



# THE ANGLICAN DIOCESE OF OTTAWA

## **Workplace Violence and Harassment Policy**

*Approved May 19, 2021*

Note: This document complies with the Occupational Health and Safety Act, including changes made by Bills 168 and 132.

The formulation of this policy was guided by the principles found in the *Final Report of the Ontario Safe Church Working Group* (2020); and in *The Charter for the Safety of People within the Churches of the Anglican Communion* (2019).

### **Introduction**

The Ontario Human Rights Code and the Occupational Health and Safety Act provide protection for individuals and workers from harassment and violence. The Criminal Code protects people from acts of criminal harassment and violence.

The Anglican Diocese of Ottawa (the "Diocese") is committed to building and preserving a safe, productive, and healthy working environment for its clergy, lay employees, students, and volunteers ("Staff") that promotes the values of the Gospel of Jesus Christ and one that is consistent with the laws and teachings of the Anglican Church of Canada.

This means that all Staff of the Diocese have the right to an environment that is free from any form of violence, aggressive behaviour, harassment, or discrimination; these behaviours are serious offences that will not be tolerated. The Diocese will take all reasonable measures to ensure Staff are not subject to any form of violence or harassment. We are committed to responding appropriately to any misconduct in our places of work or at parish events, on or off of church property. Immediate steps will be taken to end any instances of harassment, bullying, or violence of which the Diocese becomes aware. This commitment applies to all areas of our work including training, performance assessment, promotions, transfers, layoffs, remuneration, and all other employment practices and working conditions.

## Scope of Application

Our policy against workplace harassment and violence applies to all clergy, lay employees, volunteers, students, contractors, clients, parishioners, visitors and others who may be on, or have access to, any of diocesan premises. In addition, the Corporations of our parishes are responsible for ensuring those who are not listed above but are performing a function in our churches, also comply with this policy. We further recognize that workplace violence and harassment can also originate from strangers and domestic/intimate partners.

All Staff are responsible for upholding this policy and preventing and reporting any workplace violence or harassment that threatens a safe work environment. Staff are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace violence or harassment.

## Purpose

- To educate and increase awareness of the Diocese's zero tolerance position and approach to workplace violence, harassment, and sexual misconduct, including sexual violence;
- To provide a framework for compliance within the legislation, and to educate and inform in order to prevent misconduct;
- To provide a credible and bias-free approach to how incidents of violence, harassment, and sexual misconduct will be investigated in an effort to foster workplace safety and security; and
- To outline our program to implement this policy within the Diocese. All programs will include a workplace-specific risk assessment, measures, and procedures to control the risks identified, a means of summoning immediate assistance, a process for incident reporting or raising concerns regarding an investigation, and dealing with incidents or concerns.

## Definitions

***Complainant:*** A person who has made a complaint about another individual whom they believe committed an act of violence or harassment against them.

***Respondent:*** A person whom another individual has accused of committing an act of violence or harassment.

***Employee:*** A Staff member who is on the Diocesan payroll and is actively at work, or is inactive on paid or protected leave.

***Workplace:*** Any place where Diocesan business or work-related activities are conducted. This includes, but is not limited to, the physical work premises (in churches and/or on church property), work-related social functions or work assignments not in churches or on church property, work-related travel, and work-related conferences or training.

***Threat:*** The implication or expression of intent to commit an act.

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

**Harassment:** This includes unsolicited or unwelcome disrespectful or offensive behavior and may involve sexual, bigoted, ethnic, or racial connotation.

**Workplace Harassment:** Engaging in a vexatious comment or conduct against a worker in a workplace that is known, or ought reasonably to be known, to be unwelcome.

**Workplace Sexual Harassment:** Engaging in a vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or expression, where the course of comment or conduct is known, or ought reasonably to be known, to be unwelcome. This includes 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.

Examples of conduct that constitutes harassment under this policy include but are not limited to:

- Sexually suggestive gestures;
- Demands or suggestions for sexual favors;
- Repeated offensive sexual flirtations, advances or propositions;
- Derogatory or degrading remarks about another employee for any reason;
- Verbal threats or abuse towards an employee;
- Unwanted physical contact;
- Sexist, racist or other jokes that cause, or are intended to cause, embarrassment;
- Conduct that creates an intimidating, hostile, or offensive atmosphere for another employee whether or not the conduct is directed at a particular employee;
- Inquiries/comments about a person's sexual lifestyle;
- Displays of derogatory or offensive material, sexual or otherwise; and
- Jokes, cartoons, or remarks about a person's age, race, ethnicity, gender, etc.
- Overt communication presented on various social media with intent to demean, intimidate or belittle.

