



**Mario D. Deo**  
B.A., LL.B.  
Partner, Fine & Deo Condominium Lawyers

## The Last Word

# Suffering in Silence

Harassment of property managers seems to be becoming an epidemic.



The harassers are rude, self-entitled, crazed, and, sometimes, mentally-ill unit owners and/or residents that simply will not stop their intolerable conduct. Generally, the conduct consists of verbal and written insult and/or constant attendance at the management office with rude, abusive and vexatious behavior.

The definition of harassment in the Occupational Health and Safety Act (“OHSA”) is: engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought to reasonably be known to be unwelcome. The definition is very wide, and on its face, easily protects workers. However, many condominium corporations are unaware that “workers” include employees of contractors that work at the condominium corporation.

Managers suffering harassment may not be able to perform their duties to their complete potential, as they are being affected by the negative consequences of a narrative to which they, of course, do not want to be a party. It is a debilitating, time-wasting but preventable problem.

While the entire cross-section of management personnel is being affected, it seems to me that the individuals most affected

are female managers. Most of the affected managers are completely unwilling to report harassment or abuse because they do not want to endanger their employer’s contract with the condominium, are afraid of the subject unit owner/resident, or simply want to maintain the peace by suffering in silence. Of the four to five calls I receive per week from managers suffering abuse, the majority of the managers reveal that they do not want to be seen as “complainers” and do not want to affect their employer’s reputation. In many instances, the managers also decide to leave the industry because of the harassing behaviour that they have had to endure, and because they do not see the light at the end of the tunnel.

When harassment occurs, the OHSA obligates the employer, which includes the management company and the condominium corporation, to carry out an investigation. How this may be conducted and how it concludes is beyond the scope of this article. However, it is important to note that even if the harassment is not reported, the obligation to investigate exists if an employer knows or ought to have known that a worker is being harassed.

So what are the solutions? Nothing is perfect, but you may try the following:

- As we know, management offices are typically a single or double room with only one door. If a situation arises wherein an improperly intense unit owner engages the property manager, the circumstances can become extremely unbearable for many reasons. One of the best solutions may be to install a sign stating that all interactions in the management office may be videotaped and recorded. This step should not be taken without first receiving legal advice regarding such an installation. I have found in my own office, that once such a sign was posted, the behavior of individuals vastly improved.
- Appoint one or more members from the board to ask, at least monthly, if there are any incident(s) of harassment that the manager wants to report.
- Have and refer to a workplace violence and harassment policy and program, which all corporations must have by law and which must be reviewed annually.
- Communicate to all owners that harassment of any of the corporation’s workers will not be tolerated and will result in legal consequences.

I find that when these matters are dealt with through an OHSA investigation or a section 117 application (in extreme circumstances), the results are quite satisfactory. **CV**