



Kanata United Church

Kanata United Church Discrimination, Harassment and Violence Policy Effective May 1, 2024

1. Scope

This discrimination, harassment and violence policy (the “Policy”) applies to all employees, ministry personnel, lay leaders, members or adherents, volunteers, visitors or other third parties (all collectively referred to as the “Parties”) of Kanata United Church (“KUC”). The Policy applies to activities at KUC and may also apply to off-site locations which may or may not be controlled by KUC, where Parties are involved in performing KUC duties, as well as any related activities, such as: working remotely, while on travel status, at a conference or training or social event, and when using communication technologies where there is a connection whether direct or indirect to KUC.

2. Policy

KUC is committed to creating and maintaining a safe and welcoming environment for work, worship, social events or any related activities free from discrimination, harassment and violence.

Discrimination, harassment, and violence in the workplace are prohibited by KUC, the United Church of Canada, and by provincial and federal law. Nothing in this Policy is intended to prevent a complainant from filing a notice under the applicable human rights legislation; it is intended to ensure an environment that is safe, welcoming and free from harassment, discrimination, and violence.

KUC believes in the prevention of discrimination, harassment and violence, and is committed to a harassment-free workplace in which all people respect one another and work together to achieve common goals. KUC does not tolerate discrimination, harassment and violence against or by any Parties. This Policy applies to all KUC activities that occur while on ministry business, employment responsibilities, activities or social events and social media. KUC is committed to working with all Parties to maintain a workplace free from discrimination, harassment, violence, bullying, sexual harassment, and any other disruptive behaviours.

The purpose of this Policy is to:

1. Establish procedures to prevent discrimination, harassment and violence, bullying, sexual harassment, and any other unacceptable behaviours.
2. Enable all Parties to work in a safe, welcoming, healthy, harassment-free workplace.

3. Provide a consistent and focused approach to reducing the risk of discrimination, harassment and violence.
4. Provide the framework for an appropriate response and preventative measures to discrimination, harassment and violence.
5. Require prompt and accurate reporting of all discrimination, harassment and violence incidents.
6. Ensure that a climate of trust is established by persons employed by KUC in the way in which discrimination, harassment and violence is prevented and resolved.

3. Definitions

Discrimination includes any distinction, exclusion, or preference based on protected grounds set out in human rights legislation that nullifies or impairs equality. Discrimination includes unwelcome comments or actions that relate to an individual's personal characteristics—for example, race, gender, sexual orientation, and age. It is the impact of the behaviour, not the intention behind it that determines whether the concerning behaviour is discriminatory. Discrimination is prohibited and is a violation of human rights legislation in place in each province and territory, and within KUC.

Harassment refers to any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness, including any prescribed action, conduct or comment. Harassment may be written, verbal, electronic, physical, a gesture or display or any combination of these and creates an intimidating, hostile or offensive environment. Harassment is not consensual banter and interactions or reasonable management action carried out in a fair way such as performance, absenteeism, discipline and dismissal.

Microaggressions are the everyday putdowns and slights marginalized groups face every day from other people who sometimes do not know they're being offensive or patronizing. Microaggressions can be overt or subtle, and include discriminatory comments disguised as compliments.

Sexual Harassment refers to a specific type of harassment, engaging in a course of improper or unwelcome comment or conduct because of sex, sexual orientation, gender identity or gender expression that can include, but is not limited to, inappropriate sexual or unwanted touching, advances, suggestions or requests, displaying pornography or telling or distributing sexual jokes. Sexual harassment can also be a sexual solicitation or advance where the individual making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the recipient, and the individual knows or should know that the solicitation or advance is unwelcome.

Violence is the use of physical force against an individual that causes or could cause physical injury. It also includes attempting to use physical force, and includes a statement or behaviour that could reasonably be interpreted as a threat to use physical force. 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. KUC will take all reasonable

precautions to protect an individual if a domestic violence situation is likely to expose someone to physical injury or threaten their safety and the safety of others or well-being, and if KUC is aware or should reasonably be aware of the situation.