Situations that are not considered harassment:

- Appropriate direction, discipline, performance evaluation or attendance management carried out by a supervisor;
- Disagreements or interpersonal conflicts;
- Venting feelings of minor discontent; and
- Petty acts or foolish words where the harm, by any objective standard, is fleeting.

Harassment does not include every act by which a person causes some form of anxiety to another and consideration should be given as to whether or not the behaviour is known, or ought reasonably to be known, to be unwelcome.

**Workplace Violence:** The exercise, threat of, or attempt to exercise physical force by a person against another person in a workplace that causes or could cause physical injury to the Worker; or a statement or behaviour that 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.

## Responsibilities

***Bishop:*** This policy applies to all persons under the ecclesiastical and employer jurisdiction of the Bishop of Ottawa. The Bishop acts as the final adjudicator of investigations, allegations, and complaints under this policy.

***Senior Staff:*** It is the responsibility of the Senior Staff of the Diocese to implement this policy. This includes the Chancellor, all members of the Senior Staff, and Community Ministry Executive Directors. They will ensure this policy and supporting programs are implemented and maintained and that all Staff have the appropriate information and instructions to guide and protect them from violence in the workplace. All incidents and complaints will be investigated and dealt with in a fair and timely manner, respecting the privacy of all concerned.

***Staff:*** All Staff will participate in training for workplace violence, harassment and sexual harassment prevention and awareness and will uphold the procedures of the policy. It is the responsibility of all Staff to report to an appropriate person in authority (their supervisor or the Director of Human Resources) in any instance of perceived violation of this policy.

***Human Resources:*** All matters related to workplace violence and harassment under this policy are under the jurisdiction of the Director of Human Resources the Diocese.

## Administration

This policy will be administered by the Human Resources Department which will work with the Executive Archdeacon and any other assigned advisory or Diocesan resource team or persons who may be asked to investigate an incident or complaint, conduct training or crisis intervention.

## Guidelines

This policy has been developed in accordance with the Ontario Occupational Health and Safety Act guidelines, and will be reviewed annually by the Diocese and updated accordingly.

The Diocese will provide all Staff with appropriate training and information regarding violence, harassment and sexual harassment prevention practices and procedures. Staff are responsible for adhering to this policy, and should report every incident of violence, harassment or sexual harassment immediately to their supervisor. This includes any incidents that have been witnessed, experienced by, or reported to an employee.

For the purposes of this policy, workplace violence or harassment can occur anywhere where Diocesan business or work-related activities are conducted including:

- In churches or on church property;
- At employment-related social functions;
- In the course of work assignments outside the workplace or not on church property;
- During work-related travel;
- On social media (Facebook or other similar sites);
- Over the telephone, if the conversation is work-related; and

- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship.

Reasonable day-to-day actions by a supervisor that help manage, guide, or direct Staff or the workplace, and appropriate employee performance reviews, counselling, or discipline by a supervisor do not constitute harassment.

## **Violence Risk Assessment**

The Diocese will conduct a risk assessment of the work environment to identify potential risks that could impact the Diocese and the health and safety of Staff and will institute measures to eliminate or control any identified risks to Staff safety. This information will be provided to the Health and Safety officer .

The following factors will be considered during the assessment:

- Past incidents of violence;
- Violence that is known to occur in similar workplaces;
- The circumstances in which work takes place, including the type of work and conditions of work;
- The interactions that occur in the course of performing work; and
- The physical location and layout of the workplace.

The risk assessment may include reviews of records, security reports, Staff incident reports, Staff perception surveys, health and safety inspection reports, first aid records, or other related records.

The Diocese will disclose information to Staff who are likely to encounter a person with a known history of violence in the performance of their job duties, or if there is a potential risk of workplace violence as a result of interactions with a person with a history of violence. However, the Diocese will only disclose personal information that is deemed reasonably necessary to protect Staff from physical harm.

## **Workplace Violence and Harassment Program**

Steps to be taken in Situations of Workplace Violence or Harassment:

### ***Step 1: Self-Help***

- Staff who believe they have been subject to violence or harassment may choose to address the offender without filing a formal complaint. They may approach the individual directly or in writing, detailing the unwelcome behavior and requesting it to stop.
- Staff are encouraged to attempt to resolve their concerns by direct communication with the person(s) engaging in the unwelcome conduct.
- Where employees feel confident or comfortable in doing so, communicate disapproval in clear terms to the person(s) whose conduct or comments are offensive. They should keep a written record of the date, time, details of the conduct, and witnesses, if any.

