

## **Workplace Harassment & Discrimination Policy**

**The following Workplace Harassment & Discrimination Policy (the “Policy”) was adopted by the Board of Trustees (the “Board”) of Minto Apartment Real Estate Investment Trust (the “REIT”) on August 12, 2019**

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### **Objective**

To provide a workplace in which all employees are treated with dignity and respect, and in which harassment and discrimination are not tolerated. It is the REIT’s policy to:

- Prohibit all forms of harassment, including sexual harassment;
- Prohibit discrimination in accordance with and as defined by the applicable provincial Human Rights legislation;
- Establish a consistent process for addressing and resolving all reported or discovered issues relating to harassment and/or discrimination;
- Provide employees with advice on their options and identify resources for support (such as the Employee Assistance Program);
- Prohibit any form of reprisal against employee(s) who, in good faith, seek to exercise or uphold their rights in accordance with this Policy;
- Prohibit and protect against frivolous, vexatious, or bad-faith allegations of harassment and/or discrimination under this Policy;
- Encourage all employees to report incidents of harassment or discrimination; and
- Hold employees accountable for their conduct. Any employee who intentionally or recklessly subjects another person in the workplace to harassment or discrimination is subject to disciplinary action, up to and including termination of employment.

The REIT is opposed to any behaviour that may undermine work relationships and confirms that any form of harassment and/or discrimination will not be tolerated. Each employee of the REIT is responsible for helping to create an environment that is harassment-free and discrimination-free.

### **Applicability**

- Applies to all staff of the REIT.
- Applies to interactions between the REIT staff, customers, contractors, clients and other parties with whom employees interact.
- Employees covered by a collective agreement will have the choice between accessing the resolution process outlined in this Policy or filing a grievance under the applicable collective agreement.

## **Coverage/Terminology**

### *Workplace Harassment*

For the purposes of this Policy, "harassment" means engaging in a course of highly objectionable comments or conduct that is either known or ought reasonably to be known to be unwelcome.

- Examples can include (but are not limited to) hostile, offensive, or obnoxious conduct such as threats, bullying or intimidation, gestures, innuendo, unwelcome remarks, insults, jokes, slurs, displays of offensive material, physical or sexual assaults or other violent behaviour, or taunting about a person's body, clothing, habits, customs, mannerisms, physical characteristics or appearance.
- The legitimate exercise of supervisory authority in a non-abusive manner does not constitute harassment.
- Harassment can also include reprisals against an individual for:
  - Invoking this Policy (on behalf of him/herself or another employee) or exercising rights under any employment-related statute;
  - Participating or cooperating in any investigation under this Policy or any other REIT policy;
  - Associating with any employee who has invoked this Policy or is participating in an investigation under this Policy.

### *Sexual Harassment*

For the purposes of this Policy, "sexual harassment" means engaging in a course of vexatious comment or conduct of a sexual character or nature that is known or ought reasonably to be known to be unwelcome. A single incident can constitute sexual harassment where the person making the comment or conduct is in a position to grant, confer, or deny an employment-related benefit or advancement.

Sexual harassment may take a number of forms, including but not limited to:

- Sexist jokes causing embarrassment or offence, told or carried out after the perpetrator has been advised that it is embarrassing or offensive, or that are by their nature clearly embarrassing or offensive;
- Leering;
- Display of sexually offensive material;
- Sexually degrading words used to describe a person;
- Derogatory or degrading remarks directed towards members of a certain sex or certain sexual orientation;
- Sexually suggestive or obscene comments and gestures;
- Unwelcome inquiries or comments about a person's sex life;
- Unwelcome sexual flirtations, solicitation, advances or propositions;
- Persistent and unwanted contact or attention after the end of a consensual relationship;
- Request for sexual favours;

- Unwanted touching;
- Verbal abuse or threats; and,
- Sexual assault.

Sexual harassment is not limited to interaction between men and women. It can also occur by men towards men, and by women towards women.

