

THE RESPONSIBLE PROPERTY SERVICES CODE

INTRODUCTION

Signatories to the Responsible Property Services Code (the Code) recognize their fiduciary duties of prudence, loyalty and the pursuit of competitive rates of return with respect to all of their investment activities, including in commercial real estate properties. Signatories to the Code are invested in, own and /or operate commercial real estate properties. In order to ensure a competitive return on their real estate investments, signatories seek to invest in properties that are well-built and maintained and where tenants receive high quality services.

Proper maintenance and superior services require that building management and service contractors hire well-trained and dedicated staff to maintain, operate and service buildings. Assuring the availability of qualified staff and avoiding labour disruption and costly employee turnover requires employers to pay fair wages and benefits, to treat workers fairly and with respect and to abide by applicable labour laws.

Signatories to this Code support and encourage contractors to abide by the principles outlined below in order to promote appropriate working conditions, fair wages, and benefits for workers and contractors hired to provide services in the maintenance and management of commercial properties. At a very minimum, all employers and contractors shall observe all applicable local, provincial or state and federal employment regulations or laws.

ADMINISTRATION

1. Contractors and service providers for property management services shall be selected through a competitive bidding and selection process to ensure fair competition.
2. All requests for proposals, invitations to bid, service agreements and renewal agreements shall include a copy of the Responsible Property Services Code (the Code).
3. All contractors and service providers shall complete a prequalification form that acknowledges their adherence to the Code prior to being invited to bid on contracts, and contractors shall provide evidence that they have communicated the requirements of the Code to all employees and subcontractors.
4. Signatories are responsible for establishing and maintaining appropriate procedures to evaluate and select contractors and service providers based on their ability to meet the requirements of this Code.

MONITORING AND ENFORCEMENT

1. Signatories shall establish procedures and mechanisms to encourage compliance with the Code and shall inform all contractors or service providers of the consequences of non-compliance with the Code.
2. Signatories shall establish monitoring procedures and mechanisms to investigate complaints, as well as auditing procedures to ensure compliance by contractors and service providers with the Code.
3. Signatories to the Code shall also establish appropriate enforcement mechanisms, which may include, but are not limited to, placing non-complying parties on a probation 'watch list', terminating a contract, or establishing a disqualification period that restricts a contractor from bidding on future contracts for a set period of time.

APPLICATION OF CODE

1. Signatories shall hire responsible contractors and service providers who agree to adopt the principles of the Code across all operations.
2. Signatories shall determine the applicability of this Code based on project type, size and control, in consultation with stakeholders. In cases where projects do not fall within the application terms established by signatories, it is recommended that the signatories and their contractors & service providers make good faith efforts to comply with the spirit of the code.

THE PRINCIPLES

Signatories to this Code support responsible property services and contracting practices, and require contractors, subcontractors and service providers to:

1. RESPONSIBLE EMPLOYMENT PRACTICES

- 1.1. Honour the letter and spirit of Canadian federal and provincial Employment Standards Acts (ESA) and labour laws.
- 1.2. Ensure that all contractors, sub-contractors and service providers correctly classify workers for the purpose of receiving benefits under the jurisdictional ESA.
- 1.3. Avoid employment relationships that are unduly complex, including the use of consecutive fixed-term contracts, labour-only contracting, sub-contracting or apprenticeship schemes where there is no intent to impart skills or provide regular employment.

2. FAIR WAGES AND BENEFITS

- 2.1. Pay workers fair wages and benefits, based on prevailing wage standards, as determined by the type of property, comparable job or trade classifications, applicable collective bargaining agreements, and the scope and complexity of services provided in comparable properties, as evidenced by payroll and employee records.
- 2.2. Comply with all jurisdictional labour laws governing minimum wage requirements.

3. WORKING HOURS

- 3.1. Comply with applicable laws and industry standards regarding working hours, overtime, and hours free from work, and ensure that employees do not work excessive hours or hours detrimental to the worker's health or safety.

4. WORKING CONDITIONS

- 4.1. Provide a safe and hygienic working environment, recognizing the specific hazards relevant to commercial property maintenance and operations, and take adequate steps to prevent accidents and injury to health.
- 4.2. Ensure working conditions in commercial properties conform to the standards set in relevant health and safety regulations including the Canada Occupational Health and Safety Regulations or its equivalent in other jurisdictions.

5. DISCRIMINATION AND HARASSMENT

- 5.1. Treat workers with respect and dignity in the workplace and prohibit physical abuse or discipline, the threat of physical abuse, sexual or other harassment, verbal abuse, or other forms of intimidation.
- 5.2. Prohibit harassment or discrimination on the basis of race, gender, sexual orientation, colour, national or ethnic origin, religion, marital status, family status, citizenship status, veteran status, age or disability.
- 5.3. Provide workers with a confidential and secure means of raising grievances, complaints or workplace issues with the employer, and ensure that workers are not punished or prejudiced for using confidential grievance procedures.
- 5.4. Inform all workers and contractors of harassment procedures and provide information for confidential reporting channels.

6. FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING

- 6.1. Support a position of neutrality in the event there is a legitimate attempt by a labour organization to organize workers employed in the maintenance, operation and/or services of a relevant property.

7. FREELY-CHOSEN EMPLOYMENT

- 7.1. Prohibit forced labour, which is understood to include work or service exacted under the threat of penalty or for which the person concerned has not offered himself or herself voluntarily, including prison or bonded labour.
- 7.2. Allow workers to terminate their employment without fear of penalty, financial or otherwise, after reasonable notice, and ensure that workers are not required to lodge 'deposits' or identity papers with their employer.

8. CHILD LABOUR

- 8.1. Prohibit employment of persons under the age of 15 or under the age for completion of compulsory education, whichever is higher.
- 8.2. Ensure that young workers under the age of 18 are provided a healthy workplace, free of hazards and conditions that may jeopardize their health and safety, including night work.

This Code was developed through a multi-stakeholder process initiated by the Atkinson Charitable Foundation and SHARE. For more information contact SHARE at +1 (604) 408-2456 or www.share.ca/property.