

<b>Policy Name:</b>	<b>Abusive Conduct, Harassment and Violence Policy</b>				
<b>Section #:</b>	EL-2	<b>Section Title:</b>	Executive Limitations - Treatment of Staff	<b>Issued:</b>	October 2020
<b>Approval Authority:</b>	Elder Board		<b>Adopted:</b>	November 2020	<b>Reviewed:</b>
<b>Accountable Executive:</b>	Lead Pastor		<b>Revised:</b>		
<b>Accountable Department:</b>	Human Resources		<b>Contact:</b>	Human Resources Director	

### Purpose

Riverwood Church Community (the “Employer”) believes every worker, whether they are an employee or volunteer, is entitled to an environment free of abusive conduct, harassment and violence. Any act of abusive conduct, harassment or violence committed by or against a worker or member of the public is unacceptable and will not be tolerated. This policy outlines Riverwood’s information related to harassment, abusive conduct and violence.

Any worker engaging in abusive conduct, harassment or violence will be subject to a range of disciplinary procedures up to and including termination. Similarly, any leaders or supervisors who are aware of abusive conduct, harassment or violence that is occurring but who fail to take appropriate action may be subject to discipline up to and including termination.

The purposes of this policy are

- (a) to maintain a working environment that is free from abusive conduct, harassment and violence;
- (b) to alert the employer, employees and volunteers to the fact that abusive conduct, harassment and violence in the workplace are offences under the law and that corrective action will be imposed;
- (c) to set out the types of behaviour that may be considered offensive and unacceptable;
- (d) to establish a mechanism for receiving complaints and to provide a procedure by which the employer will respond to complaints;
- (e) to encourage employees and volunteers subjected to abusive conduct, harassment or violence in the workplace to access any assistance they may require to pursue a complaint;
- (f) to ensure employees and volunteers are advised of available recourse if they are subjected to, or become aware of, situations involving abusive conduct, harassment or violence;
- (g) to provide an example of the steps Riverwood can take towards maintaining a working environment in which all who work or volunteer there treat each other with mutual respect; and

- (h) to outline controls and procedures should an instance of violence or abuse occur in the workplace.

## **Policy Application**

This *Abusive Conduct, Harassment and Violence Policy* applies to all employees, volunteers, vendors, and guests of the employer. For the purposes of this policy, the types of behaviour which constitute abusive conduct, harassment or violence means any such conduct which occurs

- (a) in the working or volunteer environment; or
- (b) anywhere else as a result of employment responsibilities or employment relationships.

It includes but is not limited to abusive conduct, harassment or violence at or outside the workplace, at church ministry functions, in the course of work assignments outside the workplace, at church-related conferences or training sessions, during work-related travel and over the telephone, by email or other electronic means of communication.

### Retaliation

For the purposes of this policy, retaliation against an individual for having

- (a) invoked this policy (whether on behalf of oneself or another individual);
- (b) participated or cooperated in any investigation under this policy; or
- (c) been associated with a person who has invoked this policy or participated in these procedures,

will be treated as harassment. In cases where the Respondent has, in addition, retaliated against the Complainant, more severe disciplinary action will be taken than in the case of abusive conduct, harassment or violence alone.

### Additional Action

In addition to any complaint filed under this policy, an employee or volunteer has the right to exercise any legal right they have under any other law. An employee or volunteer has the right to file a complaint with the Province of Manitoba's Human Rights Commission and/or the formal legal system, even when steps are being taken under this policy.

