

## **POLICY AND PROCEDURES FOR ADDRESSING HARASSMENT IN THE CHURCH**

The Policy and Procedures for Addressing Harassment in the Church was adopted by the General Assembly in 2021 (A&P 2021, p. 515–19, 38). This approval followed circulation of a draft document and study and report by the courts and committees of the church as directed by the General Assembly in 2019 (A&P 2019, p. 316–20, 14).

Since 2021, experience across the church with implementing the policy has brought to light aspects that could be improved. In the course of providing advice to investigating committees and leading seminars about the policy, staff of the Life and Mission Agency have identified points where questions and confusion often arise. The proposed revisions are designed to meet those needs.

### **What Remains the Same**

It is important to point out that the foundational core of the proposed revised policy remains the same. The policy statement is unchanged:

The policy of The Presbyterian Church in Canada is that harassment of any kind shall not be tolerated and will be addressed.

Similarly, there are no changes to the theological basis and guiding principles that ground the policy or to the standard of proof by which the alleged harassing behaviour is assessed. In addition, the church is instructed to continue to deal with allegations of sexual harassment according to the Policy for Dealing with Sexual Abuse and Sexual Harassment.

### **What Is Changed**

In the proposed policy, the procedures to address a complaint of harassment have been revised to follow in a general way the procedures for dealing with a complaint under the Policy for Dealing with Sexual Abuse and Sexual Harassment. Both policies already share common ground: the same policy statement, theological basis, guiding principles and standard of proof. Patterning the procedures to address harassment according to the procedures for dealing with sexual abuse and sexual harassment should yield the benefits of familiarity and consistency:

- After 30 years of use since the first adoption of the Policy for Dealing with Sexual Abuse and Sexual Harassment, the church knows these procedures well.
- The procedures appear to be working, generating confidence in them.
- Using the same procedures will provide the ease of consistency.

In the proposed policy, allegations of racial harassment will be dealt with using the Policy and Procedures for Addressing Harassment in the Church, rather than by the church's policy about racism. Adopted by the General Assembly in 2008, *Growing in Christ: Seeing the Image of God in our Neighbour* affirms the church's zero tolerance for harassment and outlines procedures for dealing with allegations of racial harassment (A&P 2008, p. 220–27, 20).

However, these procedures direct the church to pursue a disciplinary case as outlined in the Book of Forms, an approach that is notably different from the other policies. Harassment is an important enough issue to warrant consistency of approach.

Furthermore, the church's current work on developing an anti-racism strategy may result in substantial revision or even complete replacement of the 2008 policy with new material that reflects the church's evolving understanding of racism (A&P 2022, p. 191, 22).

For these reasons, the proposed revised procedures direct the church to use the Policy and Procedures for Addressing Harassment in the Church whenever a complaint of racial harassment is received.

### **Proposed Revised Policy and Procedures**

The proposed revised Policy and Procedures for Addressing Harassment in the Church is found below.

#### **THE POLICY AND PROCEDURES FOR ADDRESSING HARASSMENT IN THE CHURCH**

##### **1. Introduction**

The Policy and Procedures for Addressing Harassment in the Church states the church's position on harassment and outlines the procedures to address allegations of harassment when they arise within The Presbyterian Church in Canada.

The policy of The Presbyterian Church in Canada is that harassment of any kind shall not be tolerated and will be addressed.

## **2. Nature and Scope of the Policy**

The policy focuses on the church's life: on the people who lead and serve, both paid and volunteer; on the people who are served by the church; and on the church's activities and ministries.

The harassment policy applies to everyone who participates in the worship life and activities of The Presbyterian Church in Canada. Every person has the right to expect to be treated with respect and to be safe in a harassment-free environment. Every person is expected to behave in ways that offer the same respect and safety to others.

### **Understanding Harassment**

Harassment means physical or verbal behaviours that are directed against a member, adherent, volunteer or employee of the church and that are unwelcome or should be known to be unwelcome.

Harassment occurs when someone behaves in the following ways:

- makes unwelcome remarks or jokes about a person,
- threatens or intimidates a person,
- makes unwelcome physical contact with a person.

Harassment is usually behaviour that persists over time. However, serious one-time incidents can also create a "poisoned environment" and be considered harassment.

### **Bullying**

Often the topic of bullying arises in discussion of harassment.

