

## PCC Safety and Anti-Harassment Policies for DGH

### 1. **Leading with Care: A Policy for Ensuring a Climate of Safety for Children, Youth and Vulnerable Adults in The Presbyterian Church in Canada**

[the following excerpts from the PCC policy have been adapted to demonstrate how the policy applies to DGH]

The Presbyterian Church in Canada is committed to providing safe environments within its ministries. The *Leading with Care Policy* gives direction to the denomination as it seeks to fulfill this commitment. The *Leading with Care Policy* applies to all ministries, programs and activities that fall under the jurisdiction of The Presbyterian Church in Canada. All volunteers, paid staff, clergy and professional church workers are required to comply with this policy.

The *Leading with Care Policy* supports the church's work by focusing on two areas:

#### ***Keeping people safe and preventing harm in ministry settings:***

This goal pertains to a wide range of issues, including the following: food handling and allergies; hygiene; injury; infectious diseases; accessibility for disabled persons; compliance with building and fire codes; transportation; leader and participant ratios; off-site activities and overnight events; the kinds of interactions required by the ministry, such as whether the leader/volunteer is alone with the person served or whether the ministry requires touching the person served.

#### ***Selecting, training and supporting leaders:***

This goal pertains to issues such as recruitment and screening of leaders/volunteers, provision of opportunities for leaders to develop their knowledge and skills, and supervision and evaluation of leaders/volunteers as they carry out their assigned roles.

One element that is central to both goals of the *Leading with Care Policy* is the position description (or job description). These documents outline a general summary of the ministry, program or activity, as well as the role, responsibilities and tasks of each leader/volunteer serving within it. Position descriptions detail what the leader/volunteer will do, when, how, where, why and with whom. The discipline of putting these expectations into a document on paper helps to accomplish important objectives intended by the *Leading with Care Policy*:

- to identify all ministries, programs and activities
- to provide information needed to assess the risks of harm that are present in the ministry, so that risks can be reduced or otherwise managed
- to give leaders/volunteers clarity about the work they have been asked to do
- to provide a reference document for supervision and evaluation of the work of the leader/volunteer.

With its dual focus on safety measures and on selecting, training and supporting leaders/volunteers, the *Leading with Care Policy* is directed primarily towards prevention. Careful steps in these areas are intended to diminish significantly the risks that an incident of harm might occur.

### **Guiding Principles**

- Protection of all children, youth and vulnerable adults is a spiritual, ethical and legal imperative. The PCC commits to protect all persons under its care.
- Prevention of harm necessitates having good processes in place to eliminate opportunities for all forms of abuse, neglect and harm.
- Incidents of abuse, neglect and harm will be reported immediately to the appropriate agencies in accordance with local civil law requirements and the policies of the PCC.
- Training and support of leaders and volunteers are a priority. To ensure that these individuals are well equipped for their tasks, the church must have procedures for recruiting, training, supervising and evaluating the work of leaders and volunteers.

The *Leading with Care Policy* is implemented in three phases: preparation, working with teachers/leaders, and evaluation of implementation and reporting.

### **First Phase: Preparation**

1. The DGH Steering Committee has responsibility for implementation of the policy under the direction of the Session.
2. All programs and activities currently being offered by DGH are listed.
3. Position (job) descriptions are written or adapted for each leadership position.
4. The risk factors for each position are evaluated, using the risk assessment guide.
5. Strategies to reduce or otherwise manage risk are discussed, and appropriate changes to the ministry are made, with Steering Committee and Session approval as needed.
6. The Steering Committee works with other groups within the congregation, such as the Finance or Facilities Teams, to examine areas important for safety and harm prevention.

### **Second Phase: Working with Leaders & Volunteers**

7. The Steering Committee and designated site coordinators are careful in the recruitment of new volunteers, especially for positions that have risks associated with their tasks (as above). New recruits for sensitive positions provide at least two references.
8. All leaders/volunteers participate in an orientation session, at which they complete and sign a Volunteer Agreement / Covenant of Care Form.
9. Leaders & volunteers in high-risk ministries must provide a Police Records Check.
10. Leaders/volunteers are provided with training opportunities for knowledge and skill development.
11. The Steering Committee provides ongoing supervision of leaders/volunteers.

### **Third Phase: Evaluation of Implementation and Reporting**

12. DGH's progress in implementing the *Leading with Care Policy* is reported to the Session at least twice yearly.
13. All necessary documents are collected and stored securely.

All leaders and volunteers involved with Don't Go Hungry are responsible for knowing and complying with the full Leading with Care policy, which can be found here:

<https://presbyterian.ca/resources/resources-od/#policies>

## **2. Policy and Procedures for Addressing Harassment in the Church**

[the following excerpts from the PCC policy have been adapted to demonstrate how the policy applies to DGH]

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.

### **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.

Bullying takes different forms:

- 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, p. 16–17.

### **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.

### 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.

### 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. Allegations about the conduct of a lay church employee are addressed by the governing body of the church employer or by its designate. In the case of a complaint made about a leader or volunteer at DGH, the Session of Trinity PC or its designate, [the Personnel Team] or other appointed group, will address the complaint.

### Steps in Complaint Process

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

- A. receiving the complaint;
- B. investigating the complaint;
- C. deciding whether harassment has occurred;

- D. deciding on corrective action or discipline, when harassment is found to have occurred;
- E. communicating the results of the complaint process;
- F. keeping records of the proceedings.