## **Responsibility**

### Employer Responsibilities

The employer has the responsibility to eliminate or minimize the risk of abusive conduct, harassment and violence in the workplace. To do so the employer will

- (a) review this policy on an annual basis;
- (b) ensure this policy is readily available to all employees and volunteers;
- (c) ensure employees and volunteers are aware of what constitutes abusive conduct, harassment or violence;
- (d) conduct hazard risk assessments, implementing measures and procedures to control risks identified therein;

- (e) allow for the reporting and investigation of abusive conduct, harassment or violence as outlined in this policy;
- (f) provide adequate information, supervision, direction and instruction to employees and volunteers in the safe performance of their duties;
- (g) provide training to minimize the risk of violence to employees and volunteers, including specific training for Ministry Leaders in meeting their responsibilities under this policy, ensuring ministry leaders are competent;
- (h) notify any workers or volunteers who may be exposed to violence, of the nature and extent of the risk;
- (i) ensure that corrective action is taken respecting any person under the employer's direction who subjects a worker or volunteer to violence;
- (j) ensure that any prescribed measures and procedures under this policy are followed;
- (k) provide for the purposes of diagnosis or treatment, upon request, the information in the possession of the employer to a legally qualified medical practitioner, or other prescribed individual, in the event of a medical emergency;
- (l) provide assistance and co-operation to a Health and Safety Committee carrying out their functions; and
- (m) take every reasonable precaution for the protection of employees and volunteers.

#### Ministry Leader Responsibilities

Ministry Leaders have the responsibility of ensuring their employees and volunteers are properly trained to perform their work without abusive conduct, harassment or risk of violence. To do so the Ministry Leader(s) will

- (a) work in a manner consistent with the obligations of this policy, and ensure employees and volunteers work in a manner consistent with the obligations of this policy;
- (b) take every reasonable precaution for the protection of the employees and volunteers;
- (c) inform employees and volunteers of the nature and extent of any known risk of violence;
- (d) ensure that corrective actions are taken in response to incidents of abusive conduct, harassment and violence; and
- (e) ensure that the abusive conduct, harassment and violence are reported by following the procedures in the Complaint Mechanism Policy.

#### Employee Responsibilities

All employees and volunteers have the responsibility of complying with this policy. In doing so, all employees and volunteers have the responsibility to

- (a) abide by the terms of this policy, treating each other with respect, and to speak up if they or someone else is being subjected to abusive conduct, harassment or to violence;
- (b) report abusive conduct, harassment and violence to the appropriate person, including concerns that domestic violence may enter the workplace;
- (c) respect the confidentiality of anyone involved in a complaint under this policy; and

- (d) report actual or potential hazards in the workplace to a Ministry Leader or the employer.

## Definitions

“Abusive conduct” - includes any violent or threatening physical or verbal outburst or abuse; sarcastic or derogatory comments or actions which undermine, demean, belittle or humiliate an individual or their ability or intelligence; yelling, screaming, swearing or similar behaviour aimed at or having the effect of bullying, intimidating, frightening, coercing or offending those at whom it is directed. Such behaviour may occur as an abuse of authority. It may also occur among peers.

“Complainant” - is the person, group or company that makes a complaint.

“Conduct” - includes a written or verbal comment, a physical act, gesture or a display, or any combination thereof.

“Harassment” - occurs in the workplace and includes

- (a) engaging in a course of vexatious comment or conduct against an employee or volunteer that is known, or ought reasonably to be known, to be unwelcome;
- (b) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any of the following characteristics:
  - ancestry, including colour and perceived race; nationality or national origin; ethnic background or origin; religion or creed, or religious belief, religious association or religious activity; citizenship; age; sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy; gender-determined characteristics or circumstances other than those included in the previous category; sexual orientation; gender identity or expression; marital or family status; source of income; receipt of public assistance in housing; record of offences; political belief, political association or political activity; physical or mental disability or related characteristics or circumstances, including reliance on a guide dog or other animal assistant, a wheelchair, or any other remedial appliance or device;
- (c) objectionable and unwanted behaviour with no legitimate purpose and which is not based on any of the foregoing prohibited grounds but which constitutes a clear pattern of mistreatment that would reasonably be perceived to be severe enough to create a hostile, intimidating, or humiliating environment;
- (d) sexual harassment, as defined in *Definitions* herein;
- (e) objectionable conduct that creates a risk to the health of an employee or volunteer; or
- (f) severe conduct that adversely affects a worker’s psychological or physical well-being.