Bullying is the use of force, coercion, hurtful teasing or threat by one person to abuse, dominate aggressively or intimidate another person.<sup>1</sup> Bullying requires a perceived imbalance of physical or social power: the bully has or is believed to have more power than the person whom the bully seeks to control. Through repeated, harmful behaviour, the bully maintains power over the intended target of the abuse, who increasingly finds it difficult to escape. The result is a victimized person caught in an abusive relationship.<sup>2</sup>

Bullying takes different forms:<sup>3</sup>

- Physical bullying uses physical force or aggression against others, for instance by hitting.
- Verbal bullying uses words to hurt others, for instance, by name-calling.
- Social or relational bullying seeks to intimidate or harm others by excluding them, spreading rumours or ignoring them.
- Cyberbullying uses electronic media to threaten, embarrass, intimidate or exclude others, including seeking to damage their reputation.

While there are similarities and differences in the dynamics of bullying and harassment, the Policy and Procedures for Addressing Harassment in the Church uses the term "harassment" to encompass both harassment and bullying.

### **Workplace Harassment**

Harassment may be a form of discrimination. For this reason, it is essential to understand discrimination as it is viewed in Canadian law. Discrimination is an action or a decision that treats a person or a group badly for reasons such as their race, sex, age or disability.

Human rights codes in Canada identify personal characteristics that are protected from discrimination. This list includes race; colour; place of origin or ethnic or linguistic origin or nationality; religion, creed or religious belief; sex, including pregnancy; sexual orientation; marital or family status; gender identity; age; and disability. These personal characteristics are protected against discrimination; they are referred to as "prohibited grounds of discrimination".

The human rights codes protect people from discrimination based on one or more grounds in five parts of society – called social areas. The five social areas are employment, housing, services, unions and vocational associations, and contracts.

Since employment is one of the social areas where discrimination on prohibited grounds is not permitted, this places significant responsibility on the church as an employer.

The term “workplace” refers to any location, permanent or temporary, where an employee performs any work-related duty.

Workplace harassment occurs when someone behaves in the following ways:

- Makes unwelcome remarks or jokes about an employee, referring to any characteristic of the person that is a prohibited ground of discrimination.
- Threatens or intimidates an employee because the person has a characteristic that is a prohibited ground of discrimination.
- Makes unwelcome physical contact with an employee.

Conduct is considered workplace harassment if it creates a hostile, intimidating or offensive work environment or unreasonably interferes with an employee’s work performance.

As noted above, harassment is usually behaviour that persists over time. However, serious one-time incidents can also create a “poisoned environment” and be considered harassment.

Supervision of workers and the workplace is permitted. Employers or supervisors are permitted to take “reasonable actions” to manage and direct workers and the workplace. Examples of reasonable actions include constructive criticism of an employee; evaluating or monitoring an employee’s performance or setting performance standards; and correction or discipline of an employee. Such reasonable actions are not workplace harassment.

The different human rights codes in Canada – federal, provincial and territorial – include different lists of prohibited grounds of discrimination. The list provided above contains only the grounds that are common to all Canadian human rights codes. Some examples of additional grounds are social condition, receipt of public assistance, record of offences, political association and gender expression. Furthermore, the definition of harassment may vary across jurisdictions. Therefore, individuals are encouraged to review the legislation that applies in their jurisdiction.

Additional information about workplace harassment is found in section 8 below, p. 129–31.

### **Racial Harassment**

The Presbyterian Church in Canada has a policy for dealing with allegations of racial harassment. Approved by the General Assembly in 2008, *Growing in Christ: Seeing the Image of God in our Neighbour* describes racial harassment in these terms:

Racial harassment is defined as unwanted or unwelcome verbal, written or physical conduct related to one’s race, culture, nationality or ethnicity. It causes offence, intimidation and/or distress to the individual to whom it is directed. Such conduct may have the purpose or effect of interfering with an individual’s full participation in the life and work of The Presbyterian Church in Canada. (A&P 2008, p. 220–27, 20)

In recent years, society’s understanding of racism has been evolving. At the same time, the current events, experiences and knowledge causing those changes have been reshaping the church’s perspectives.