### *Bullying*

For the purposes of this Policy, “bullying” is a form of harassment (usually by a person with authority over the employee) that negatively impacts the health of the affected employee. Bullying is the repetitive use of hostile or unwanted acts that affect the employee’s dignity or health, and result in a harmful work environment. A single serious incident of such behaviour may qualify if it undermines the employee’s psychological or physical integrity and if it has a lasting harmful effect. Bullying is also characterized by the use of fear to control others, including deliberate actions to belittle, humiliate, intimidate, or undermine the targeted employee, and can include the withholding of resources (time, information, supplies, support, etc.) necessary for the targeted employee to succeed in their work.

### *Deliberate or Reckless Course of Comment or Conduct*

For the purposes of this Policy, “vexatious comment or conduct” is offensive, humiliating or abusive behaviour that lowers a person’s self-esteem, causes torment or affects his/her health and safety.

### *Discrimination*

For the purposes of this Policy, discrimination is defined as action(s) or behaviour(s) that result in the unfavourable or adverse treatment of (an) employee(s) related to the prohibited grounds outlined under the applicable provincial Human Rights legislation where the employee(s) works, such as:

- Race;
- Ancestry;
- Place of origin;
- Colour;
- Ethnic origin;
- Citizenship;
- Creed or religious beliefs;
- Sex;
- Sexual orientation;
- Gender identity;
- Gender expression;
- Age (*In accordance with the Ontario Human Rights Code, it is not considered discriminatory where benefit coverage is limited or ended at age 65*);
- Record of offences (*for which a pardon has been granted and not revoked, or a record of provincial offences*);

- Marital status;
- Family status; or
- Disability (physical or mental).

Examples include, but are not limited to, refusal to provide goods, services or facilities, exclusion from employment or employment benefits, refusal to work with someone, failure to provide physical access, failure to accommodate a disability in accordance with the applicable Human Rights legislation.

Note: Discrimination need not be intentional in order to constitute a violation of this Policy.

### *Confidentiality*

The REIT recognizes the sensitive nature of making an allegation of harassment against a co-worker or supervisor. To protect the interests of the person making the allegation (the “Complainant”) and the employee against whom the allegation is lodged (the “Respondent”), confidentiality will be maintained over the identities of those involved and the information disclosed except as required to investigate the incident(s) or to take corrective action or as otherwise required by law. All records related to complaints of harassment will be kept confidential, except where disclosure is required by a disciplinary or investigative process or otherwise by law.

### *Measures to Protect Employees*

The REIT will take every precaution reasonable in the circumstances for the protection of an employee. Measures available to the REIT include but are not limited to:

- Transfer or reassignment;
- Restructuring reporting relationships;
- Training and/or education;
- Changes in policies, procedures;
- Referrals to the Employee Assistance Program;
- Disciplinary action;
- Termination of employment; and
- Any other measures available at law.

### *Third-Party Complaints*

An employee who believes that a person in the workplace has experienced or is experiencing any form of harassment, discrimination, or retaliation for having exercised their rights under this Policy or an employment-related statute has a responsibility to report this belief to the Human Resources Business Partner (the “HR Business Partner”). The HR Business Partner will arrange a meeting with the person said to have been subjected to harassment, and will proceed according to the procedures contained in this Policy.

## *Harassment or Discrimination by a Contractor, Supplier, Customer, or Member of the Public*

An employee who believes that he/she has been subjected to harassment or discrimination by a person who is not an employee of the REIT, and where the harassment or discrimination has occurred in the course of his/her employment, should inform his/her immediate manager and the HR Business Partner, to determine what action can be taken as well as what is necessary to support and assist the employee subjected to such harassment or discrimination.

### **What To Do if Harassment/Discrimination is Believed to Have Taken Place**

In the event an employee believes harassment or discrimination has taken place (against themselves or against any other person whom they observe or with whom they interact in the workplace), they are encouraged to address the matter immediately with the offending party as follows:

- identify the harassing or discriminatory conduct; and
- indicate that it is unwelcome and must cease immediately.

If the harassment or discrimination continues, or if the employee feels unable or unwilling to confront the offending party directly, the employee should contact the HR Business Partner for advice, support and assistance.

If, following the above review, the HR Business Partner and the Complainant agree that the complaint does not constitute harassment or discrimination as defined under this Policy, no further action will be taken.