For the purposes of clarity, harassment is broad enough to include psychological harassment, personal harassment or harassment prohibited under the *Human Rights Code* of Manitoba.

The following do not constitute harassment within the meaning of the foregoing definition

- (a) the reasonable exercise of supervisory and management responsibilities in the direction of workers or the workplace, including but not limited to coaching, performance reviews, work evaluation and disciplinary action; or

- (b) voluntary or consensual sexual contact between peer employees and volunteers where one does not report to the other.

“Ministry Leader” - is defined as any individual who is responsible for directing an approved Riverwood ministry.

“Objectionable” - is defined as conduct based on any of the enumerated characteristics under the definition of harassment.

“Respondent” - a party against whom a petition is filed.

“Severe” - is defined as conduct which could reasonably cause a worker or volunteer to be humiliated or intimidated and is repeated, or in the case of a single occurrence, have a lasting, harmful effect on a worker or volunteer.

“Sexual harassment” - occurs in the church work and ministry environment and includes

- (a) unwelcome sexual solicitations, comments or advances;
- (b) a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows, or ought reasonably to know, that it is unwelcome; or
- (c) an express or implied promise of reward or threat of reprisal for rejecting a sexual solicitation or advance.

“Violence” - includes

- (a) the attempted or actual exercise of physical force by any person against an employee or volunteer, in a church ministry environment, that causes or could cause physical injury to the worker or volunteer; and/or
- (b) a statement or behaviour that gives an employee or volunteer reasonable cause to interpret as a threat to exercise physical force against the employee or volunteer, in the church ministry environment, that could cause physical injury to the employee or volunteer.

For the purposes of clarity, violence may include domestic violence which may enter the workplace but does not include accidental situations.

“Volunteer” - any individual who is not on payroll of Riverwood Church Community that is under the supervision of a Riverwood staff member

“Employee” - for the purposes of this policy, shall mean a paid employee of the employer.

“Workplace” - means any land, premises, location or thing at, upon, in or near which the church works. For the purposes of this policy, work-place shall also include anywhere else a worker or volunteer is located as a result of employment responsibilities, such as church ministry functions, work-related conferences or training sessions, during work-related travel and over the telephone, by email or other electronic means of communication.

## **Consequences of Non-Compliance**

### Complaint Procedures

If an employee or volunteer wishes to report an incident of abusive conduct, harassment or violence, they should follow the Complaint Mechanism Policy.

### **Privacy and Confidentiality**

Legislation applicable to Abusive Conduct, Harassment and Violence changes from time to time. In applying this policy Riverwood will comply with all relevant legislative requirements as they may exist at the time.

The employer understands that it is difficult to come forward with a complaint of workplace abusive conduct, harassment or violence and recognizes a Complainant's interest in keeping the matter confidential. The employer will not disclose the name of a Complainant or Respondent or the circumstances related to the complaint to any person except where disclosure is

- (a) necessary to investigate the complaint or take corrective action with respect to the complaint;  
or
- (b) required by law.

No correspondence pertaining to the complaint, other than that which is the Complainant's personal property, shall be placed on the Complainant's personnel file.

Where any personal information is disclosed under Employer Responsibilities (k), the Employer will only disclose the minimum amount of personal information necessary for the stated purpose.

### **Records**

All records of complaints, including notes and memoranda of meetings, interview, results of investigations and other relevant material will be kept confidential by the employer's Human Resources Director, except where disclosure is required as part of the investigation process, by disciplinary or other remedial processes or there is a legal obligation to disclose. Information will be placed on an employee's personnel file only in the event that the investigation results in disciplinary action. Where the Human Resources Director is the subject of the complaint, all documentation will be provided to the Lead Pastor or Elder Chairperson and housed at the offices of the employer's general counsel.