

Riverside Gate II Condominium Corporation OCSCC 769

POLICY on VIOLENCE and HARASSMENT in the WORKPLACE

OCSCC 769 is committed to the prevention of violence and harassment in the workplace, and to providing a collegial environment in which all individuals are treated with dignity and respect. The corporation does not condone and will not tolerate acts of violence and/or harassment by any of our workers. The corporation will take whatever steps are reasonable and practical to provide a harassment-free workplace and to protect our workers from acts of violence from all sources.

1. Our workers must not engage in violence or harassment, including sexual harassment, while in the workplace.
2. We will take all reasonable and practical steps to protect our workers from violence and harassment, including sexual harassment, while at our workplace.

Applicability

This Policy applies to any person providing services to the corporation for compensation, including remunerated officers of the corporation, employees, consultants, and independent contractors (all of whom are “workers” for the purposes of this Policy) and to all activities that occur while on the condominium property or while engaging in activities or social events related to the corporation.

For purposes of this policy, owners, tenants, and their guests, as well as the Directors and Officers of the corporation, even if not compensated or remunerated, are also considered “workers”, and this policy applies to them in the same manner.

This Policy also protects workers from workplace violence and harassment by other individuals with whom they may have contact in the course of their duties, including owners and tenants.

Everyone is expected to uphold this Policy and to work together to prevent violence and harassment in the workplace.

Workplace Violence Defined

Ontario’s *Occupational Health and Safety Act* defines “workplace violence” as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.

The following conduct also constitutes workplace violence:

1. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; and

2. a statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, and that could cause physical injury to the worker.

Accidental situations, such as a worker tripping over an object and pushing a co-worker as a result, are not meant to be included under this Policy.

A person who has a personal relationship with a worker, such as a current or former spouse or partner, may attempt or threaten to physically harm that worker or the worker's co-workers at work. In such a situation, domestic violence is considered to be workplace violence and is covered under this Policy. If the corporation is aware of a domestic violence situation that could expose a worker to physical injury, it will take every precaution reasonable in the circumstances for the protection of the worker and her/his co-workers.

Workplace Harassment Defined

"Workplace harassment" means "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known, or ought reasonably to be known to be unwelcome. This includes comments or actions in the workplace that negatively affect working relationships or productivity or create a poisoned work environment.

"Workplace sexual harassment" means "engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known, or ought reasonably to be known to be unwelcome. Sexual harassment also includes 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 or advancement to the worker and the person know, or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace harassment may occur as one incident or a series of incidents involving unwelcome comments or conduct.

Workplace harassment includes psychological or personal harassment as well as comments and conduct prohibited under the grounds stipulated in the *Ontario Human Rights Code*.

Examples of harassing behaviour prohibited under this Policy are:

1. verbal abuse or inappropriate displays of anger;
2. bullying;
3. comments or actions that constitute harassment or discrimination under the *Ontario Human Rights Code*, including but are not limited to sexual harassment and harassment or discrimination based on an individual's race, colour, religion, gender, sexual orientation, national origin, age, or disability;
4. the display, circulation or electronic transmission of pornographic, racist, or other offensive or derogatory text or pictures;
5. conduct that interferes with a person's work performance or creates an intimidating, hostile or offensive work environment;

6. unfounded complaints that are made in bad faith, in reprisal, frivolously or with malicious intent;
7. interfering with a workplace violence or harassment investigation;
8. intimidating a complainant, respondent, or witness or influencing a person to give false or misleading information;
9. any other inappropriate, negative, disrespectful, or unprofessional treatment of others; and/or
10. failure of individuals in positions of authority to respond in accordance with this Policy to incidents of misconduct or allegations of discrimination or harassment, where such failure may be considered as condoning such behaviour and therefore a violation of this Policy.

Examples of sexual harassing behaviour prohibited under this Policy:

1. leering;
2. the display of sexually offensive material;
3. derogatory or degrading remarks directed towards members of one sex or one sexual orientation;
4. sexually suggestive or obscene comments or gestures;
5. inquiries or comments about a person's sex life;
6. unwelcome sexual flirtations, advances or propositions, sexual innuendoes;
7. persistent unwanted contact or attention after the end of a consensual relationship;
8. requests for sexual favours;
9. unwanted touching; and/or
10. sexual assault.

What Does Not Constitute Workplace Harassment?

This Policy for the prevention of workplace harassment is not intended to limit or constrain the reasonable exercise of management functions in the workplace. Specifically, this Policy does not prohibit the corporation or its management staff from carrying out functions that fall within their rights and responsibilities, provided this is done in an appropriate, professional manner that does not constitute an abuse of power. Such functions include, but are not limited to, conducting performance appraisals; addressing performance, conduct and dress issues; delegating work assignments, and determining work locations and schedules for staff.

Retaliation

Any act of retaliation against a person using this Policy to report an incident of workplace violence or harassment or a person who is assisting in an investigation under this Policy will be treated as an act of harassment in and of itself. For this Policy to be effective, people must feel able to report and assist in the investigation of charges of violence or harassment. Retaliation is seen as an attempt to undermine the express purposes of this Policy and will attract sanctions.

Violence and Harassment in the Workplace Procedures

The corporation's workplace violence and harassment procedures include measures to protect workers from violence and harassment, procedures for summoning immediate assistance if violent or harassing behaviour occurs, and a process for workers to report incidents or raise concerns

The corporation will ensure that the Policy on Violence and Harassment in the Workplace has the appropriate information and instruction to protect workers from violence and harassment.

All workers are encouraged to raise any concerns about workplace violence and harassment and to report any incidents or threats, including sexual harassment, regardless of who the offender may be.

