

Antitrust Policy and Guidelines

Statement of Purpose

Fenestration Manitoba (FenMan) is committed to complying with all laws regulating trade associations and avoiding improper conduct from an antitrust standpoint when members are participating in FenMan meetings and/or acting as a representative of the association.

Objectives

The policy and guidelines to enable FenMan to conduct association business in a manner that does not violate any government regulations or where participants are not able to demonstrate anti-competitive behaviour and/or unfair business practices while engaging in Fenestration Manitoba business.

Responsibility

The policy and guidelines apply to FenMan Members or individuals who are employed by a corporate member of FenMan, leaders, volunteers, representatives and stakeholders (herein referred to as “Members”) are subject to antitrust laws that prohibit fixing prices, allocating geographic markets, unfair or deceptive practices, setting profit levels; boycotts, and most other anticompetitive actions Fenestration Manitoba will neither permit nor condone anti-competitive behavior, whether willful or inadvertent, in connection with any FenMan activity. Additionally, discussion among two or more providers that suggests intentional or unintentional fraudulent activity is illegal. All Members, leaders and representatives are required to abide by the FenMan Antitrust Policy and governing laws.

The Chair of FenMan meetings will read the following antitrust statement prior to each meeting:

“It is the policy of Fenestration Manitoba and its members to comply with laws and regulations applicable to their activities and to ensure that while conducting Fenestration Manitoba business they abide by the Antitrust Policy and Guidelines and governing laws.”

General Policy

Fenestration Manitoba encourages active participation by its Members in order to add value to the member engagement in association-related affairs, and to further FenMan’s mission. Members are required to do the following while representing or engaging in association business:

1. **Don’t** discuss prices or fees such as costs, discounts, terms of sale, warranties, profit margins, individual company’s future marketing plans, bidding plans, pricing policies or refusal to deals.
2. **Don’t** have discussions which attempt to arrive at agreements regarding pricing, terms or conditions for sale; distribution; volume of production; or customer territories.
3. **Don’t** have discussions that might be seen as an agreement to refrain from purchasing or using any products or services from any supplier.
4. **Don’t** divide customers, markets or territories with competitors.
5. **Don’t** talk about complaints related to specific customers.
6. **Don’t** agree upon or attempt to control a customer’s sale price or engage in an activity that may be seen to forestall/limit research or the development of a product, process or machinery.
7. **Don’t** attempt to restrict a customer’s re-sale activity.
8. **Don’t** offer a customer prices or terms more favorable than those offered to competing customers.

9. **Don't** require a customer to buy a product only from you.
10. **Don't** use one product as bait to sell another.
11. **Don't** disparage a competitor's product.
12. **Don't** joke about antitrust compliance.
13. **Don't** hesitate to consult with legal counsel or FenMan before raising any matters or making a statement that you think may involve competitively sensitive information.
14. **Do** be sensitive to other matters that may raise antitrust concerns for associations; Membership restrictions; codes of ethics or other forms of self-regulation.
15. **Do** be alert to improper activities and do not participate if you think something is improper.

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