

CARLETON CONDOMINIUM CORPORATION NO. 82
["The Corporation"]

HUMAN RIGHTS POLICY

The Corporation is committed to meeting its obligations under the Ontario *Human Rights Code*, as amended from time to time (the "*Human Rights Code*").

This Policy contains an Introduction, followed by four parts:

1. Barrier removal initiatives;
2. Accommodation procedures;
3. Education and training program; and
4. Discrimination complaint procedure (in relation to employment).

INTRODUCTION – OBJECTIVES OF THIS POLICY

With respect to the Corporation's obligation to **accommodate**, this Policy is in place to:

- State the Corporation's commitment to meet its obligations under the *Human Rights Code*;
- Ensure that all members of the condominium community are aware of their rights and responsibilities under the *Human Rights Code* with respect to accommodation; and,
- Set out in writing the corporation's procedures for accommodation and the responsibilities of each of the parties in the accommodation process.

With respect to **education and training**, this Policy is in place to:

- Ensure that the Corporation's Property Manager and Directors, who are responsible for carrying out the Corporation's obligations under this Policy, are familiar with and acknowledge the importance of complying with this Policy and Human Rights law.

With respect to **discrimination and harassment**, this Policy is in place to:

- Ensure that employees of the Corporation are aware of acceptable standards of behaviour, and that harassment and discrimination contravene the *Human Rights Code* ("the *Code*");
- Set out the types of behaviour that may be considered offensive and that are prohibited by this Policy;
- Set out the complaints process to which the Corporation's employees have access.

APPLICABILITY

This Policy applies to the Corporation, its directors, officers, employees, owners and residents.

GROUNDINGS OF DISCRIMINATION

This Policy prohibits discrimination on the grounds set out in the *Human Rights Code* (the “**Protected Grounds**”).

PART 1 - BARRIER REMOVAL INITIATIVES

The Corporation will take steps to identify barriers which may prevent equal access for residents with disabilities. Such barriers include:

- Physical barriers, such as the need for ramps or accessible doors;
- Organizational practices or decision-making processes, which may affect residents with disabilities disproportionately; or,
- Methods of communicating with owners and residents which may result in marginalization of persons with disabilities.

Once these barriers are identified, the Corporation will set measurable goals for addressing the barriers, and allocate the required resources to meet these goals.

Note that this policy shall not be interpreted in a manner which prevents the Corporation from carrying out its legal obligations, pursuant to the *Condominium Act*, or its governing documents.

PART 2 - ACCOMMODATION

The Corporation commits to meeting its obligations under the *Human Rights Code*, and to providing accommodation for resident’s needs related to the Protected Grounds, unless to do so would cause undue hardship.

Whether required accommodation steps constitute “undue hardship” is determined in light of the facts of each situation. A condominium corporation’s obligation to accommodate to the point of undue hardship is determined in light of its obligations to other owners (who could ultimately bear the cost of funding accommodation steps, or could face possible safety risks in their home as a result of any accommodation steps taken by the Corporation). Undue hardship can be assessed in light of the following factors:

- Prioritization of equal access for residents with disabilities;
- Steps taken and further goals set by the Corporation in removing barriers;
- Accommodation steps already available using existing infrastructure;
- The extent of further required changes to accommodate a given applicant;
- The life of the existing infrastructure, and the cost of making any required modifications;
- If the requested accommodation includes an exemption from any provision in the *Condominium Act*, or in the condominium corporation’s Declaration, By-laws or Rules (or any other applicable law), the resulting impact or potential impact upon the other owners or residents in the condominium; and
- Any other impact that the requested accommodation may have upon the other owners or residents in the condominium.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. The Corporation will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

REQUESTS FOR ACCOMMODATION

Requests for accommodation should be made to the Corporation’s Board of Directors, through the Property Manager.

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The Protected Ground with respect to which accommodation is being requested;
- The reason that accommodation is required, including enough information to confirm the existence of a need for accommodation. Where appropriate, substantiating medical evidence should be included; and
- The specific needs related to the Protected Ground.

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request. The Corporation will maintain the confidentiality of information related to an accommodation request, and will only disclose this information with the consent of the applicant.

The Corporation will consider and respond to any accommodation request with reasonable haste. The Corporation's response will be in writing, and shall include the reasons for the Corporation's decision respecting the request.

COMPETING CLAIMS FOR ACCOMMODATION

When the Corporation receives competing requests for accommodation (or competing complaints of discrimination, as described below), it will take the following steps:

- Give each party an opportunity to be heard;
- Determine whether the right claimed is a human right (based on one of the Protected Grounds), or a legal interest or preference;
- Determine if either right or interest is more significantly transgressed (i.e., is the "core" of the right affected?);
- Encourage the parties to agree to a mutually-acceptable solution to reconcile the competing rights;
- If no agreement is reached, the Corporation will assess various options and attempt to determine which least impairs the parties' competing interests.
- At the end of this process, if the parties have not agreed on a mutually-acceptable outcome, the Corporation will decide upon the outcome which best reconciles the competing claims.

PART 3 – EDUCATION AND TRAINING

The Property Manager and all Directors of The Corporation will read and be familiar with this Policy, and will sign the acknowledgement included below.

Employees of the Corporation, complainants and respondents may also be required to read this Policy and sign the acknowledgement included below.

