

Grace Evangelical Lutheran Church (ELCIC)

Policy and Guidelines Relating to Harassment of Clergy, Employees, Volunteer Leaders and Congregational Members

Policy Statement:

We confess that all persons are created in the image of God and are valued as individuals. It is the policy of Grace Evangelical Lutheran Church to maintain a work environment and working relationships based on mutual respect and freedom from harassment. Congregational members and employees shall not tolerate any form of harassment and have a responsibility to ensure that their behaviour is not contrary to this policy. Complaints of harassment are a serious matter and are to be dealt with in a spirit of compassion.

The pastor and members of council are responsible for implementing this policy and ensuring that all congregational members are aware of their responsibilities for preventing and addressing harassment.

Scope:

This policy applies to all members and persons involved in church-related activities whether they occur on or off of the church property. It covers the harassment of and by clergy, clergy family, employees, volunteer leaders and congregational members.

This policy complies with Sections 115, 116, and 117 of the *Workers Compensation Act* which sets out the responsibilities of employers, workers and supervisors.

Definition:

Harassment is defined as one or more incidents involving comments or conduct that are known or ought to be reasonably known to be unwelcome or hurtful. Such conduct includes:

- a) Epithets, derogatory comments, slurs, jokes, gossip, innuendo, abusive comments, ridicule or yelling;
- b) Unwanted physical contact or actions such as touching, patting, blocking movement or gestures;
- c) Suggestions or statements that certain unreasonable conduct needs to be accepted or that an employee needs to engage in unreasonable conduct in order to protect employment or benefits of a position; and
- d) Any suggestion of retaliation in respect to a complaint made under this policy.

Retaliation is any action with a negative impact taken, threatened, or suggested against a person because the person:

- a) Files a complaint pursuant to this policy;

- b) Associates with a person who files a complaint pursuant to this policy;
- c) Participated in any way in the investigation of a complaint pursuant to this policy; or
- d) Reports a failure to follow through with a decision flowing from an investigation pursuant to this policy.

The definition of harassment excludes any reasonable action taken by an employer or supervisor related to the management or direction of workers.

It is important to note that harassment is determined by the impact of the action on the complainant, not the intent of the perpetrator. The harasser may not be aware of the impact of their actions but it is still harassment. The harassment becomes more serious when it involves repeated events or a pattern of behaviour.

Harassment based on discrimination or that involves child abuse or suspected child abuse are contrary to law and should be reported to provincial authorities and the Bishop of the BC Synod of the ELCIC and dealt with accordingly.

Operating Guidelines

The goals of this policy are:

- a) To ensure that all congregation members are aware of their rights under the policy;
- b) In the event of a complaint, to ensure that steps are taken to stop the alleged harassment immediately;
- c) To re-establish a safe and harassment-free work environment; and
- d) As much as possible, to ensure that the confidentiality of all parties is respected.

While this policy sets out a process for initiating and resolving a complaint of harassment, it is important to recognize that all members of the congregation are responsible for addressing issues of bullying and harassment if they become aware of them, regardless of whether or not a complaint is filed.

The Complaint Process:

Any person covered by the scope of this policy who feels that they are being harassed is responsible for reporting the situation to the President, Pastor, or in the event of an allegation against the President and Pastor to another member of the Church Council. The complaint should be in writing and include:

- a) A description of what was said or done by the alleged harasser(s);
- b) Witnesses or other individuals involved in the incident(s);
- c) Response(s) by the complainant and/or other individuals involved in the incident(s); and
- d) A request either to address the issue through the informal resolution process or to initiate the formal resolution process immediately.

Informal Resolution Process:

Not all incidents of harassment require a formal complaint to deal with the situation and may be resolved in an informal manner. An exaggerated response or misunderstanding could cause

unnecessary turmoil or pain and dissension within the congregation. In any case, a complainant has the right to proceed directly to the formal process.

