Incumbents and all persons in leadership positions to be familiar with this policy and, where appropriate, to undertake training, to ensure that they are able to fulfill these responsibilities. Individuals that perform work on behalf of the Diocese of Ontario will be provided with information and instruction that is appropriate for the particular individual on the contents of this policy and programs with respect to Workplace Harassment and Workplace Violence.

The Diocese of Ontario strongly believes that harassment, bullying and violence are forms of misconduct that undermine the integrity of the relationship of those to whom we minister. All persons have the right to be free from all forms of discrimination and conduct which can be considered harassing, coercive, disruptive, or violent, including sexual harassment. Anyone engaging in harassing, bullying or violent conduct will be subject to disciplinary or corrective action. For workers, the actions may range from a warning to termination or inhibition. For non-workers, the actions will depend on the circumstances and may include a severing of a business relationship, or revocation of the ability to attend at Diocesan or Parish properties. For further details on discipline, please refer to Canon 19 and 20.

Please note: This policy deals with Workplace Harassment (including bullying) and Workplace Violence. For Harassment of a sexual nature, the Sexual Misconduct Policy will apply please see Canon 20 (Sexual Misconduct and Code of Conduct). If at any point in the investigative process contained herein, it is determined that it is a sexual misconduct situation, this process will be stopped, and the process described for investigations of sexual misconduct will be instituted.

Purpose:

The purposes of this policy are:

- a) to be educational, in that its existence will increase awareness of and sensitivity to the negative impact of harassment, bullying and violence and an understanding of how it contravenes Jesus' teachings;
- b) to prevent harassment, bullying and violence by indicating the seriousness with which the Diocese of Ontario views this issue;
- c) to provide a framework for the Diocese and its parishes to be compliant with legislation.

Definitions

“**Bullying**” is a form of Harassment and involves one person using his/her power or status in a willful manner with the aim of hurting, harming or belittling another individual.

“**Harassment**” means engaging in a course of vexatious comment or conduct against an individual that is known or ought reasonably to be known to be unwelcome and includes Racial/Ethnic/Gender Harassment and Sexual Harassment.

Harassment includes unsolicited, unwelcome, disrespectful or offensive behaviour, and may involve an underlying sexual, bigoted, ethnic or racial connotation. Examples of Harassment include:

- behaviour that intends to degrade an individual based on personal attributes, including age, race, nationality, disability, family status, religion, gender, sexual orientation, any other Human Rights protected grounds.
- refusing to speak to or work with someone or treating someone differently because of their sex, or their ethnic, gender or racial background.
- unwanted sexual solicitation or advances, or sexual advances by a person in a position of authority over another.
- unwelcome remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation and/or based on religion.
- suggestive or offensive remarks.
- bragging about sexual prowess.
- offensive jokes or comments of a sexual nature about another individual.
- unwelcome language related to gender or sex.
- displaying of pornographic, explicit or sexist pictures or materials.
- leering (suggestive persistent staring).
- patronizing or condescending behaviour.
- any actions that create a hostile, intimidating or offensive environment, which may include physical, verbal, written, graphic, or electronic means.

Harassment does not include:

- measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- imposing discipline for workplace infractions.
- requesting medical documents in support of an absence from work.
- normal workplace conflict that may occur between individuals.
- differences of opinion between individuals.

“**Racial/Ethnic/Gender Harassment**” means any conduct or comment which causes humiliation to an individual because of his/her racial or ethnic background, gender, colour, place of birth, citizenship or ancestry.

“**Sexual Harassment**” means engaging in a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

“**Violence**” means:

- the exercise of physical force by a person against an individual, that causes or could cause physical injury to the individual;

- an attempt to use physical force against an individual that could cause physical injury to the individual; and/or
- a statement or behavior that is reasonable for an individual to interpret as a threat to exercise physical force against the individual that could cause physical injury to the individual.

Harassment and Violence are against the law

The Ontario *Human Rights Code* and the *Occupational Health and Safety Act* provide protections for individuals and “workers” from Harassment and Violence. The *Criminal Code* protects people from acts of criminal harassment, as well as physical or sexual assault and battery.

The Corporations of our Parishes are also responsible for ensuring that those who are not employees (e.g. volunteers, parishioners, contracted workers, employees of other employers that the Parish might be utilizing) also comply with this policy.