In 2022, the General Assembly agreed that The Presbyterian Church in Canada should develop an anti-racism covenant and map out anti-racism strategies, as several mainline denominations in Canada and the United States have done. (A&P 2022, p. 191, 22) This work, to be coordinated by the Life and Mission Agency, is certain to include substantial revision or possibly complete replacement of the 2008 policy with new material that reflects the church’s changing understanding.

For this reason, the church is directed to use the Policy and Procedures for Addressing Harassment in the Church whenever a complaint of racial harassment is received.

## **Sexual Harassment**

The Presbyterian Church in Canada has policy and procedures for addressing sexual harassment. First adopted by the General Assembly in 1993, the Policy for Dealing with Sexual Abuse and Sexual Harassment affirms the church's zero tolerance for sexual abuse and sexual harassment. Further, it commits the church to taking all complaints of sexual abuse or sexual harassment seriously and addressing them according to the procedures outlined in the policy.

In the Policy for Dealing with Sexual Abuse and Sexual Harassment, sexual abuse is understood to include sexual harassment, which is defined in these terms:

- Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, including repeated sexual remarks or physical contact that is degrading.
- 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 to another.
- Making or carrying out a threat by a person in authority against a person who has rejected a sexual advance from the person in authority.

The church is directed to use the Policy for Dealing with Sexual Abuse and Sexual Harassment whenever the alleged harassment includes behaviour of a sexual nature, such as improper or unwelcome comment or conduct pertaining to sex, sexual orientation or gender identity. In these cases, the Policy and Procedures for Addressing Harassment in the Church is not used.

### **Summary: When the Harassment Policy Applies**

The Policy and Procedures for Addressing Harassment in the Church applies when two criteria are met.

1. The person who allegedly demonstrated or experienced harassment is a member, adherent, volunteer or employee of The Presbyterian Church in Canada.
2. The alleged behaviour occurs within the church's environment of work, worship, service or study.

The kinds of alleged behaviour covered by this policy are the following:

- Harassment, which is understood to encompass bullying
- Racial harassment
- Workplace harassment of a church employee

The sole exception is sexual harassment. When sexual harassment is alleged to have occurred within the church's environment of work, worship, service or study, the church addresses the complaint using the Policy for Dealing with Sexual Abuse and Sexual Harassment. In these cases, the Policy and Procedures for Addressing Harassment in the Church does not apply.

### **3. Theological Basis**

In the New Testament, the church is likened to the body of Christ and to a flock of sheep under the guidance of Christ's shepherding. John Calvin compared the church to a mother nurturing her child. (Institutes 4.1.6)

Images such as these imply that the church's life should be characterized by the highest expression of Christian fellowship – a standard articulated clearly in the teachings of Christ and the epistles of the early church. What this means is that the church should be a safe place to exercise, share and receive ministry.

While Christians aspire to embody the welcoming community Christ desires, at the same time we confess that we are sinners. Often our lives do not reflect the Creator's love. When this happens, the church fails to live as Christ intends.

Regretfully, experience teaches that harassment takes place in the congregations, courts and committees of the church. Responding promptly, carefully and appropriately to harassment of any kind helps the church become the body Christ calls it to be.

### **4. Guiding Principles**

All complaints of harassment will be taken seriously. Every complaint will be received, investigated and acted on in accordance with the terms of this policy.

The person complained against is always presumed innocent until proven guilty. If the church body addressing the complaint cannot conclude from the evidence on the balance of probabilities that the actions did occur as alleged, then the church body must decide that the complaint cannot be substantiated. In simple terms, the person complained against will be found innocent. Any complaint must be substantiated before discipline can occur.

Allegations of sexual harassment will be addressed using the Policy for Dealing with Sexual Abuse and Sexual Harassment.

Retaliation against a person who becomes involved in the harassment procedures in good faith is itself a violation of the harassment policy and will not be tolerated.

Persons making a complaint of harassment under the Policy and Procedures for Addressing Harassment in the Church retain the right to apply to a Human Rights Tribunal or to pursue any other available legal avenues.

The church is called to implement this policy in the spirit of prayerfulness, love, affection and humility, under the continual illumination of the Holy Spirit.

Together with the theological basis (Section 3), these guiding principles form the basis for the Policy and Procedures for Addressing Harassment in the Church. Therefore, the policy can be understood properly only in light of them.

## **5. When Harassment is Experienced**

The immediate response to an experience of harassment is not always to make a complaint under the Policy and Procedures for Addressing Harassment in the Church. In some situations, other considerations might take precedence.