The steps to be followed for a complaint requesting an informal resolution:

- 1) The complainant should communicate their objections and disapproval to the harasser, either personally or in writing, and request that the harassing behaviour stop immediately.
- 2) If the harassment does not stop or the complainant is not comfortable addressing the harasser directly, the concerns should be reported to the Pastor and/or the President of Church Council for discussion and advice. They may arrange for mediation between both parties, either together or separately, with the goal of reaching a satisfactory resolution informally. All discussions with respect to the allegations shall remain confidential.
- 3) If informal processes do not resolve the issue satisfactorily, then the complaint will proceed to the formal resolution process as described below.

Formal Resolution Process:

The Bishop of the BC Synod should be advised of all formal complaints of harassment received, regardless of whether or not they have been resolved. The report should include details of the alleged harassment, actions taken, and the outcome.

As an employer, under the *Workers Compensation Act* the church is obligated to investigate and resolve all formal complaints involving workers.

The steps to be followed for a complaint requesting a formal resolution:

- 1) The Pastor and/or President of Church Council will advise the Church Council of the receipt of a formal complaint of harassment.
- 2) The President will initiate an investigation that will:
 1. Examine the allegations and interview the complainant to assess the face validity of the charges
 2. Interview the alleged harasser to obtain a response to the allegations
 3. Interview other witnesses, if any
 4. Recommend options for a resolution

Due to the sensitive nature of harassment allegations, the investigation should be undertaken by individuals who are familiar with this policy and with the appropriate skills. Options for investigators include:

- a) A member of the congregation with suitable skills in conducting investigations (e.g. a police officer, lawyer, human resources professional, mediator, counsellor);
- b) A committee appointed by Church Council that collectively possesses the required skills;
or
- c) A contractor with the appropriate skills.

Recommendations for investigators may be requested from the Bishop of the BC Synod.

- 3) The findings and recommendations of the investigator(s) will be reported back to the Church Council for action. If through the investigation process it is determined that harassment has not occurred or the issue is resolved by mutual agreement, then no further action is required.

If it is determined that harassment did take place the Church Council will take actions that may include one or more of the following, depending upon the severity of the situation:

- a) Obtaining an apology from the person who committed the harassment;
 - b) Requiring the person who committed the harassment to receive counselling and/or participate in appropriate sensitivity training;
 - c) Taking measures to eliminate the opportunity for continued harassment by modifying work conditions or implementing procedures for additional oversight;
 - d) If the person committing the harassment is a member of the church council, removing the person from office in accordance with the Bylaws of Grace Evangelical Lutheran Church; and
 - e) If the person committing the harassment is a pastor, referring the matter to the Bishop of the BC Synod for action as provided in the constitution and bylaws of the Evangelical Lutheran Church in Canada.
- 4) The report of the investigators and a record of the outcome will be stored at the BC Synod office and a memorandum regarding the existence of the report will be stored in the church files.
 - 5) Except as determined by the Church Council, the information arising from the formal complaint will remain confidential.

Alternative Outcomes:

This policy is intended to promote positive relationships based upon mutual respect and freedom from harassment, however it does not apply in the following circumstances:

- a) Complaints that qualify as discriminatory harassment under the *Human Rights Code of British Columbia*, namely: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or conviction or summary conviction for a criminal offence;
- b) Cases of sexual assault, obscene phone calls, intimidation or criminal harassment (where there is fear of safety) which would qualify for action under the Criminal Code of Canada and statutes of the Province of British Columbia;
- c) Cases involving child abuse or suspected child abuse;
- d) Mental or physical damage that would qualify for civil action against the perpetrator; or
- e) Complaints regarding sexual abuse or harassment by a pastor in which case the matter will be addressed by the constitution and bylaws of the ELCIC and its policies, including the *Policy for Protection of Children, Youth and Other Vulnerable People in the Evangelical Lutheran Church in Canada* and *Sexual Abuse or Harassment Policy of the ELCIC*.

In the above circumstances, complaints will be referred to the appropriate authorities and the Bishop of the BC Synod will be advised.

Council President, Grace Evangelical Lutheran Church

Date