

# RESPECTFUL WORKPLACE & ASSOCIATION POLICY

## For Members of the Canadian Condominium Institute

### 1. STATEMENT OF PRINCIPLES

The Canadian Condominium Institute (CCI) is, a not for profit corporation continued under the Canada Not-for-Profit Corporations Act ( NFP Act ) that has its objects set out in the certificate of continuance under the NFP Act. One of its main objects is to promote the interest of groups involved in condominiums in Canada. Being structured with chapters across Canada, each chapter is made up of members which represents a diverse range of condominium developments, directors, unit owners and service providers. CCI is sensitive to the varied needs, interests and vulnerabilities of the wide range of individuals who participate in its organization and activities, including, but not limited to its many volunteers and staff.

CCI is committed to providing a positive, collegial and supportive environment in which all individuals are treated fairly with civility, dignity, decency and respect, free from abusive conduct, harassment and violence. All individuals who work or volunteer in or for CCI, whether as directors, officers or committee members of the national organization or any chapter thereof, other volunteers, or as paid contractors or staff, have the right to treatment that is professional and respectful, and that reasonably accommodates individual qualities and characteristics, including (but not limited to) differences of race, gender and ability.

CCI is committed to respecting the human rights and employment laws in force in each jurisdiction where it operates, and to honouring the obligation not to discriminate on any grounds sets out in the codes or other regulations of each such jurisdiction. For the purposes of this policy, discrimination that is not permitted by law constitutes a form of harassment. However, it is not intended that CCI's policy against harassment is to be restricted to addressing only discriminatory conduct of those types.

In the context of CCI events and CCI operational matters, including Chapter Board of Directors meetings, Committee meetings, Abusive conduct, Harassment and Violence, as defined herein, against any person are unacceptable and will not be tolerated. All formal written complaints received under this policy will be thoroughly investigated. Individuals, regardless of length of service or position within the organization, who are determined to have engaged in such conduct shall be subject to formal discipline by those duly authorized for the organization to administer the same.

This policy does not limit the right of those having positions of responsibility or authority within CCI to manage and direct the organization, including selecting individuals to fill certain roles (volunteer or otherwise), providing guidance, making work assignments, evaluating performance or other results, and so forth. In addition, disciplinary measures taken by CCI for any valid reason and in accordance its constitutional documents and established policies and procedures, do not constitute disrespectful behaviour or harassment under this policy.

Further, nothing herein prevents any person from seeking recourse from applicable authorities, including police, tribunals, courts or other applicable organizations or individuals, to the extent such apply to the circumstances experienced.

## 2. TYPES OF WRONGFUL CONDUCT

This policy is intended to prohibit and help prevent abuse, violence and harassment, defined as follows:

### **Harassment**

Harassment includes each of the following kinds of conduct, particularly where expressed and continued as a pattern of behaviour:

- Wrongful **discrimination** or other unwelcome conduct (including comments or jokes) undertaken or made on the basis of an individual's ancestry, colour, perceived race, nationality, national origin, ethnic background or origin, religion, creed or religious belief, religious association or activities, age, sex, gender, physical characteristics, pregnancy, sexual orientation, marital or family status, source of income, political belief or activity, or physical or mental disability.
- Unwelcome sexual advances, requests or invitations, or other verbal, physical or other conduct, contact or communications of a sexual nature, regardless of the gender of either the alleged perpetrator or victim of such conduct, including leering, lewd comments, displays of sexual materials (whether visual or textual), suggestive or obscene gestures, and any unwelcome intimate touching, and particularly (but not exclusively) where such conduct might reasonably be anticipated to cause feelings of insecurity, discomfort, embarrassment, offense or humiliation to another person, and includes where the advance, request or invitation conveys the idea that submission to the conduct is a condition of employment, of acceptance in a group, or for the receipt of services or favours wanted by another person (collectively, also "**sexual harassment**").
- Other conduct, whether physical, verbal, psychological or communicated digitally (e.g., through social media, email or text) that has the aim or effect of causing humiliation, fear, coercion, worry or intimidation, ("**bullying**") and particularly but not exclusively where such conduct is perpetrated by a person having or perceived as having control or authority over another person, or where such conduct may be perceived as threatening to diminish, terminate or otherwise negatively affect a person's continued employment with or participation in CCI.
- False allegations of any of the foregoing.