### **Safety from Violence is a Priority**

Violence is the use of physical force that causes or could cause physical injury. Violence also includes attempting or threatening to use physical force.

When violence is experienced or witnessed, the correct immediate response is to call 911. Further responses must wait until everyone is safe and any needed medical care has been provided.

### **Church Procedures Suspended During Police Investigation**

A person who believes they have been the victim of harassment is always free to contact the police if desired. During any police investigation, church procedures will be suspended.

### **Direct Conversation with Alleged Harasser is Possible**

Sometimes a person who believes they have been the victim of harassment may feel reasonably confident that resolution can be achieved through direct conversation with the alleged harasser. For instance, perhaps the person regards themselves as being on an equal footing with the alleged harasser and further, the person believes that the alleged harasser is unaware of the impact of their behaviour. As a result, the person wants an opportunity to talk directly with the alleged harasser and feels it is safe to do so.

Such direct conversation should be attempted only at the request of the alleged victim. If the alleged harasser agrees to the meeting, the time and place should be conducive to respectful speaking and listening. Both parties must have a support person present.

While direct conversation between the alleged victim and the alleged harasser is possible, there are situations when it is neither safe nor practical. Neither party should be pressured to participate.

When resolution by direct conversation is not attempted or when the person who believes they have been harassed is not satisfied with the outcome, the person may make a complaint under the Policy and Procedures for Addressing Harassment in the Church.

### **Human Rights Tribunal and Other Legal Avenues**

Persons making a complaint of harassment under the Policy and Procedures for Addressing Harassment in the Church retain the right to apply to a Human Rights Tribunal or to pursue any other available legal avenues.

## **6. An Overview of the Complaint Process**

The **complainant** is the person making the complaint about being a victim of harassment.

The **respondent** is the person alleged to have engaged in harassment of the complainant. The respondent may also be referred to as the “alleged harasser” or “alleged offender.”

The **complaint** sets out the details of the alleged harassment. The complaint is written, where possible. Oral complaints are also permitted.

### **Which Church Body Addresses the Complaint?**

- This depends on the position in the church of the respondent: responsibility for addressing the complaint rests with the church body to whom the respondent is accountable. Regardless of the church context in which the harassing behaviour is alleged to have occurred, the complaint is addressed by the church body to whom the respondent is accountable.
- Allegations about the conduct of a minister are addressed by the minister’s presbytery. The complaint is presented to the clerk or moderator of the presbytery.
- Allegations about the conduct of a congregational member, adherent or office-bearer are addressed by the congregation’s session. The complaint is presented to the clerk or moderator of the session.
- When allegations about the conduct of a member, adherent or office-bearer of a congregation are made by a minister of the congregation, the complaint is handled differently. In such cases, the complaint is addressed by the minister’s presbytery. The complaint is presented to the clerk or moderator of the presbytery.
- Allegations about the conduct of a lay church employee are addressed by the governing body of the church employer or by its designate. For example, allegations about the conduct of a lay staff person working in a congregation would be addressed by the congregation’s session or by a committee authorized by the session to make employment decisions on behalf of the session. The complaint is presented to the employee’s supervisor.

### **Steps in Complaint Process**

The church body addressing the complaint bears responsibility for completion of the following tasks:

- receiving the complaint;
- investigating the complaint;
- deciding whether harassment has occurred;
- deciding on corrective action or discipline, when harassment is found to have occurred;
- communicating the results of the complaint process;
- keeping records of the proceedings.

## **7. Procedures**

### **Receiving the Complaint**

The complaint is written, where possible. Oral complaints are also permitted.

The complaint should contain the following information:

- complainant name and contact information,
- respondent name, position within church and contact information,
- witness name and contact information (if any witnesses),
- description of situations or incidents, including dates, times, frequency, locations.

Supporting documents:

List of documents in possession of a witness or the respondent.

The complaint is presented to the clerk or moderator of a church court or to the supervisor of a church employee.

As noted above (Section 5), church procedures are suspended during any policy investigation.

### **Investigating the Complaint**

The person receiving the complaint forwards it to the investigating committee.

When an investigating committee is not already in place, the church body addressing the complaint appoints one.