### ***Step 2: Diocesan Support and Intervention***

- Staff who are not confident or comfortable with Step 1 and who believe they are victims of any form of violence or harassment, or become aware of situations where such conduct may be occurring, are encouraged to submit a written report to the Director of Human Resources or Executive Archdeacon as soon as possible. This report should include details such as dates, times, a description of events, witnesses, and attempts to address the issue. Once a complaint has been received by the Director of Human Resources/Executive Archdeacon, the process of investigation will begin within 72 hours.

### ***Step 3: Complaint***

- Once a complaint has been received there may be the option to resolve the complaint using the following procedures:

**A. Informal Procedure:** If an individual wishes to proceed with an informal procedure to resolve the complaint, they may approach the Director of Human Resources or the Executive Archdeacon, who will advise or provide assistance to attempt to resolve the matter. The options are various, and depending on the nature of the complaint, may include advice to the Complainant, a referral to counselling, a letter to the Respondent with information regarding the nature of the complaint for procedural fairness, meetings between the Complainant and Respondent and resolution in the form of an apology or file closure. The identity of the Complainant may not be required, and is not provided in a report; the details of the complaint may not be disclosed to the other party depending on the nature of the action pursued. If informal attempts at resolving the issue are not appropriate, or proving to be ineffective, a formal complaint may be filed at any time during an informal procedure. The Director of Human Resources or Executive Archdeacon may choose to consult with each other or include the Chancellor in confidence, during an informal procedure. No record of the complaint will be filed in the personnel files of the Complainant or Respondent without their knowledge.

**B. Mediation:** In some cases, a mediation process may occur before a formal investigation, as agreed by the parties in an attempt to resolve the issue(s). A mediator may be appointed by the Bishop or Executive Archdeacon in consultation with the Director of Human Resources. The identity of the Complainant and Respondent is required and the details of the complaint are disclosed to the other party. If the Respondent declines to participate in mediation, the Complainant may then choose to pursue the informal or formal procedure. Mediation should be conducted within two calendar weeks to attempt to resolve and agree on a solution.

**C. Formal Procedure:** Neither an informal process nor mediation are required prior to submitting a formal complaint. The formal procedure includes filing a complaint, investigating, reporting findings, decision-making, remediation, and corrective action. To initiate the formal procedure, the Complainant may file a written complaint (see Forms on ADO website) to the Director of Human Resources or the Executive Archdeacon. Once a written complaint is received, the Chancellor will be informed and consulted. The Diocese may employ outside assistance of specialized resources, request the use of legal counsel or a Diocesan appointed independent resource person who is trained and certified in the conduct of investigations. The external party will be appointed by the Chancellor or his designate to commence an investigation within five working days of receipt of the complaint.

The Complainant will receive written notice of the assignment of an external investigator and the investigation should begin within a three- week period of being assigned.

Any Staff of the Diocese who believe they have been subject to violence or harassment should feel comfortable to submit a written complaint to the Director of Human Resources or the Executive Archdeacon. The complaint should be made as soon as possible following the incident and must include the following information:

- The date and time of the incident;
- The name of any persons involved in the incident;
- The name of any persons who witnessed the incident; and
- A thorough description of what occurred.

The Diocese will ensure that, where practicable, the investigation is completed within 90 days of the complaint being filed.

The investigation will include:

- Informing the Respondent of the complaint;
- Interviewing the Complainant and any persons involved in the incident;
- Identifying and interviewing any witnesses; and
- Obtaining statements from all parties involved.

All of the above information will be documented and used in the determination of whether an incident of violence or harassment occurred.

A copy of the complaint detailing the Complainant's allegations will be provided to the Respondent who will be invited to reply in writing to the Complainant's allegations. The reply will be made known to the Complainant before the investigation proceeds.

The Diocese will take all measures to prevent any disclosure of the incident and the identities of the parties involved, unless the disclosure is necessary for the investigation, for taking corrective action, or required by law.

## **Results of Investigation**

Upon completion of the investigation, the Diocese will provide both the Complainant and Respondent a written report detailing the summary of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation. This written notification will be provided within 15 days of the investigation being completed.

## **Control Measures**

Where it is determined that violence or harassment has occurred, control measures will be implemented to eliminate or control the risk of violence or harassment to a worker as a result of the investigation. These control measures will be determined on a case-by-case basis, depending on the situation investigated. Any control measure enacted will be communicated to the Complainant and Respondent, as well as to any other employee(s) the measure affects.

## **Disciplinary Measures**

Any disciplinary action will be determined by the Bishop with the Executive Archdeacon or with the Director of Human Resources and will be proportional to the seriousness of the behaviour or action involved in the incident. If it is determined by the Diocese that an employee has been involved in an incident of violence or harassment towards another employee, immediate disciplinary action will be taken, up to and including immediate dismissal.

## **Training and Education**

The Diocese will provide training and education with respect to the contents of this policy and the diocesan program with respect to workplace violence and harassment.