If, following the above review, the Complainant declines to file a complaint, but the HR Business Partner believes the matter warrants further investigation, the HR Business Partner may explore informal options for resolution and/or initiate an investigation

If, following the above review, the Complainant wishes to file a complaint, the HR Business Partner will provide assistance and follow due process, as outlined below.

As required by law, the REIT will investigate all incidents of harassment and/or discrimination which it learns about or which are brought to its attention, regardless of whether the Complainant chooses to file a complaint.

Nothing in this Policy is intended to discourage an employee from exercising any other rights which may be available to them at law.

### **Filing a Complaint**

#### *Step 1 - Submit the Complaint*

The Complainant may submit the complaint, in writing or electronically, to his/her HR Business Partner, after having met with the HR Business Partner. The complaint should contain details concerning the incident, including name of employee(s) involved, dates and details of the incident, names of witnesses, etc.

Following receipt of the complaint, the HR Business Partner will inform key leadership, including but not necessarily limited to the Vice President, Human Resources. If necessary, interim steps may be taken to separate the Respondent and the Complainant of the incident while an investigation is completed. The Respondent and key leadership identified above will receive a summary of the complaint, without delay, which will include the name of the employee(s) involved, details of the incident, impact on the Complainant of the incident, and the specific relief or resolution sought. The HR Business Partner will meet with the Respondent and review the complaint with him/her. The Complainant of the incident, Respondent and any key leadership will be provided with progress reports as deemed necessary by the HR Business Partner.

### *Step Two – Mediation*

If appropriate, mediation will be offered to both parties in an attempt to resolve the matter prior to proceeding to an investigation. The HR Business Partner may appoint as mediator an independent individual, experienced in this area, who is not an employee of the REIT. The mediation will take place as expeditiously as possible. Any resolution reached will be in writing, and will be final and binding on all parties. All discussions about the matter occurring during the mediation will be confidential and off the record.

If either party declines mediation, or if the mediation is unsuccessful in resolving the matter, the process will proceed to *Step Three – Investigation*. No person acting as a mediator may participate in a subsequent investigation of the matter, nor shall they be interviewed or provide any information about the matter to an investigator.

### *Step Three – Investigation*

Upon referral of the complaint to this step, the REIT will appoint a competent and independent person to investigate it. Depending upon the circumstances of the case, the investigation may be carried out by one or more HR Directors/Business Partners, or if the REIT so directs, by an outside investigator.

The investigator will, without delay, conduct an investigation and prepare detailed notes of all information obtained. The investigation will include interviewing all relevant parties and witnesses.

Upon conclusion of the investigation, the investigator will render a written report that will include a summary of relevant facts that have been established, and an analysis of the facts in light of this Policy, including evaluating any issues of credibility, whether a violation was intentional, and providing relevant observations and conclusions.

The report will be delivered to the HR Business Partner and Vice-President, Human Resources, who will within 48 hours, provide a summary of the findings to the Complainant, the Respondent, and any other relevant stakeholders.

#### *Step Four - Recommendations*

The HR Business Partner, the Vice-President, Human Resources, and any other relevant key leadership will meet within 72 hours of receiving the report to review the analysis and conclusions contained in it, and determine the REIT's response.

The HR Business Partner will inform the Complainant and Respondent (verbally and in writing) of the REIT's response and any corrective action to be taken to address the incident.

In the event a violation of this Policy is established, a copy of the report will be retained by Human Resources along with any other necessary documentation of the REIT's response. The details of any resulting discipline will remain confidential between the REIT and the Respondent.

If, upon review of the report, key leadership is satisfied that this Policy has not been violated, the HR Business Partner will so advise the Complainant and Respondent (in writing). Any administrative measures taken to address matters arising from the complaint (i.e. training, transfer, clarifications of expectations etc.) will be recorded but no reference to the complaint will be retained in the Complainant's or Respondent's employee files.

Any complaint that is made in bad faith, i.e. maliciously, will result in disciplinary action against the Complainant up to and including termination of employment.

#### **Effective Date and Duration**

This Policy will remain in effect until it is amended or repealed.