Mondeo Springs

January 7, 2013

Important Notice

Dear Homeowners & Residents,

Re: Swimming Pool, Sauna & Change Rooms

In late October 2012 a survey was delivered to all home owners requesting their participation in the completion of a survey to assist us in establishing an appropriate age for children in the change room of the opposite gender.

Although there were mixed feelings among many of the home owners, most were in favor of option # 3. Therefore, the Mondeo Springs Shared Facilities Committee has adopted option # 3 as the appropriate age for children in the change room of the opposite gender policy. We thank all those home owners who took the time to participate in the survey and offer their comments.

Children in Change Room Policy

- Children (female or male) under (4) four years of age are permitted in the ladies or the men's change rooms.
- Children (female or male) (5 to 8) five to eight years of age of the opposite gender are not permitted in the ladies and men's change rooms.
- Children (female or male) (5 to 8) five to eight years of age are required to shower and change into the appropriate swimming attire in their suite.
- Children (5 to 8) years of age may enter into the swimming pool through the change room of the opposite gender only if there are no patrons of that gender present in the change room.

8 MONDEO DRIVE, SCARBOROUGH, ONTARIO M1P 5C7
TELEPHONE: 416.754.1437 FAX: 416.754.9108

- Children (female or male) (9) nine years of age and older must use the change room of their gender.

Included with the survey was a notice advising that the committee has voted to close the swimming pool, sauna and change room between the hours of 1:00 a.m. and 5:00 a.m. The same notice advised the home owners if there was opposition to the proposed rule, the home owners could requisition a meeting requesting a review of the rule. No requisition for meeting was received; therefore, rule 20 became the new rule on December 15, 2012.

Swimming Pool Hours of Operation

20. The swimming pool, whirlpool, sauna and change room hours are 5:00 a.m. to 1:00 a.m.

The most chronic rule infractions of the swimming pool and whirlpool are too many guests and people dressed in street clothes on the swimming pool and whirlpool deck.

We would like to remind residents of the rules:

- (2) two guests per suite per visit to any of the Mondeo Club amenities and the guests must be in the company of the inviting resident at all times.

- no street clothes are to be worn at a anytime on the swimming pool and whirlpool deck. The only exceptions are the health officials and staff performing daily maintenance.

- the City of Toronto Health Department dictates that all bathers must take cleansing shower before entering the swimming pool or whirlpool.

Thank you for your kind attention to this matter.

Sincerely,

Mondeo Springs Shared Facilities Committee

8 MONDEO DRIVE, SCARBOROUGH, ONTARIO M1P 5C7
TELEPHONE: 416.754.1437 FAX: 416.754.9108

Mondeo Springs

Harassment and Discrimination Policy

A) POLICY

The Corporation (Mondeo Springs Shared Facilities, T.S.C.C. #1566, and #1737) is committed to creating a safe and healthy workplace in which all individuals are treated with respect and dignity. The Corporation will take all reasonable steps to discourage and prevent harassment and to effectively respond to any incident or complaint.

B) PURPOSE OF THIS HARASSMENT AND DISCRIMINATION POLICY

This policy is intended to:

1. Create and foster a work environment free from workplace harassment;
2. Provide a definition of harassment;
3. Establish and detail the responsibilities of all persons in the Corporation to maintain a workplace free of harassment;
4. Ensure that incidents of harassment are reported to Corporation management;
5. Ensure that complaints of harassment are handled in a timely and equitable manner by the Corporation.

C) SCOPE AND APPLICATION OF THIS POLICY

This policy applies to all employees, contractors, service providers, unit owners, occupants, visitors, delivery persons, volunteers, and any other person attending a Corporation workplace. For the purposes of this policy, a Corporation workplace includes all places where Corporation business occurs and includes all:

- Corporation buildings and surrounding perimeter including parking lots/garages, sidewalks, and driveways ("Corporation Grounds");
- Corporation vehicles;
- Building units or suites where Corporation business occurs;
- Off-site locations where Corporation business occurs;
- Corporation-sponsored functions and recreational or social events, whether taking place on Corporation Grounds or elsewhere; and
- Travel for Corporation business.

D) HARASSMENT DEFINED

In this policy, harassment is defined as a course of vexatious conduct or comment that is known, or ought reasonably to be known, to be unwelcome. Harassment includes behavior that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive environment. It includes any discriminatory behavior that is motivated by a person's race, sex, religion, marital or family status, age, sexual orientation, disability or any other ground prohibited by the Ontario *Human Rights Code*. Harassment also includes sexual harassment which is, generally, a repeated course of conduct involving sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature but may arise from a single serious act.