A single incident of such conduct may or may not constitute harassment or trigger a formal response in accordance with this policy, depending on surrounding facts and circumstances.

Harassment also includes failure by a person, having relevant authority and who knew or ought reasonably to have known of the harassment, to take reasonable steps to prevent or stop or mitigate the effects of harassment.

Additionally, for the purposes of this policy, any retaliation against an individual for having taken any steps under this policy or such person's other available legal rights and protections, to deal with any situation of conduct that this policy seeks to prohibit or prevent, shall be treated as an occurrence of harassment

### **Violence and Abuse**

Violence includes any attempted or actual exercise of physical force against a person, and any threatening statement or behaviour that gives a person reasonable cause to believe that physical force may or will be used against him or her.

Abusive conduct includes:

- any violent or threatening physical, written or verbal outburst, sarcasm or derogatory comments or actions that are intended to or do undermine, demean, belittle or humiliate an individual or a person's abilities or intelligence; and
- 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.

### 3. COMPLAINT HANDLING PROCESS

#### I. Introduction: Authority, Application and Amendments

(A) The Policy is made and administered under the direction of the CCI National Executive Board, which may appoint such individual(s), committee(s) or contract personnel, on such terms as it deems appropriate, to assist in these functions or in any part thereof, as set out below and amended from time to time.

As noted in the Statement of Principles above, individuals, regardless of length of service or position within the organization, who are determined by the process set out below, to have engaged in the kind of conduct that this Policy is intended to prohibit and prevent, shall be subject to formal discipline by those duly authorized to administer the same.

This part of the Policy sets out the key steps and general parameters for the process to be followed in the event of any complaint (an Event Report as defined below) received in accordance with this Policy. In summary, this process involves the following steps.

Upon receipt by the President of CCI of a complaint or report of conduct ("Complaint or Event Report") contrary to this Policy, the President of CCI shall confirm that the complaint is within the scope of the Policy and then direct such third party investigation and report as such President reasonably deems necessary or appropriate to make a determination as to the accurate nature and details of the incident in question, and the President shall decide on the basis of the investigation and report whether to refer the Complaint to the CCI National Executive Board for further review and determination if any form of disciplinary action or other kind of resolution is needed. The CCI National Executive Board shall then seek to effect or implement the same.

Some further details of each step are described below. It is acknowledged that each of these processes and, indeed, any part of this Policy, may require adjustment from time to time based on developing knowledge and understanding along with increased experience of the Policy's application.

It is recommended that this Policy be reviewed at least once every three years to evaluate its effectiveness, having regard to its stated objectives.

The obligation for evaluation and, as applicable, revision of this Policy rests with the CCI National Executive Board, which may receive advice from the CCI National Council and voluntary input from members of CCI, which may be solicited from time to time.

## II. Definitions

For the purpose of this part of the Policy:

- “CCI” means the national CCI organization or any chapter or committee of CCI;
- “CCI Activity” includes any activity hosted, held and/or sponsored by CCI, including, without limiting the generality of the foregoing, any seminar, course, class, conference, forum, event, meeting, social activity or other event;
- “Event” means any occurrence of conduct described in Part 2 of this Policy in connection with a CCI Activity, or during the carrying out of or any other participation in any business of or on behalf of CCI, and “participants” means the alleged perpetrator(s) and victim(s) in any such Event;
- “Event Report” means a written report submitted in accordance with this Policy by an individual experiencing or witnessing an Event. Each Event Report must include the name and contact information of the person providing the report, and identify the time, place, and participants in the Event, as well as provide a reasonably clear and complete description of the behaviour in question. Individuals submitting an Event Report are encouraged to include as much detail as possible.