Workplace means any place where Parties are engaged in any ministry, work-related or social activities or online presence. This is not limited to the building and facilities provided by KUC and may include public spaces, third-party premises or the residence when working from home.

Complainant refers to the individual who is bringing forward the notice of discrimination, harassment and violence. The complainant may also be an individual who witnessed an incident or is informed of an incident.

Respondent refers to the individual who is alleged to have been responsible for the incident of harassment.

Unacceptable Behaviour refers to actions that should be known or ought reasonably to be known to be offensive. Unacceptable behaviour under the Policy includes but is not limited to:

1. Verbal or written abuse or threats.
2. Starting or spreading rumours or gossip about an individual.
3. Remarks, jokes, innuendo, verbal abuse, pranks or taunts about a person's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital or family status, genetic characteristics, disability, or conviction (for which a pardon or record suspension has been ordered).
4. Displaying or distributing offensive material, posters, cartoons, images or other visuals.
5. Unwelcome invitations or requests.
6. Leering, stalking, intruding on an individual's privacy or other inappropriate verbal or non-verbal gestures.
7. Inappropriate or unwelcome physical contact or sexual innuendo or insinuation.
8. Socially excluding or isolating someone.
9. Tampering with or vandalizing personal belongings or work equipment.
10. Impeding or compromising an individual's work or reputation in any deliberate way.
11. Persistently criticizing, intimidating, undermining, expressing constant negativity, embarrassing, shaming, belittling, demeaning or ridiculing an individual.
12. Misusing or abusing one's authority or setting impossible work expectations.

4. Compliance

Compliance with this Policy is mandatory, and this Policy is in accordance with all existing legislation and other policies and initiatives of KUC. All reasonable efforts will be made to resolve matters in a timely manner. Infractions of this Policy will be considered to be misconduct and appropriate discipline will be imposed.

5. Training

Discrimination, harassment, and violence prevention training shall be offered to, at a minimum, all employees and ministry personnel, and may be extended to other Parties. This training will include a review of the Policy and procedures. As required, training will also include discrimination, harassment and violence prevention strategies and situation resolution.

6. Procedures

1. If an individual (complainant) believes that they have experienced or witnessed discrimination, harassment and violence, they should immediately inform the individual (respondent) that they are not comfortable with their comments/ language/ actions and inform them to stop immediately.
2. If asking the individual to stop immediately does not satisfactorily resolve the issue (or if the individual does not feel comfortable speaking with or addressing the matter with the respondent), the individual should promptly contact the KUC Ministry and Personnel Committee, who will work with the two parties to bring about an appropriate and timely solution. Reporting an incident may be done verbally or in writing.

If a solution is not found after step 2.

3. The KUC Ministry and Personnel Committee will review and perform an initial assessment to determine the nature and severity of the situation. If necessary, interim measures may be implemented to ensure the health, safety and well-being of all involved.
4. The KUC Ministry and Personnel Committee will determine based on the review and initial assessment whether to conduct an investigation directly or recommend that KUC Council obtain the services of an impartial investigator to conduct an investigation on their behalf.
5. The KUC Ministry and Personnel Committee or impartial investigator will examine the allegations, further advise the complainant and obtain any additional information, notify the respondent of the proceedings and request the respondent to respond to the allegations. Witnesses may also be required to participate.
6. If the allegations of discrimination, harassment or violence are founded and if there is a violation of this Policy, the KUC Ministry and Personnel Committee or the impartial investigator will then determine the most appropriate manner of dealing with the discrimination, harassment or violence. This may include obtaining an apology of the respondent and suggesting counseling and/or education for the respondent.
7. The KUC Ministry and Personnel Committee is responsible for informing the complainant of the results of the investigation and of any corrective or disciplinary action that will be taken.
8. If the allegations are founded and the respondent is an employee, ministry personnel or lay leader, discipline may be imposed. If the allegations are founded and the respondent is not an employee, ministry personnel or lay leader, the employer is still

responsible for taking measures to ensure a discrimination, harassment or violence-free workplace for all Parties and will take action to ensure the discrimination, harassment or violence does not continue.