Some examples of behavior constituting harassment include, but are not limited to:

- Demeaning, degrading, embarrassing or humiliating words or comment, whether made verbally or in writing,
- Taunting or scape-goating,
- Singling out a person for demeaning or degrading teasing or jokes,
- Displaying demeaning, derogatory or offensive pictures, material or gestures,
- Advances that are unwelcome or ought reasonably to be known to be unwelcome, including requests for sexual favors or other verbal or physical conduct of a sexual nature,
- Unwelcome comments or inquiries about a person's romantic relationships or sex life,
- Unwelcome sexual flirtations, advances, or propositions,
- Unwanted touching,
- Using the submission to or refusal to accept prohibited conduct as a basis for any employment decision including, but not limited to, matters of promotion, career progression, the type of work given, salary/wage increases, job security and benefits, or
- Verbal abuse or threats that do not involve the threat of violence.

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

- 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;
- Differences of opinion;
- Minor disagreements between an employee and another person; and
- Isolated incidents of rudeness.

This is the companion policy to the Corporation's Workplace Violence Policy which addresses actual, attempted or threatened acts of physical violence.

E) ZERO TOLERANCE

The Corporation values its employees and expects that its workplace(s) will be free of harassment. The Corporation will not tolerate incidents of harassment perpetrated against or by any employees, contractors, service providers, unit owners, occupants, visitors, delivery persons, volunteers or any other person at a Corporation workplace or involved in Corporation business.

Every person at a Corporation workplace is responsible for acting in compliance with this policy.

With respect to acts of harassment, as defined in this policy, the Corporation may, where appropriate:

- Remove the perpetrator from a Corporation workplace by security or the police;
- Discipline any employee, up to and including dismissal, and/or report the conduct to the police;
- Terminate the contract of any contractor or service provider and/or report the conduct to the police;
- Sanction any unit owner or occupant as permitted by the *Condominium Act* and/or the by-laws and rules of Mondeo Springs Shared Facilities, T.S.C.C. #1566, and #1737 and/or report the conduct to the police; and
- Report 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.
- Where, following the investigation of a formal complaint as referred to in Part 'H' below (the "Investigation"), it is determined that an owner, or occupant of that owner's unit, has committed an act of harassment, the owner shall indemnify the Corporation for all costs and expenses, including all legal fees on a solicitor and his/her own client basis, as well as all applicable disbursements, incurred by the Corporation in connection with the Investigation, with all such costs and expenses recoverable as an additional contribution towards the common expenses payable by such owner, as provided for by Section 44(b) of the Declaration of TSCC 1737.

F) RESPONSIBILITIES AND OBLIGATIONS

It is the responsibility of:

1. The Corporation

- To take reasonable preventative measures to discourage and prevent harassment in Corporation workplaces;
- To develop a process for the reporting and investigation of harassment;
- To ensure that all employees are trained in this policy;
- To post this policy in a conspicuous place in the workplace;
- To ensure that this policy is communicated to contractors, service providers and other persons who attend Corporation workplaces;

- To ensure the process for reporting and responding to incidents of harassment is communicated, maintained and followed; and
- To ensure that this policy is reviewed before December 1 of every year and the results of the review are to be recorded in the Corporation's minutes.

2. **Managers and Supervisors of the Corporation**

    - To understand and abide by the requirements of this policy;
    - To communicate and review this policy with the employees they supervise or manage;
    - To verify that all contractors and others who attend Corporation workplaces are aware of this policy;
    - To adequately train employees in Corporation procedures that address harassment;
    - To encourage employees to report complaints or incidents of harassment;
    - To respond to all complaints or incidents of harassment in a professional manner appropriate for the circumstances of the complaint or incident and in accordance with this policy;
    - To promptly report in writing all complaints or incidents of harassment they receive or witness to senior management.

3. **Employees (Including Managers and Supervisors)**

    - To comply with this policy at all times;
    - To immediately notify their supervisor or other designated person of any incident of harassment, whether the employee is the victim or not;
    - To participate in training regarding this policy and any other Corporation procedures related to harassment; and
    - To fully cooperate in any investigation of complaints or incidents of harassment or breaches of this policy.

G) REPORTING HARASSMENT AND RETALIATION

- Any employee who believes he or she has been subjected to harassment or reprisal, as defined below, is encouraged to make a report to the Corporation's Property Manager, the Property Manager's supervisor or the Corporation's Board of Directors;
- Any person who receives a complaint of harassment will promptly notify the Corporation's Board of Directors so that the incident can be investigated and addressed;
- All complaints and incidents of harassment are to be recorded in writing by the person receiving the report. The date, time, location, potential witnesses and nature of the incident should be documented;

- If an incident of harassment involves a person who is not an employee of the Corporation, the Corporation will report the incident to that person's employer, principal, and/or such other person as the Corporation determines is appropriate in the circumstances.

H) INVESTIGATING AND RESPONDING TO HARASSMENT AND REPRISALS

The Corporation may itself commence an investigation into any circumstances which it believes may constitute a violation of this policy, notwithstanding that a complaint has not been made.