The purpose of the acknowledgment is to ensure that those managing the Corporation, and other affected parties, are familiar with:

- The Corporation's policies and procedures related to human rights;
- General human rights issues;
- Who is responsible for complying with policies (the Corporation and its directors, officers and employees); and,
- Who is responsible for implementing policies (the Board and Property Manager).

The Board of Directors will regularly (at least annually) consider whether or not the Directors and Property Manager should take courses offered by third parties respecting the matters addressed in the policy.

PART 4 - DISCRIMINATION AND HARASSMENT IN EMPLOYMENT

This Human Rights Policy includes:

- Measures to protect employees from discrimination and harassment;
- Procedures for summoning immediate assistance; and,
- A process for complainants to report incidents or raise concerns.

The Corporation will ensure that the Human Rights Policy is implemented and that employees have the appropriate information and instruction to protect them from discrimination and harassment in the workplace.

All employees are encouraged to raise any concerns about, and report any incident of, discrimination or harassment, regardless of who the offender may be.

DISCRIMINATION

Discrimination means any form of unequal treatment based on one of the Protected Grounds. It can involve:

- Imposing extra burdens or denying benefits;
- Intentional or unintentional treatment;
- Direct actions that are discriminatory on their face;
- Rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people.

If there are many factors affecting a decision or action, and if discrimination is one factor, the resulting decision may be discriminatory.

HARASSMENT

Harassment may occur as one incident or a series of incidents involving unwelcome comments or conduct. Harassment includes sexual harassment, psychological or personal harassment, bullying, and comments and conduct prohibited under the grounds stipulated in the *Human Rights Code*.

A person may not explicitly object to harassing behaviour, or may appear to be going along with the behaviour. That behaviour may still be harassment, and can still be the subject of a complaint.

This Policy is not intended to limit or constrain the reasonable exercise of the Corporation's powers in carrying out its objects and duties. For example, this Policy is not intended to limit the Corporation's ability to enforce its governing documents, as long as they are enforced in a non-discriminatory manner.

EXAMPLES OF 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 *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 discrimination 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

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.

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
- 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

RETALIATION

Any act of retaliation against a person using this Policy to report an incident of discrimination 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 free to report and assist in the investigation of complaints relating to discrimination or harassment. Retaliation is seen as an attempt to undermine the express purposes of this Policy and will attract sanctions.

DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

Any employee who feels that he or she has experienced discrimination or harassment may take the recommended steps or file a complaint under this policy, or initiate proceedings, without prejudice or fear of reprisal.

The Board of Directors will investigate and deal with all concerns, incidents and complaints of discrimination and harassment in a timely and fair manner, respecting the privacy of all concerned to the extent possible. Where appropriate, the Board will retain an independent third party to receive a given complaint.

The person receiving the complaint may offer the parties an opportunity to mediate the complaint. No person will be required to undertake mediation. Mediation may take place at any stage during the complaint process.

The provisions of this Policy and Procedure in no way affect the right of any person to exercise his or her rights under the *Human Rights Code*, within the time limits specified by that legislation.

RESPONDING TO EMERGENCY SITUATIONS

In the case of imminent or actual violence or a threat of violence, immediately alert the Property Manager or any of the Directors. In some situations, it may be appropriate to call “911” for emergency response.

RESPONDING TO NON-EMERGENCY SITUATIONS

Step 1

- Ask the person to stop. Complainants are encouraged to explain to the person who is harassing or discriminating against them that the conduct is unwelcome. A person who considers that he or she has been subjected to discrimination or harassment, including sexual 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 Human Rights Policy.
- If you are not comfortable approaching the person, go to Step 2. Complainants are not obliged to explain that the conduct is unwelcome. If addressing the person responsible could lead to an escalation of the harassment or discrimination, or to safety risks, he or she should not be expected to directly interact with that person.
- Keep records of the incident(s), including dates, location, witnesses, your response to the individual and any other pertinent information.
- If allegations of discrimination 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 you believe has harassed or discriminated against 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 any Director who 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); and,
- 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, this Policy, and/or its governing documents.
- The Board (or other person appointed to receive the complaint) will review the written complaint and may determine that an investigation is warranted if there appears to be sufficient evidence to indicate that discrimination 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 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 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 of Directors.

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 harassment or discrimination 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 her or his findings in writing, including a finding as to whether or not the complaint of discrimination or harassment is substantiated, and communicate the results of the investigation to the complainant and respondent.

WHAT WILL HAPPEN AFTER A COMPLAINT OF DISCRIMINATION OR HARASSMENT IS SUBSTANTIATED?

Where a complaint of discrimination or harassment is substantiated, the Corporation will act promptly and fairly in imposing an appropriate sanction. Possible sanctions can include:

- Where the respondent is an employee of the Corporation, a reprimand or dismissal from employment or service;
- Where the respondent is an owner, tenant, or guest, the owner of the unit in question may be required to pay for the costs of the investigation;
- Where the respondent continues the conduct in question, further legal steps may be taken by the Corporation, and all related costs may be sought against the respondent; or,
- The respondent may be required to remediate the harm to the complainant resulting from the harassment or discrimination.

ACKNOWLEDGEMENT

I have thoroughly read the Human Rights Policy of the Corporation and I understand my rights and my obligations under the Policy. I understand that if I engage in any act of discrimination, I may be subject to corrective action.

Date: _____ Signature: _____

Name (printed): _____

Witness Signature: _____