

# **RULE AGAINST HARASSMENT, VIOLENCE AND DISCRIMINATION**

## **PETERBOROUGH STANDARD CONDOMINIUM CORPORATION NO. 75 (the "Corporation")**

Adopted pursuant to Section 58 of the *Condominium Act*, 1998

**WHEREAS** the Board of Directors of the Corporation may make, amend or repeal rules under section 58 of the *Condominium Act*, respecting the use of units and common elements to promote the safety, security and welfare of the owners and of the property, or for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and of other units;

**WHEREAS** the Corporation is the occupiers of the common elements for the purpose of the *Occupiers liability Act* and that, as such, has a duty to take reasonable steps to ensure the reasonable safety of those entering on the premises and property;

**WHEREAS**, under the *Occupational Health & Safety Act*, the Corporation has a duty to take all reasonable precautions to protect its workers, including its agents, from illness and/or injury, including to protect them against violence, harassment and discrimination and has the obligation to prepare policies with respect to workplace violence and workplace harassment; and,

**WHEREAS** the *Condominium Act* prohibits any act, omission, condition or activity in a unit or on the common elements which is likely to cause an injury or illness to an individual, including psychological harm;

**NOW THEREFORE** THE FOLLOWING IS ENACTED AS A RULE OF THE CORPORATION:

1. Capitalized terms have the meaning ascribed to them in the definition section at the end of this rule.

### ***No violence, harassment or discrimination***

2. Every Person shall act respectfully, civilly, politely and courteously towards other Persons, whether while coming in contact with them personally, or while communicating with them in any way, verbally, in writing or otherwise, including, but not limited to, by email, texts, messages, social media posting or other methods of communications.
3. Every Person must be treated in a respectful manner, free from Harassment, Violence and Discrimination.
4. Every Person shall, at all times, comply with, and abide by, the Corporation's *Workplace violence, harassment and discrimination policy* (hereinafter, the "Policy"), as may be adopted and amended by the Corporation from time to time.

5. No Person shall act in any way which may constitute Harassment, Violence, Discrimination. Specifically, without limiting the generality of the foregoing, no Person shall injure, harass, threaten, annoy, or initiate any defamatory, threatening, hateful or discriminatory statement or action, or participate in any illegal activity or harmful conduct toward any Person.
6. Only directors or officers of the board are permitted to contact, make requests or provide instructions to/from contractors, agents or employees of the Corporation on Corporation-related matters. Owners who are not on the board of directors are not permitted to contact contractors, agents or employees of the Corporation on such matters unless authorized to do so, in writing and in advance, by the Corporation.

### ***Breaches to the rule***

7. Any breach to this rule may lead to the Corporation:
  - a. Demanding that those perpetrating any acts of violence, harassment or discrimination immediately stop such acts;
  - b. Filing a complaint to the Police;
  - c. Removing the perpetrator from the premises or from a board meeting or meeting of owners, if required by security or police;
  - d. Seeking the assistance of the court to secure compliance with this rule or its associated Policy (as may be adopted and amended from time to time) and to end the acts of Violence, Harassment or Discrimination. Such legal proceeding may include injunctive reliefs, removal of tenants, owners or occupants from the premises on a temporary or permanent basis and/or the forced sale of a unit when the circumstances justify it;
  - e. Instigating disciplinary action against any employee, up to and including dismissal;
  - f. Terminating the contract of any contractor or service provider;
  - g. Reporting the conduct of any other person to their employer, supervisor and/or principal, such other person as deemed appropriate in the circumstances, and/or to the police; and
  - h. Taking any steps against a unit owner, tenant, resident or anyone for whom they are responsible as permitted by the *Condominium Act*, by the Corporation governing documents or otherwise;
8. An owner who breaches this rule or Policy or who's tenant or those occupying their unit or for whom they are responsible at law who breaches this rule or Policy, shall indemnify the corporation for any damage to, or costs incurred by, the Corporation resulting from the breach(es) to this Rule or the Policy, including

any legal fees (on a full indemnity basis) incurred by the Corporation in its enforcement or attempted enforcement of this Rule or Policy or in defending a legal proceeding as a result of a breach to this rule or Policy or related to the implementation of this policy. Any such cost or damage will be assessed, charged and collected against the owner in the same manner as common expenses.

### **Definitions**

9. Any words and phrases which are defined in the *Condominium Act, 1998* (as amended from time to time) or in the Regulations thereunder or in any successor legislation thereto [the "Act"] shall have ascribed to them the meanings set out in the Act.
10. "**Discrimination**" includes, without being limited to, unequal or different treatment or harassment based on race, colour, ancestry, place of origin, citizenship, ethnic origin, creed, disability, age, marital or family status, sex, gender, sexual orientation, gender identity or expression, or other prohibited or analogous grounds, whether such conduct Discrimination causes harm or not.
11. "**Harassment**" includes, without being limited to, any verbal or written statement, an action or any behavior, whether repeated or arising from a single act or incident, which is intimidating, threatening, hostile, abusive, violent, malicious, disrespectful, defamatory, hateful or discriminatory or which causes physical or psychological harm, fear, humiliation or embarrassment, objectively determined on a reasonable basis, including any statement, action or behaviour which a person knows or reasonably ought to know would be unwelcome and/or offensive, including, without limitation, any bullying, verbal abuse, insulting comment, joke, gesture, conduct or touching.

The following conduct DOES NOT constitute harassment and is NOT subject to this Rule:

- a. The application and/or enforcement, or reasonable attempts to apply or enforce the provisions of the *Condominium Act*, the Corporation's declaration, the by-laws and/or the rules;
- b. Reasonable steps or communications taken by management, directors, officers, employees and/or agents of the Corporation in a *bona fide* attempt to perform or further the objects and duties of the corporation or to exercise the powers of the corporation;
- c. *Bona fide* differences of opinions;
- d. Minor disagreements between individuals;
- e. Isolated incidents of rudeness;

- f. Minor incidents or incidents which would reasonably be considered as minor; and,
- g. The normal and reasonable exercise of supervisory and management rights and responsibilities including, but not limited to, job assignments, working hours, performance reviews, work evaluations and disciplinary action.

12. **“Person”** For the purposes of this rule, “Person” includes:

- a. unit owners, residents, occupants, tenants, their visitors, guests, invitees, and/or agents and anyone for whom they are responsible at law; and,
- b. any of the condominium corporation’s representatives, directors, officers, managers, employees, agents and/or contractors.

13. **“Violence”** includes, without being limited to, actual, threatened or attempted acts of physical violence including hitting, shoving, kicking, assault and/or sexual assault and also action(s) or statement(s) reasonably believed to be a threat of violence or physical harm or a threat to the safety, security, integrity or dignity of individuals.

### **General clauses**

- 14. Each of the provision of this Rule shall be deemed independent and severable from the others. The invalidity or unenforceability in whole or in part of any one or more of these provisions shall not be deemed to impair or affect in any manner the validity, enforceability, or effect of the remaining part of this rule, and in such event, the other part of the rule shall continue in full force and effect as if such invalid rule or part of a rule had never been included herein.
- 15. No restriction, condition, obligation or provision in this Rule shall be deemed to have been abrogated or waived by any failure to enforce same, irrespective of the number of violations or breaches which may occur.

### **Effective Date**

- 16. This Rule is in **effect as of May 15, 2023.**