## **Domestic Violence**

If the Diocese becomes aware that domestic violence is likely to expose an employee to physical injury in the workplace, the Diocese will take every precaution reasonable in the circumstances for the protection of the worker.

## **Recommendations to Victims**

The Diocese will provide appropriate assistance to any employee who is a victim of violence or harassment. The Diocese recommends that a worker who has been harmed as a result of an incident of violence at the workplace is advised to consult the worker's healthcare provider for treatment or referral for post-incident counselling, if appropriate.

## **The Right to Refuse Unsafe Work**

Staff have the right to refuse work if they have reason to believe that workplace violence is likely to endanger them. Upon refusing to work, the employee must report the circumstance of the refusal to the Director of Human Resources. An investigation may follow with the involvement of a Health and Safety Officer.

## **Fraudulent or Malicious Complaints**

It is a violation of this policy for anyone to knowingly make a false complaint, or to provide false information about a complaint. Unfounded or frivolous allegations may cause both the accused person and the Diocese significant damage.

Any Staff who knowingly makes a false allegation related to violence or harassment will be subject to immediate disciplinary action, up to and including termination of employment or in the case of volunteers or parishioners or residents of Diocese facilities may face termination of the relationship with the Diocese.



## **Retaliation**

It is a violation of this policy for any Staff involved in a complaint of any sort to retaliate against another for bringing forward a complaint of violence or harassment or for providing information in respect of a complaint. Retaliation is considered an act of violence and may be subject to disciplinary action.

## **Record Keeping**

The Diocese will ensure that appropriate records of complaints and investigations relating to incidents of violence and workplace harassment are kept, including:

- A copy of the complaint or details about the incident;
- Any records related to the investigation, including notes;
- A copy of the investigation report (if applicable);
- A summary of the investigation results, including the reports provided to the Complainant and Respondent; and
- A copy of any corrective action taken to address the complaint or incident.

## **Confidentiality**

The Diocese will not disclose the name of a Complainant or a Respondent or the circumstances related to the complaint to any person except where disclosure is necessary in order to investigate the complaint or take corrective action with respect to the complaint, or as required by law. The Diocese will only disclose the minimum amount of personal information and detail necessary for these purposes.

All records of harassment, violence, and sexual misconduct, as well as subsequent investigations are considered confidential and will not be disclosed to anyone except to the extent required by law. The Diocese will do everything reasonably possible to protect the privacy of any individuals involved and to ensure that Complainants and Respondents are treated fairly and respectfully.

## **Policy Review**

In accordance with the Occupational Health and Safety Act, this policy will be provided to parishes and will be reviewed annually.

## **Acknowledgement and Agreement**

I acknowledge that I have read and understand the Workplace Violence and Harassment Policy of The Anglican Diocese of Ottawa. I agree to adhere to this policy and will ensure that Staff working under my direction adhere to this policy. I understand that if I violate the rules set forth by this policy, I may face disciplinary action up to and including termination of employment.

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Signature

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Name (*please print*)

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Date

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Witness Signature

## Appendix: Workplace Violence and Harassment Reporting Form

Check one if applicable:

- ☐ I wish to submit an informal complaint
- ☐ I wish to submit a formal complaint
- ☐ I wish to arrange for mediation services

This form is to be used in all situations where workplace violence and/or harassment is being reported. The Complainant is requested to complete this form as carefully as possible and return it to the Director of Human Resources or The Executive Archdeacon c/o The Anglican Diocese of Ottawa, 71 Bronson Avenue, Ottawa, Ontario K1R6G6.

I am affiliated with the Anglican Diocese of Ottawa as a \_\_\_\_\_ (*cleric, lay staff, parishioner, volunteer, student*) and wish to register a complaint of workplace violence, harassment or sexual harassment against \_\_\_\_\_ (*name of harasser*) who is associated with the Diocese as a \_\_\_\_\_ (*cleric, lay staff, parishioner, volunteer, student*).

At the time this happened I was a:

- ☐ Cleric
- ☐ Lay Staff Employee
- ☐ Parishioner
- ☐ Warden
- ☐ Sidesperson
- ☐ Sunday School Teacher
- ☐ Choir Member
- ☐ Other \_\_\_\_\_

I wish to make the Diocese aware of the following behaviors which I experienced. (*Please be as explicit as possible including dates, locations and times. If there are witnesses, please include their name(s). Use additional paper if needed.*)

I have reviewed or wish to review the Workplace Violence and Harassment Policy of The Anglican Diocese of Ottawa. I now submit this information and request an investigation into this complaint be undertaken.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (*please print*)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature

Preferred Contact Information:

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_