The makeup of the investigating committee is as follows:

- The committee has up to 3 members.
- At least one is a member of the court of jurisdiction.
- The alleged harasser is not a member of the committee.
- The alleged harasser does not supervise directly any member of the committee.
- Committee members are able to be objective about the individuals and the information they will consider while investigating the complaint.
- Committee members are familiar with this policy and may have received training in its use.

### **Investigation Timeframe**

The investigating committee begins its work promptly.

Since cases vary in complexity, some investigations may be completed within a few days, while others may require more time. Every effort should be made to conduct the investigation and complete the report within 30 days.

### **Safety**

Steps should be taken to ensure the safety and comfort of the complainant. This could involve imposing the requirement that no contact occurs between the complainant and the respondent during the investigation.

If further offence is considered a risk, the respondent may be removed from the court or event or temporarily suspended, with pay, from employment. It should be made clear that any such restrictions are understood to be on a “without prejudice” basis: this means that there is no assumption that the respondent has committed the alleged harassing behaviour.

### **Pastoral Care**

Pastoral care is made available to the complainant and the respondent. The investigating committee makes sure that each party has or knows how to access any pastoral support they might want. No member of the investigating committee is permitted to serve as pastoral caregiver to the complainant or to the respondent.

### **Help with Understanding Complaint Procedures**

The investigating committee may explain the church’s complaint procedures to the complainant and to the respondent as it meets with them. The investigating committee makes sure that each party knows how to access any additional help with understanding the complaint procedures they might want.

When a respondent is suspended temporarily from employment, the church employer needs to be provided with appropriate information in a timely manner. For instance, a presbytery investigating a complaint about the conduct of a congregational minister may wish to appoint a member of the presbytery (someone other than the interim moderator or a member of the investigating committee) to explain the “without prejudice” basis of the temporary suspension. Similarly, a session may wish to appoint one of the elders to handle communication with the congregation about the temporary suspension of a lay staff person.

### **Confidentiality**

The investigation will be handled in a confidential manner.

Disclosure of information will occur only when it is necessary for the purposes of investigating or taking corrective action or when it is otherwise required by law.

### **Standard of Proof**

The information gathered by the committee is assessed according to a “balance of probabilities”. If there are differences in the description of events given by the complainant, the respondent and any witnesses, what would a reasonable person believe took place? How credible are the different descriptions of the events?

When deciding whether particular behaviour should be considered harassment, what matters is the impact the behaviour has on the person against whom it is directed. The intention of the person carrying out the behaviour does not determine whether the action is harassment.

### **Investigation Steps**

The steps of the investigation are as follows:

- Interview the complainant.
- Interview the respondent.
- Give the respondent an opportunity to respond to the specific allegations in the complaint.
- Interview the complainant again, presenting the respondent’s written response to the complaint.
- Interview witnesses separately.
- Interview both the complainant and the respondent again after conducting any witness interviews.
- Collect and review relevant documents.
- Take appropriate notes during interviews.
- Prepare a report.

### **Guidelines for Interviews**

The committee interviews the complainant, the respondent and any other persons the committee believes to have corroborative evidence or information about the complaint. The committee meets separately with each person interviewed.

The sequence of interviews is as follows:

- The committee meets with the complainant. A written statement of the complaint is prepared, by the complainant or by the committee. The written complaint is signed by the complainant.
- The committee meets with the respondent and the written complaint is presented. The committee hears the response of the respondent. A written statement of the respondent’s response to the complaint is prepared and signed by the respondent.
- The committee meets with the complainant again. The respondent’s written response to the complaint is presented. The committee hears the complainant’s response.
- After conducting any witness interviews, normally the committee interviews the complainant and the respondent again.

### **Investigation Report**

The committee meets to review the information it has received and to prepare its report to the church body addressing the complaint. None of the individuals interviewed (complainant, respondent or witness) is permitted to attend these meetings.

The report summarizes the following information:

- the steps of the investigation,
- a clear summary of the complaint, including all specific allegations,
- the respondent’s response to the complaint,
- the evidence gathered, including a summary of witness statements.

The report contains recommendations to the body responsible for addressing the complaint. In its recommendations, the investigating committee provides its opinion about whether harassment has occurred. If the committee believes that harassment has occurred, the committee recommends what corrective action or discipline might be appropriate for the respondent.



### **Deciding whether Harassment Occurred**

The church body responsible for addressing the complaint meets privately (in camera) to receive and consider the full report of the investigating committee, including its recommendations.