Harassment is any behaviour that demeans, humiliates or embarrasses a person, and that a reasonable person should have known would be unwelcome. It can include actions (e.g. touching, pushing), comments (e.g. jokes, name-calling), or displays (e.g. posters, cartoons). The Ontario *Human Rights Code* prohibits harassment in employment related to race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.

Application of the Policy

1. This policy prohibits Harassment, Bullying and Violence by any member of the Diocese. Any parishioner, appointee or employee may make a complaint of Harassment, Bullying or Violence against another parishioner, an Incumbent or an employee.
2. This policy applies to incidents of Harassment, Bullying and Violence that occur in the course of ministry or participation in church-sponsored organizations, activities and programs, whether they occur on-site or off-site. Examples of off-site settings include, but are not limited to, field trips, pastoral visits, conferences or training events, and church sponsored social functions.
3. Persons who are not employees or parishioners of the Church (hereafter called "**Third Parties**") may have concerns about Harassment, Bullying or Violence and are encouraged to express their concerns to the Diocesan Executive Officer (“**DEO**”). The DEO will advise the person raising the concern and, where appropriate, refer the matter to the appropriate individual. In appropriate circumstances, these procedures may be used where a Third Party makes a complaint against a parishioner or employee who was involved in the course of her/his ministry or participation in Church-sponsored organizations, activities and programs. Third parties include, but are not limited to, contractors, their employees and agents; vendors of goods and services to the Church, their employees and agents; visitors to the Church; and others with similar connections to the Church.
4. Third Parties using Church property are expected to conduct themselves in any Church-related activity in a manner consistent with this policy. Allegations of Harassment, Bullying or Violence by a Third Party will be dealt with by the Church as unacceptable behaviour that may result in suspension of Church privileges, such as access to the Church, or other appropriate action. Such allegations should be reported to the DEO.
5. This policy will not be applied or interpreted in such a way as to detract from the right of those in supervisory roles to manage and discipline employees and volunteers in accordance with normal Church practices, or from any existing rights or obligations contained within any existing code of conduct or legislation.
6. This policy is to be interpreted and administered in a way that is consistent with the principles of religious freedom. Neither this policy in general, nor its definitions are to be applied in such a way as to detract from

the right of employees, volunteers and parishioners to engage in the frank, but civil, discussion of potentially controversial matters, such as age, race, politics, religion, sex and sexual orientation.

- 7 Notwithstanding the existence of this policy, every person continues to have the right to seek assistance from the Human Rights Tribunal of Ontario or, where a criminal act is involved, the police, even when actions are being taken under this policy.

General

The Diocese of Ontario is committed to providing a safe and healthy work and parish environments free from discrimination, harassment, intimidation and any other misconduct. Similarly, weapons are strictly prohibited from the all Diocesan properties.

The Diocese of Ontario will develop and maintain a policy and program related to Harassment and Violence. The Diocese of Ontario will post a copy of its Harassment and Violence Policy at a conspicuous location in each of its workplaces.

It is also a violation of The Diocese of Ontario's Harassment and Violence Policy for anyone to knowingly make a false complaint of Harassment, Bullying or Violence or to provide false information about a complaint. Individuals who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment or appointment, inhibition, or the loss of church privileges.

This Policy prohibits reprisals against individuals, acting in good faith, who report incidents of Harassment, Bullying or Violence or act as witnesses in the investigation of a complaints. Management will take all reasonable and practical measures to prevent reprisals, threats of reprisal, or further Harassment, Bullying or Violence. Reprisal is defined as any act of retaliation, either direct or indirect. Individuals who engage in reprisal may be subject to disciplinary and/or corrective action, up to and including termination of employment or appointment, inhibition, or the loss of church privileges.

Identifying information about any individuals involved in a complaint of Harassment, Bullying, or Violence will be kept confidential to the degree possible. Generally, identifying information will not be disclosed unless the disclosure is necessary for the purpose of investigation, the taking corrective action, protecting individuals, or as otherwise required by law

Parish

Each Parish with any employees or contractors is legally responsible to ensure that it has a "Harassment and Violence in the Workplace Policy" and that it is posted in a public place. A Sample Policy is available from the Diocese.

Review

As required by the *Occupational Health and Safety Act*, the Diocese of Ontario will review this policy annually and will post the policy on the Website