All leaders and volunteers involved with Don't Go Hungry are responsible for knowing and complying with the full Policy and Procedures for Addressing Harassment in the Church, which can be found here: <https://presbyterian.ca/resources/resources-od/#policies>

### **3. Policy for Dealing with Sexual Abuse and Sexual Harassment**

[the following excerpts from the PCC policy have been adapted to demonstrate how the policy applies to DGH]

It is the policy of The Presbyterian Church in Canada that sexual abuse or sexual harassment of any kind by church leaders, staff or volunteers will not be tolerated.

Because of the serious consequences of sexual abuse or sexual harassment, the Church will make every effort to ensure that such abuse or harassment does not occur within its jurisdiction. When complaints of sexual abuse or sexual harassment arise, the Church will respond with seriousness, sensitivity and concern for all involved, and will recognize the necessity of dealing with both complainant and complainee in a fair and just manner. This policy is designed to ensure that the Church deals with complaints. It is not designed to help search out wrongdoing.

Every complaint will be taken seriously, and every response will include the following steps:

#### **Discovery:**

When a complaint has been received, the process of dealing with the complaint will be set in motion, and those with a need to know will be informed (Section 5-A, p. 18 or Section 6-A p. 38).

#### **Intervention:**

Resources and support will be offered to the principal people involved, as deemed appropriate and in keeping with the provisions of the policy. Such support may include the appointment of advisors to both the complainant and the person complained against, and the provision of pastoral care wherever needed (Section 5-B, p. 21 or Section 6-B, p. 41).

#### **Investigation:**

Complaints will be investigated to gather the information necessary for deciding the facts and determining appropriate courses of action. Interviews will be conducted with both the complainant and the person complained against, and others as necessary (Section 5-C, p. 25 or Section 6-C p. 45).

#### **Adjudication:**

Decisions will be made regarding the facts of the complaint, whether or not misconduct occurred, and if so, its nature and scope. After determining the nature and scope of any misconduct, decisions will be made regarding any actions to be taken (Section 5-D, p. 29 or Section 6-D, p. 49).

### **Guiding Principles**

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

The person complained against is always presumed innocent until proven guilty. If the presbytery or session cannot conclude from the evidence on a balance of probabilities that the actions did occur as alleged, then it 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.

The protection of children is a priority. In accordance with civil law, any complaint of sexual abuse of a child will be reported to the child protection agency (Children's Aid Society or equivalent) immediately.

A person who is alleging to have been sexually harassed shall be informed of the right to seek assistance of, and take their complaint to, the appropriate Provincial Human Rights Commission.

This policy is the policy of The Presbyterian Church in Canada. Therefore, church courts are expected to implement this policy as it is written. Changes to the policy will be made for the whole Church by the General Assembly. In the interests of fairness and consistency, presbyteries, sessions and other church bodies will refrain from implementing unilaterally procedures not outlined in the policy.

### **Who is Subject to this Policy?**

The policy applies to all the individuals and ministries accountable to The Presbyterian Church in Canada: to all church leaders, staff and volunteers; to all sessions, presbyteries and synods; to all congregations; to all agencies and committees of the church; and to all non-church groups using church facilities.

Complaints of sexual abuse or sexual harassment are dealt with by the church court to which the person complained against is accountable. In the case of Don't Go Hungry, this court would be the Session or its designate, [the Personnel Team] or other appointed group.

### **What is Sexual Abuse?**

Sexual abuse includes, but is not limited to, any unwanted sexual contact.

Sexual contact includes, but is not limited to, sexual intercourse, genital contact, petting, fondling, sexually suggestive language or the display of pornography.

Sexual abuse includes, but is not limited to, sexual assault and other sexual offences involving children as defined in the Criminal Code of Canada (Appendix 2, p. 61).

Sexual abuse includes, but is not limited to, sexual harassment. Sexual harassment is defined as:

- a course of vexatious comment or conduct that is known or ought reasonably to have been known to be unwelcome, including repeated sexual remarks or physical contact that is degrading;
- a sexual advance or solicitation made by a person who is in a position to grant or deny a benefit to another;
- the threat of or an actual reprisal by a person in authority against a person who has rejected a sexual advance from that person in authority.

Sexual abuse is often accompanied by violence. Violence impairs or destroys mutual consent, which is needed to ensure that sexual activity is voluntary. Sexual abuse therefore includes spousal violence.

### **Consent**

In order not to be abusive, any sexual act must be done by mutual consent of the parties involved. Mutual consent presumes that the parties are on an equal footing with each other, so that one person is not pressured by any consideration of the stature or position of the other person.

Clergy and all other church leaders are in a position of authority and trust that makes the achievement of mutual consent difficult and increases the potential for harm and abuse of those whom they serve.

The pastoral counselling function creates a particular relationship of trust. Exploitation of the trust developed in the counselling relationship through sexual activity is considered to be abuse and will not be tolerated.

In relationships of unequal power or trust, consent may not exist even when sexual activity has been initiated by the one who feels violated and alleges abuse has occurred. Therefore, the claim of mutually consensual or private sexual contact does not relieve the church leader of ethical responsibility. Sexual contact will normally be considered a serious breach of pastoral responsibility and subject to strict disciplinary action.