All decisions pertaining to the complaint require majority vote by the members of the church body who attend the meeting.

The church body decides whether the complaint has been substantiated, choosing between two outcomes:

- The complaint has been substantiated. In this case, the church body is satisfied that the complaint has been established on a balance of probabilities.
- The complaint has not been substantiated. In this case, the church body is satisfied that the complaint has not been established on a balance of probabilities.

If, on a balance of probabilities, the church body decides that the complaint has been substantiated, then the church body moves to considerations of corrective action or discipline.

If, on a balance of probabilities, the church body decides that the complaint has not been substantiated, then it declares the complaint to be dismissed.

### **Deciding on Corrective Action or Discipline**

When the complaint has been substantiated, the church body decides what corrective action or discipline for the respondent will be imposed.

The person found to have engaged in harassment is disciplined appropriately. Corrective action or discipline must be reasonable and proportionate to the harassment that has been found to have occurred. Corrective action or discipline may include any necessary steps to prevent a recurrence.

For church employees, corrective action or discipline may include a suspension without pay or dismissal from employment; the requirement to offer an apology; agreement to take training; an oral or written covenant outlining future behaviour; or other remedy.

For members or adherents of The Presbyterian Church in Canada who are not church employees, corrective action or discipline may include the requirement to offer an apology, agreement to take training, an oral or written covenant outlining future behaviour, suspension or termination of roles the respondent has been undertaking as a volunteer in the church or other remedy.

### **Communicating Results of Complaints Process**

Both the complainant and the respondent are informed of the decisions made by the church body about the complaint and any corrective action or discipline to be imposed on the respondent.

The church body addressing the complaint will offer a means to resolve the matter in a manner that is acceptable to both the complainant and the respondent, if possible.

Both the complainant and the respondent have the right to initiate a disciplinary case if they are unsatisfied with the results of the investigation and any corrective action or discipline imposed on the respondent. The Book of Forms outlines these steps (Book of Forms 345ff, with the provision that sections 350–53 do not apply).

### **Keeping Records of Proceedings**

Records of all complaints of harassment will be kept by the court of jurisdiction or by the employer in a secure, locked location.

These records will include the following documents:

- a copy of the complaint,
- a record of the investigation, including notes,
- copies of witness statements, if taken,
- a copy of the investigation report,

- a copy of the results of the investigation, as provided to the complainant and the respondent,
- a record of any corrective action or discipline imposed on the respondent.

All records remain confidential. Disclosure is permitted only as necessary for investigation, for corrective action or as required by law.

All records are kept for two years from the conclusion of the investigation or longer if the court requires.

## **8. Workplace Harassment**

Harassment may be a form of discrimination. For this reason, it is essential to understand discrimination as it is viewed in Canadian law. Discrimination is an action or a decision that treats a person or a group badly for reasons such as their race, sex, age or disability.<sup>4</sup>

Prevention of workplace harassment is a serious matter for all employers, including the church.

Human rights codes in Canada identify personal characteristics that are protected from discrimination.

Discrimination is an action or a decision that treats a person or a group badly for reasons such as their race, sex, age or disability.<sup>5</sup> The list of personal characteristics includes race; colour; place of origin or ethnic or linguistic origin or nationality; religion, creed or religious belief; sex, including pregnancy; sexual orientation; marital or family status; gender identity; age; and disability. These personal characteristics are protected against discrimination; they are referred to as “prohibited grounds of discrimination.

The human rights codes protect people from discrimination based on one or more grounds in five parts of society – called social areas. The five social areas are employment, housing, services, unions and vocational associations and contracts.

Since employment is one of the social areas where discrimination on prohibited grounds is not permitted, this places significant responsibility on the church as an employer.

The term “workplace” refers to any location, permanent or temporary, where an employee performs any work-related duty.

Workplace harassment occurs when someone behaves in the following ways:

- Makes unwelcome remarks or jokes about an employee, referring to any characteristic of the person that is a prohibited ground of discrimination.
- Threatens or intimidates an employee because the person has a characteristic that is a prohibited ground of discrimination.
- Makes unwelcome physical contact with an employee.

Conduct is considered workplace harassment if it creates a hostile, intimidating or offensive work environment or unreasonably interferes with an employee’s work performance.