The Complaint or Event Report shall at all times to the extent possible be kept confidential and only dealt with on a need to know basis, so that the person filing the Complaint or Event Report feels that they are in a safe environment to make such complaint or event report.

## III. Principles

Each of the stages of the process set out in this Policy is to be carried out in a confidential, **fair, timely** and **efficient** manner, also giving due regard to the **privacy** and **integrity** of the parties to the matter, witnesses and participants of any Event, and ensuring each participant is provided with a fair opportunity to explain and, if needed, provide evidence of his or her experience, memories and understanding of the Event.

The privacy and confidentiality of both witnesses and participants (i.e., alleged perpetrator(s) and victim(s)) of any incident shall be carefully considered and protected. Where there is clear and reliable evidence that the circumstances are already known to others, that an Event Report has been received, that it is being addressed in accordance with this Policy, and/or the outcome of such process, may be communicated to them if, in the discretion of the CCI National Executive Board, it is deemed appropriate to do so to protect the integrity of CCI, to assuage concerns or fears, and/or to help prevent any further incidents of a similar nature occurring. Minimal details of an Event, without naming individuals or specific locations, as well as the outcome thereof, may also be communicated through a general report to the membership.

The person(s) conducting any of this process on behalf of CCI are required to declare if they have any conflicts of interest that could prevent them from acting in a manner consistent with any of the foregoing principles. In order to help ensure that the process described herein is carried out in as evidently fair a manner as possible, on the determination of a majority of the CCI National Executive Board, a person may be excluded from participation in any or all stages of this process on account of any actual or perceived conflict of interest, whether or not such person admits or agrees that such conflict exists.

The person conducting any investigation and/or Report must be a third party and separate from CCI, qualified to do so, and with experience in carrying out such kind of investigation and in preparing such a kind of report.

#### IV. Stage 1: Report

Any member of CCI experiencing or witnessing an Event is encouraged to submit an Event Report as soon as possible thereafter to the President of the CCI National Executive Board, and if the complaint or Event Report relates to the President, then to :

a member of the CCI National Executive Board not involved in the Complaint or Event Report, failing which then to:  
the CCI National Executive Director.

If the Event occurs in the context of a committee meeting or related activity, the chair of that committee; and

if the Event occurs in the context of a seminar, conference, meeting or other activity of event of CCI, a person who has responsibility for chairing, hosting or otherwise managing the activity or event.

Where the person receiving the Event Report is not the President or a member of the CCI National Executive Board or the CCI National Executive Director, that person shall immediately convey the entirety of the Event Report to the President of the CCI National Executive or if not appropriate then to a member of the CCI National Executive Board or the CCI National Executive Director.

#### V. Stage 2: Investigation

Upon receipt of an Event Report, the President or other person receiving the Event Report , shall review the Event Report and make such inquiries as are deemed appropriate for the purposes of making initial determinations as to:

- (i) whether the conduct described in the Event Report appears to be conduct of a sort described in Part 2 of this Policy; and
- (ii) whether or to what extent further formal investigation of the Event is needed in order to make a determination of the exact nature and details of the Event.

Upon such initial determinations by the President, the said President shall decide whether to request the CCI National Executive Board to authorize by a resolution of the Board further third-party investigation of the Event or to make a Determination in accordance with Stage 3 of this process.

In making such decisions, the desire or willingness of a victim of improper conduct to have the Event investigated or dealt shall be considered by the President, but need not be determinative of the course of action taken.