7. Responsibilities

At all times the confidentiality of all parties must be maintained, unless legislation dictates otherwise or imminent danger exists and except to the extent necessary to implement or defend the corrective or disciplinary action taken. Where corrective or disciplinary action is taken against either the complainant or the respondent, the other party is advised that action has been taken. All records, reports, investigations and resolutions will be maintained in a confidential manner.

Retaliation against any individual who reports discrimination, harassment or violence or participates in an investigation is strictly prohibited and will result in disciplinary action.

Bad faith, trivial, or vexatious notices made by complainants may themselves be a violation of this Policy. A bad faith notice 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 notice or investigation process. Anyone who is found to have made such a notice may be subject themselves to a range of penalties similar to those that may be taken when a respondent is found to have discriminated against or harassed another individual.

The Parties:

All employees, ministry personnel, lay leaders, members or adherents, volunteers, visitors or other third parties are responsible for contributing to maintaining a safe and welcoming workplace by refraining from behaviour that constitutes discrimination, harassment or violence.

This contribution to maintaining a safe and welcoming workplace includes:

- Completing a risk assessment, as required.
- Participating in training sessions when requested.
- Reporting any incidents of discrimination, harassment, violence or any other violation of this Policy.
- Cooperating with, and providing input into, investigations regarding any alleged violation of this Policy.

KUC Ministry and Personnel Committee and KUC Council:

KUC committees and governing bodies are responsible for taking steps to ensure that our workplace is free from discrimination, harassment and violence, and for intervening if any violations of this Policy occur.

KUC Ministry and Personnel Committee and KUC Council may be required to ensure any corrective or disciplinary actions are carried through with any of the parties or others in ensuring compliance with this Policy.

While there may be added attention and emphasis placed on employees, ministry personnel and lay leaders, KUC Ministry and Personnel Committee and KUC Council are responsible for providing guidance and support to all Parties in interpreting and understanding this Policy.

This includes:

- Ensuring up-to-date policies, procedures and measures are in place and communicated.
- Publishing and distributing this Policy to all employees, ministry personnel, lay leaders and volunteers, and ensuring the Policy is posted prominently in the building, with reference to it on the KUC website.
- Complying with reporting, investigation, and documenting procedures.
- Encouraging reporting of discrimination, harassment or violence or other violations of this Policy.
- Receiving notices and promptly following the established procedures.
- Seeking advice and assistance from other professional or legal resources in dealing with and resolving situations.
- Specific to ministry personnel, involving Eastern Ontario Outaouais Regional Council at the earliest possible opportunity, as required or if there are disciplinary actions.
- Ensuring integrity and that accountabilities are maintained.
- Ensuring that professional conduct is free from conflict and bias.
- Ensuring, at a minimum, that employees, ministry personnel and lay leaders are trained in recognizing and responding to situations involving discrimination, harassment or violence.
- Ensuring that every incident of discrimination, harassment or violence is reported, investigated, and documented.
- Informing the complainant of the results of the investigation and any associated corrective action.
- Reviewing and providing updates to the Policy, effectiveness and compliance with legislation and best practices.

8. References

United Church Workplace Discrimination, Harassment, and Violence Response Policy
<https://united-church.ca/sites/default/files/2020-10/harassment-policy-2020.pdf>

Ontario Preventing Workplace Violence and Workplace Harassment
<https://www.ontario.ca/page/preventing-workplace-violence-and-workplace-harassment>

Ontario Workplace Safety and Prevention Services
<https://www.wsps.ca/about-us>

Ontario Occupational Health and Safety Act
<https://www.ontario.ca/laws/statute/90o01>

9. Modifications to Policy

This Policy will be reviewed as necessary and any modification(s) to this Policy must be in writing and approved by KUC Council.

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A caring, seeking, inclusive community