

**OTTAWA CARLETON STANDARD CONDOMINIUM
CORPORATION NO. 815
("the corporation")**

WORKPLACE VIOLENCE AND WORKPLACE HARASSMENT POLICY

Effective Date: March 27 2024

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

Overview of Policy

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

Note: For purposes of this policy, the Directors and Officers of the corporation – even if not compensated or remunerated – are also considered "workers", and this policy accordingly applies to them in the same manner that it applies to all of our other workers.

This Policy also protects workers from workplace violence and workplace 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 workplace violence and workplace harassment.

What is Workplace Violence?

The Ontario *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:

- (i) an **attempt to exercise physical force** against a worker; in a workplace, that could cause physical injury to the worker, and
- (ii) a **statement or behaviour** that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, 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 his or her co-workers.

What is Workplace Harassment?

“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, or workplace sexual harassment”**. 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, or 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 knows 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 and bullying, workplace sexual harassment, as well as comments and conduct prohibited under the grounds stipulated in the *Ontario Human Rights Code*. Sexual harassment is also a form of workplace harassment.

Examples of harassing behavior prohibited under this policy are:

- verbal abuse or inappropriate displays of anger;
- bullying;
- comments or actions that constitute harassment or discrimination under the *Ontario Human Rights Code*, including but 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;
- the display, circulation or electronic transmission of pornographic, racist, or other offensive or derogatory text or pictures;

- conduct that interferes with a person's work performance or creates an intimidating, hostile or offensive work environment;
- unfounded complaints that are made in bad faith, in reprisal, frivolously or with malicious intent;
- interfering with a workplace violence or harassment investigation; intimidating a complainant, respondent or witness or influencing a person to give false or misleading information;
- any other inappropriate, negative, disrespectful, or unprofessional treatment of others; and/or
- failure of individuals in positions of authority to respond in accordance with this Policy to incidents of misconduct or allegations of discrimination or harassment. Such failure may be considered as condoning such behavior and therefore a violation of this Policy.

“Sexual harassment” is any unwanted sexual advance, request for sexual favours, or other verbal or physical conduct of a sexual nature or that is demeaning to a person because of his or her gender,

- (a) when submission to or acceptance of that conduct is made explicitly or implicitly a condition of the person's employment, or the basis for employment decisions affecting that person, or
- (b) when the conduct creates an intimidating, hostile or offensive work environment.

Sexual harassment includes sexual advances or solicitations made by a person who knew or ought reasonably to have known that the advance was unwelcome. It can also take the form of a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance made by a person who is in a position to grant or deny a benefit.

Sexual harassment includes but is not limited to:

- leering
- the display of sexually offensive material
- sexually degrading words used to describe a person
- derogatory or degrading remarks directed towards members of one sex or one sexual orientation
- sexually suggestive or obscene comments or gestures
- inquiries or comments about a person's sex life
- unwelcome sexual flirtations, advances or propositions
- persistent unwanted contact or attention after the end of a consensual relationship
- requests for sexual favours
- unwanted touching
- verbal abuse or threats
- sexual assault

As noted above, workplace sexual harassment includes:

- (a) 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; or

- (b) 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 knows or ought reasonably to know that the solicitation or advance is unwelcome.

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 workplace 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 free to report and assist in the investigation of charges of workplace violence or workplace harassment. Retaliation is seen as an attempt to undermine the express purposes of this Policy and will attract sanctions.

Workplace Violence and Harassment Programs

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

The corporation will ensure that this *Workplace Violence and Workplace Harassment Policy*, and the supporting program, are implemented and maintained and that all workers have the appropriate information and instruction to protect them from violence and harassment in the workplace. The Workplace Violence and Workplace Harassment Policy will be reviewed annually.

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

Workplace Violence and Workplace Harassment Complaint Procedure

Any person who feels that he or she has experienced workplace violence or workplace 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 Board of Directors of the corporation will investigate and deal with 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. The Corporation's manager will assist the Board of Directors in investigating and dealing with all concerns, incidents and complaints of workplace violence and harassment, unless the concern, incident or complaint involves the manager.

Responding to Workplace Violence

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

- **Immediately notify the corporation's manager. If you experience a problem after normal business hours, you can call the manager's emergency call number.**
- **In some situations, it may be appropriate to call "911" for emergency response.**
- **Also take the steps described below (for non-emergency situations).**

Responding to Non-emergency Situations

Step 1

- Ask the person to stop. A person who considers that he or she has been subjected to workplace violence (not requiring immediate assistance) or workplace harassment (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 behavior. Remind the person that the conduct is contrary to the corporation's Policy on Workplace Violence and Workplace Harassment. If you are not comfortable approaching the person, go to Step 2.
- If you believe that someone who is not a worker (e.g. an owner, tenant or other occupant) has subjected you to workplace violence or any form of workplace harassment, please report the incident immediately to the manager or any member of the Board. Harassing behavior from non-workers is not acceptable and will be dealt with under this Policy.
- Keep records of the incident(s), including dates, location, witnesses, your response to the individual and any other pertinent information.
- If allegations of workplace violence or workplace 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 Board, and the Board will address the issue with the alleged offender in accordance with Step 3.

Your complaint must contain:

- the name(s) of the respondent(s) to the complaint;
- the date(s) of the incident(s);
- the location(s) of the incidents(s);
- details of the incident(s);
- 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 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 workplace 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 him or her 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:
 - the displaying of hate-based graffiti or pornography;
 - the transmission or storing of electronic telecommunications that incite hatred and violence or that constitute pornography;
 - the displaying of symbols or emblems, including clothing, that suggest racial supremacy and incite hatred and violence;
 - stalking (persistently pursuing a particular individual although the advances are clearly unwelcome);
 - sexual assault or threat of sexual assault;
 - threats against an individual or his or her family;
 - extortion, and/or
 - 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.

What Will Happen in an Investigation (Internal or External) under this Policy?

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

- (a) 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);
- (b) ask both parties if there were witnesses, and how the complainant responded at the time of the alleged incident;
- (c) ask who was told about the alleged conduct, their response, and whether anyone else is known to have reported similar behavior by the same person;
- (d) 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;
- (e) when first speaking to the respondent, remind that person of the policy against retaliation;
and
- (f) find out what 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 workplace harassment is substantiated.

What Will Happen After a Complaint of Workplace Violence or Workplace Harassment is Substantiated?

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

Also (where the result of an investigation into a complaint is a finding that workplace violence or workplace harassment has been committed by an employee), 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 conduct is minor, may direct the destruction of these records at an earlier date.

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.

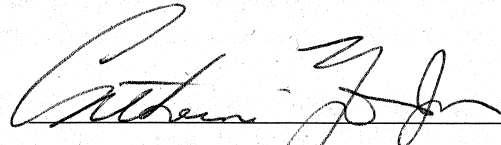
Where the result of an investigation into a complaint is a finding that workplace violence or workplace harassment has been committed by someone other than an employee, the Board will

determine what actions may reasonably be taken in relation to the previous violence or harassment and in an attempt to prevent further violence or harassment.

ACKNOWLEDGEMENT

[To be signed by the corporation's employees and regular workers (including the Board of Directors and Manager).]

I have thoroughly read this Workplace Violence and Workplace Harassment Policy and I understand my rights and my obligations under the Policy. I understand that if I engage in any act of workplace violence or workplace harassment, I may be subject to corrective or disciplinary action, up to and including termination of my employment / relief from my duties. I also acknowledge that certain acts of workplace violence could lead to criminal charges and conviction.

Date: March 27, 2024 Signature: 

Name (printed): CATHERINE ZONGORA

Witness Signature: 