If further investigation is believed to be warranted, the person(s) authorized by resolution of the CCI National Executive Board to conduct the same shall have authority to review such materials, make such inquiries, and hold such interviews as the details of the Event appear to warrant, for the purposes of providing the CCI National Executive Board with as complete a range of information as may be available to allow them to make a determination in accordance with Stage 3 of this process

## VI. Stage 3: Determination and Outcome

Upon the conclusion of the initial or subsequent investigation, as the case may be, the CCI National Executive Board shall review the investigation reports and such evidentiary material as they deem appropriate and shall make a determination as to the nature of the Event and whether, and what kind, of outcomes are appropriate.

The outcome shall be communicated in writing or otherwise, as the CCI National Executive Board deems appropriate in the circumstances, to the person who submitted the Event Report as well as to each of the participants.

The following indicate the range of potential outcomes that the CCI National Executive Board may consider, any of which may be done in conjunction with any other:

- (i) A determination that there was no improper conduct;
- (ii) If a perpetrator of improper conduct is a member of CCI, termination or suspension of such membership, if and to the extent permitted under the by-laws of CCI;
- (iii) If a perpetrator of improper conduct is an employee of CCI, termination of such employment for cause;
- (iv) If a perpetrator of improper conduct is a board member, executive or other officer of CCI, removal of such person from such office, if and to the extent permitted under the by-laws of CCI;
- (v) Formal reprimand of a perpetrator of improper conduct in writing;
- (vi) A requirement that a perpetrator of improper conduct undertake certain reasonable reparations, such as providing an apology – in writing or otherwise – to the person(s) affected as victim(s) and/or witness(es) of the Event;
- (vii) A request, recommendation or requirement that any of the participants receives counselling or undertakes training that is considered suitable to help resolve or correct the effects of the Event or to help prevent any similar future Event from occurring;
- (viii) Such other remedial and/or reparatory actions that the CCI National Executive Board, having a view of the facts, impacts and persons involved, deems appropriate.

It is not necessary that every perpetrator or every victim of an Event receive the same outcome as each other one, or that the outcomes of Events that are similar in nature or any other respect are treated in precisely identical ways.

The CCI National Executive Board may also determine at any point during any stage of the process that, due to the nature and details of an Event, recourse should be had to other, including civil/criminal, authorities, such as the police or a tribunal, such as a Human Rights Tribunal, and may either report to the same or encourage any other person having a relevant connection to the Event to do so.

The civil or criminal remedies of any party to the Event are in no way limited or prejudiced by this outcome.

#### VII. Early Resolution

At any time and during any stage, a participant or investigator of an Event, or any member of the CCI National Executive Board, or other involved person, may propose a resolution, which shall be adopted if agreed to by a majority of the CCI National Executive Board having regard to the principles and purposes of this Policy as well as the expressed feelings and desires of the participants.

#### VIII. Ombudsperson

The CCI National Executive Board may, either from time to time or on a more permanent basis, elect to appoint or hire an independent third party person to act as an ombudsperson for the purpose of carrying out all of the functions of the CCI National Executive Board described in this Part 3 of this Policy. Such ombudsperson, if appointed or hired, shall not be a member of CCI, and shall in any event not be a member of either the CCI National Executive Board and CCI National Council, and shall be solely accountable to the CCI National Executive Board to which such ombudsperson shall regularly report.

#### IX. Other Actions

Undertaking a process for making a determination, and any disciplinary action that follows upon it, are not intended in any way to prevent any person from seeking available recourse from applicable authorities, including police, tribunals, courts or other applicable organizations or individuals, to the extent such apply to the circumstances experienced.

As a matter of policy, CCI will cooperate with an investigation conducted by any such authorities, and the persons authorized to investigate a claim under this Policy on behalf of CCI have the discretion to elect to delay any or all parts of the investigation, determination and/or disciplinary action stages that are set out hereafter until such time as the investigation and decision-making of such other authorities has been completed.

In addition, to the extent that it is safe and reasonable to do so, any individual witnessing an Event may take steps to manage the conduct in question by (a) raising the concern directly with the individual(s) involved, and/or (b) seeking the immediate assistance of a person appearing to have authority over the CCI Activity or business in the context of which the Event is occurring.