Complaint Procedure

Any person who feels s/he has experienced workplace violence or harassment may take the recommended steps or file a complaint under this policy, or initiate proceedings, without prejudice or fear of reprisal.

It is a requirement under the policy that complaints must be filed in good faith and must be in writing with sufficient detail to enable the individual accused of wrongdoing to provide a comprehensive and informed response to all of the allegations raised.

The Property Manager or a member of the Board will investigate and address all concerns, incidents and complaints of workplace violence and harassment in a timely and fair manner, while respecting the privacy of all concerned to the extent possible.

Responding to Workplace Violence and Harassment

In the case of imminent or actual workplace violence or a threat of workplace violence, take the following steps.

1. Immediately notify the corporation's Property Manager or any member of the Board. If you experience a problem after normal business hours, you can call any member of the Board.
2. In some situations, it may be appropriate to call 911 for emergency response.
3. Take the steps described below.

Responding to Non-emergency Situations - Informal Complaints

Step 1

1. Ask the person to stop. A person who considers that s/he has been subjected to violence and/or harassment in the workplace, referred to as the complainant, is encouraged to immediately make their discomfort or disapproval known to the harasser or person acting

in a violent manner. Telling the person that you do not like their actions is often enough to stop the behaviour. Remind the person that the conduct is contrary to the corporation's Policy on Violence and Harassment in the Workplace. If you are not comfortable approaching the person, go to Step 2.

2. Keep records of the incident(s), including dates, location, witnesses, your response to the individual and any other pertinent information.
3. If allegations of workplace violence or harassment are made against you, keep a record of your version of the alleged incident.

Step 2

If you do not wish to bring the matter directly to the attention of the person who has exhibited violence or who you believe has harassed you, or if your attempt to resolve the matter with the person does not produce a satisfactory resolution, you may submit your complaint in writing to the Property Manager or a member of the Board, and they will address the issue with the alleged offender in accordance with Step 3.

Your complaint must contain:

- a) name(s) of the respondent(s) to the complaint;
- b) date(s) of the incident(s);
- c) location(s) of the incidents(s);
- d) details of the incident(s); and
- e) the names of any witnesses.

Step 3

Any written complaints received pursuant to this Policy will be investigated as thoroughly and as quickly as possible. A complaint may be withdrawn at any stage of the process. However, whether or not a formal complaint is filed, the corporation may be required to proceed with an investigation if it appears that there has been a violation of applicable legislation and/or this Policy.

The Property Manager or a member of the Board will review the written complaint and may determine that an investigation is warranted if there appears to be sufficient evidence to indicate that workplace violence or harassment has occurred. Effective temporary measures will be implemented to protect the complainant, if necessary.

The complainant will be advised that the respondent has a right to know who is making allegations against her/him and will be provided with a copy of the written complaint for a response.

Confidentiality will be maintained at all times, except where the disclosure of names is necessary for the purpose of investigating the complaint, when taking any action in relation to the complaint, or where disclosure is required by law.

If criminal actions are alleged, witnessed, or found to have occurred, the responding member of the corporation will contact the Police immediately. Criminal actions include, but are not limited to, the following behaviours:

- a) the displaying of hate-based graffiti or pornography;

- b) the transmission or storing of electronic telecommunications that incite hatred and violence or that constitute pornography;
- c) the displaying of symbols or emblems, including clothing, that suggest racial supremacy and incite hatred and violence;
- d) stalking (persistently pursuing a particular individual although the advances are clearly unwelcome);
- e) sexual assault or threat of sexual assault;
- f) threats against an individual or her/his family;
- g) extortion; and/or
- h) physical assault or threats of physical assault.

In appropriate circumstances, an external investigator will be appointed to conduct a further review of the complaint, determine whether the alleged behaviour has occurred, and make recommendations to the Board.

Procedural Approach to an Internal or External Investigation

The investigator will, at a minimum, carry out the following steps:

1. confirm as many details of the alleged violence or harassment as possible, including the frequency and type of conduct and the date(s) and location(s) of the incident(s);
2. ask both parties if there were witnesses, and how the complainant responded at the time of the alleged incident;
3. ask who was told about the alleged conduct, their response, and whether anyone else is known to have reported similar behaviour by the same person;
4. if the investigator investigating a harassment complaint considers it to be appropriate, take note of the professional relationship and any power imbalance between the alleged harasser and the complainant;
5. when first speaking to the respondent, remind that person of the policy against retaliation; and
6. determine the outcome the complainant would like to see occur.

The investigator will report in writing on the findings, including a finding as to whether or not the complaint of workplace violence or harassment is substantiated.

Procedural Approach to Substantiated Complaints

Where a complaint of workplace violence or harassment by a worker is substantiated, the corporation will act promptly and fairly in imposing an appropriate sanction. Possible sanctions range from a reprimand to dismissal from employment, to legal action for the removal of an owner.

Where the result of an investigation into a complaint is a finding that workplace violence or harassment has been committed by a worker, that outcome and any disciplinary action will be recorded in the personnel file of the person against whom the complaint was made. These written records will be maintained for 3 years, unless circumstances lead to the conclusion that

the records should be kept for a longer period of time. The Board, at its discretion, where the misconduct is minor, may direct the destruction of these records at an earlier date. Where the result of an investigation into a complaint is a finding that workplace violence or harassment has been committed, the Board will determine what actions may reasonably be taken.

Procedural Approach to Unsubstantiated Complaints

When an investigation results in a finding that the complaint of violence or harassment is not substantiated, any record of the complaint shall be removed from the personnel file of the person against whom the complaint was made.

Policy Review

This policy will be reviewed annually or as otherwise determined by the Board.

Effective date: May 22, 2023