A complaint will not be investigated or otherwise dealt with under this policy, if the complaint was not made:

(a) within six months after the incident to which the complaint relates; or

(b) if there was a series of incidents, within six months after the last incident in the series.

Notwithstanding this policy, where applicable, an employee retains his or her right to file a complaint with the Ontario Human Rights Tribunal. This policy is not intended to discourage or prevent an employee from exercising any other legal rights pursuant to any other law. However, this policy does not limit or fetter the Corporation's right to respond to same if required.

a) No Complaint

Where an employee or other person ("complainant") believes they have been subjected to harassment, he or she may, where comfortable doing so, advise the alleged perpetrator that the behaviour is unwelcome and should stop. In such circumstances, no report is made to the Corporation's Property Manager, the Property Manager's supervisor or Corporation's Board of Directors.

The complainant should record the date of this discussion with the alleged perpetrator. Following the discussion, if the behaviour complained about does not stop or should different harassing behaviour start, the complainant should maintain a detailed record of any subsequent harassing behaviour. This record should include the date, time and place of any subsequent incident, along with a description of the involved behaviour and the names of any potential witnesses.

b) Informal Complaint

If the complainant is not comfortable speaking directly with the alleged perpetrator or if harassing behaviour continues after the discussion set out above has occurred, the complainant may file an informal complaint. The informal complaint process is as follows:

- The complainant reports the harassing behaviour to the Corporation's Property Manager, the Property Manager's supervisor or the Corporation's Board of Directors ("Board") and advises that they wish to make an informal complaint;
- The recipient of the report will record the complaint in writing and will advise the Board of the complaint;
- The recipient of the compliant will forward the written summary of the complaint to the Board;
- The Board will assign an investigator to investigate the complaint. The investigator will review the complaint and seek necessary follow-up information from the complainant;
- The investigator will meet with the alleged perpetrator and advise him or her of the particulars of the complaint and ask for a response. The investigator will record the response in writing;
- The investigator will not make any findings of fact but will attempt to effect a settlement of the complaint that is acceptable to both the complainant and alleged perpetrator;
- If the complainant and alleged perpetrator are able to resolve the matter, the particulars of the settlement will be recorded by the investigator and placed into a file separate from the personnel files of either the complainant or alleged perpetrator. The investigator will notify the Board that a settlement, satisfactory to both parties, has occurred;
- If a settlement cannot be reached or if the parties do not abide by the settlement, the alleged harassment and/or breach of the settlement will be formally investigated.

c) Formal Complaint

A formal complaint may be filed at any time. A formal complaint and investigation will automatically arise from a complaint of reprisal, defined below, or a failure of a settlement reached during the informal complaint process.

Formal complaints or incidents of harassment and reprisal will be promptly investigated. The investigation will be conducted as quickly and confidentially as possible in the circumstances. Complete confidentiality is not possible in all circumstances and cannot be guaranteed.

The formal investigation process is as follows:

- The Board will appoint an investigator;
- The investigation will include:
  (a) A documented interview with the complainant and/or victim;
  (b) A documented interview with the alleged perpetrator(s);
  (c) A documented interview with any witnesses with relevant information to provide; and
  (d) Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident;

- At the conclusion of the investigation into an incident or complaint, the investigator will prepare a written report of the findings of fact, including the evidence relied upon in support of the factual findings, which will be provided to the Board;
- Where the investigator concludes that harassment has not occurred or has not been proven, the investigator will advise the complainant and the alleged perpetrator of the finding and will review the report with them separately. The report will be kept in a secure file but not in the personnel files of either the complainant or the alleged perpetrator;
- Where the investigator concludes that harassment has occurred, the investigator will advise the complainant and the perpetrator of the finding and will review the report with them separately. The report will be included in the personnel file of the perpetrator (as applicable);
- The Corporation will take any necessary disciplinary action. The severity of any disciplinary action or sanction, which may include dismissal from employment or other available sanctions, will be consistent with the seriousness of the conduct at issue such that more significant discipline will follow more serious conduct or repeated violations of this policy.

I) NO RETALIATION

Harassment and this policy are serious matters. This policy prohibits retaliation against employees or others who have made good faith complaints or provided information regarding a complaint or incident of harassment. Employees or others who engage in retaliation or threats of retaliation may be disciplined up to and including dismissal from employment, the termination of contract, or sanction as permitted by the *Condominium Act* and/or the by-laws and rules of Mondeo Springs Shared Facilities, T.S.C.C. #1566, and #1737.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of harassment;
- Intentionally pressuring a person to ignore or not report an incident of harassment; and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of harassment.

Any person who makes a false complaint or otherwise abuses this policy, will be subject to a formal investigation, and is subject to discipline or sanction, as the case may be, appropriate for the circumstances. Such discipline or sanction is not a reprisal or breach of this policy.

J) POLICY REVIEW

This policy will be reviewed before December 1 of every year and the results of the review are to be recorded in the Corporation's minutes.