Harassment is usually behaviour that persists over time. However, serious one-time incidents can also create a “poisoned environment” and be considered harassment.

### **Supervision is Permitted**

Supervision of workers and the workplace is permitted. Employers or supervisors are permitted to take “reasonable actions” to manage and direct workers and the workplace.

Examples of reasonable actions include constructive criticism of an employee; evaluating or monitoring an employee’s performance or setting performance standards; and correction or discipline of an employee. Such reasonable actions are not workplace harassment.

### **Responsibilities**

Both employers and employees have responsibilities pertaining to harassment.

Church employers must ensure their employees understand the church's position on harassment and expectations of behaviour. Employers must ensure their employees know how to respond if they experience harassment.

Church employers should teach their congregations about harassment: what is harassment and what does it look and feel like? Church employers must affirm the church's rejection of harassment and commitment to address all complaints of harassment it receives. Congregational awareness and understanding of the church's procedures to address harassment are also important. These conversations can help to create a safe environment where harassment is not experienced.

All employees have the right to a safe and professional workplace. At the same time, all employees are expected to act professionally and to contribute to the church being a safe place for all. This applies to their conduct at work, during meetings at and away from the workplace and at work-related events.

### **Human Rights Tribunal and Other Legal Avenues**

Nothing in this policy prevents or discourages an employee of the church from filing an application with the applicable Human Rights Tribunal on a matter related to the applicable human rights legislation within the time period prescribed by such legislation or from exercising any other legal avenues that may be available.

### **Regional Differences in Legislation**

The different human rights codes in Canada – federal, provincial and territorial – include different lists of prohibited grounds of discrimination. The list provided above contains only the grounds that are common to all Canadian human rights codes. Some examples of additional grounds are social condition, receipt of public assistance, record of offences, political association and gender expression. Furthermore, the definition of harassment may vary across jurisdictions. Therefore, individuals are encouraged to review the legislation that applies in their jurisdiction.

#### **Recommendation LMA-003** (adopted, A&P 2023, p. 24)

That the above revised Policy and Procedures for Addressing Harassment in the Church be approved.

### **Church Support for the Policy**

The church's support for this policy includes providing advice and training for investigating committees when requested; protecting people who make complaints in good faith; considering discipline for malicious complaints; reviewing the policy; and training employees and volunteers.

### **Advice and Training for Investigating Committees**

Members of the investigating committee are permitted to contact national office staff for advice and some training. Such requests are not required.

### **No Retaliation**

The church will not tolerate retaliation against anyone for making a complaint of harassment in good faith, for reporting suspected discrimination or harassment or for cooperating in an investigation.

Regardless of whether harassment is found to have occurred, such retaliation is a violation of this policy.

### **Malicious Complaint**

Anyone who makes a malicious complaint of harassment may be subject to disciplinary action.

### **Policy Review**

This policy will be read at least annually by sessions, ministry boards, presbyteries, synods, camps, colleges and standing committees of The Presbyterian Church in Canada.

The Life and Mission Agency will conduct a review at least every three years to ensure the policy continues to comply with applicable legislation.

### **Training for Employees and Volunteers**

All employees and volunteers of the church are to receive training on the contents of this policy.

**Endnotes**

- <sup>1</sup>. Wikipedia, “Bullying” at [en.wikipedia.org/wiki/Bullying](https://en.wikipedia.org/wiki/Bullying).
- <sup>2</sup>. Public Health Agency of Canada, “How to recognize bullying” at [canada.ca/en/public-health/services/bullying/how-recognize-bullying.html](https://canada.ca/en/public-health/services/bullying/how-recognize-bullying.html).
- <sup>3</sup>. Canadian Red Cross, “Definitions of Bullying and Harassment” at [redcross.ca/how-we-help/violence-bullying-and-abuse-prevention/educators/bullying-and-harassment-prevention/definitions-of-bullying-and-harassment](https://redcross.ca/how-we-help/violence-bullying-and-abuse-prevention/educators/bullying-and-harassment-prevention/definitions-of-bullying-and-harassment).
- <sup>4</sup>. Canadian Human Rights Commission, “What is Discrimination?” at [chrc-ccdp.gc.ca/en/about-human-rights/what-discrimination](https://chrc-ccdp.gc.ca/en/about-human-rights/what-discrimination).
- <sup>5</sup>. Ibid.