

## Strata Living

Headline: Who Supervises the Staff?

Topic: Caretakers

Publication date: Oct 18, 2012

Publication: 24 Hours

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**Dear Tony:** Our strata corporation employs a full time resident care taker. The care taker is responsible for basic janitorial services, landscaping, supervision of onsite contractors and owners requesting access for moving or sub contractors visiting the site for alterations of strata lots. We have recently run into a serious problem involving an owner in one of the penthouse units. He has been harassing the caretaker, accusing him of not doing his work and ignoring the owners on the top floors, accused him of taking kick backs from contractors, and is now spreading rumours about the caretaker's past. The strata council have attempted to control the situation but the owner's response is that he pays strata fees and has a right to speak to the staff without going through council. Our council is concerned that we may lose our valued caretaker. The last search took 12 weeks to find a good candidate. Any suggestions would be welcome.

*Marcia L. Vancouver*

**Dear Marcia:** Competent and reliable staff are a significant asset to any employer, but when conflicts between owners or groups of owners start to interfere with the employees, it is critical to take action quickly to avoid losing the employee, fuelling a conflict within your strata, or facing a law suit as a result of harassment, an employee being abused or having their reputation damaged.

Intentionally spread rumours or speculation about an employee or person's history, reputation or false accusations are forms of bullying and slander. Both the strata corporation and the owner could be subject to court actions, and employment violations. The strata council members are the elected legal representatives of the strata corporation, and the council or the strata manager if delegated the obligation, are responsible to supervise and administer the employees of the corporation. It is critical for the strata council and manager to document all incidents. The employee is included in documentation that refers to them or their employment and the strata council needs to document all incidents and communications with the owner involved. I always recommend that a strata council in a conflict between an owner and employee or the corporation and employee seek legal advice from a labour relations lawyer. Any incidents with an owner should be documented and addressed by the strata corporation's lawyer. The strata council have a duty to act in the best interest of the strata corporation, that includes compliance with legislation such as the *BC Employment Standards Act*.

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