



# Toronto Transit Commission

## 10.1.3 Respect and Dignity (Anti-Harassment and Anti-Discrimination Policy and Program)

### 1.0 RESPONSIBILITY

Head – Human Rights & Investigations Department (“HRID”)

### 2.0 POLICY STATEMENT

The Toronto Transit Commission (TTC) is committed to providing service delivery and a work environment that promotes equity and respects the dignity, self-worth and human rights of every individual, and is free from any form of discrimination or harassment. The TTC condemns harassment, denigration, discriminatory actions, and the promotion of hatred. The TTC will not tolerate, ignore or condone any form of discrimination or harassment perpetrated against or by any employee, contractor or customer. All employees and contractors are responsible for respecting the dignity and rights of their co-workers and the public they serve.

### 3.0 PURPOSE

This policy is intended to:

- create and foster a workplace that is equitable, diverse and inclusive;
- foster a safe workplace, free from discrimination or harassment;
- establish and detail the responsibilities of all employees and contractors to maintain workplaces and service delivery free from discrimination or harassment;
- define workplace discrimination, workplace harassment, and sexual harassment;
- provide instruction on TTC’s complaint reporting and investigation procedures in accordance with the [Ontario Human Rights Code](#) (the “Code”) and the [Occupational Health and Safety Act](#) (“OHSA”);
- incorporate relevant terms and obligations as defined in the Code, OHSA, and applicable human rights case law in Ontario;
- ensure that incidents of discrimination or harassment in the workplace are immediately reported;

- ensure that incidents of discrimination or harassment in the workplace are fully and fairly investigated in a manner that is timely and appropriate in the circumstances; and
- inform the Complainant(s) and Respondent(s) of the results of an investigation.

#### 4.0 APPLICATION

##### 4.1 This policy applies to:

- all employees, including all full-time, part-time, temporary, student, co-op, intern, casual or term employees;
- any persons who perform work at a TTC workplace including, but not limited to, contractors, consultants, unpaid interns or co-op students and any individual that is paid by a third party and uses TTC assets (e.g. computers) and performs work for the TTC (e.g. Non-Employee Labour Assistants), collectively referred to as “contractors”; and
- customers.

##### 4.2 All contractors will be advised of the applicable provisions of this policy and will be expected to adhere to and enforce these requirements for their employees, sub-contractors and agents.

##### 4.3 A contractor or the contractor’s employee, sub-contractor, sub-contractor’s employees or agent that is found to have engaged in discriminatory and/or harassing conduct against an employee, other contractor or customer, may have its contract with the TTC terminated or may be requested to remove their employee or sub-contractor from working at the TTC or replace their employee, sub-contractor or agent.

##### 4.4 **Discrimination and harassment are serious forms of misconduct. Employees who are found to have engaged in discriminatory and/or harassing conduct towards other employees, contractors or customers may be disciplined, up to and including dismissal.**

#### 5.0 DEFINITIONS

##### 5.1 Complainant: The person alleging that discrimination or harassment occurred. There can be more than one complainant in a discrimination or harassment complaint.

In the absence of a complaint, or in the case of an anonymous Complainant, HRID has the discretion to initiate its own complaint and investigative process, where appropriate, including if it believes the matter requires further review to maintain a safe, harassment and discrimination-free workplace.

HRID has the discretion to continue a complaint investigation if the Complainant has withdrawn their complaint or otherwise declines to participate in the investigation.

- 5.2 **Discrimination:** Every person has a right to equal treatment without discrimination by the TTC with respect to its services and facilities, accommodation, contracts, and employment.

Discrimination is an action or decision that results in an adverse impact to a person or group, where the adverse impact is related to a characteristic that is protected under the [Code](#).

Discrimination may arise as a result of a distinction, exclusion, inaction, preference, or denial of benefits or employment opportunities. It can be direct, indirect, overt, subtle or hidden, and does not have to be intentional.

Discrimination may also be systemic. Systemic discrimination consists of attitudes, patterns of behaviour, policies or practices that are part of the social or administrative structures of an organization, and create or perpetuate a position of relative disadvantage for persons based on a protected characteristic. It may also occur when the disadvantage is caused by a rule, policy, or procedure, which may seem neutral on its face, but has an adverse or exclusionary impact on a person or group with a protected characteristic.

Protected characteristics under the Code and this policy are: **race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, sex (including pregnancy and breastfeeding), sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, and disability.**

- 5.3 **Harassment:** Every person has a right to equal treatment by the TTC with respect to its services and facilities, accommodation, contracts, and employment, without harassment.

Harassment is defined as engaging in vexatious comments or conduct against a person, that is known or ought reasonably to be known, to be unwelcome. It can involve a course of conduct or a single serious incident.

Vexatious is defined in case law as ‘worrisome, discomfiting and demeaning.’

Harassment can be connected to one or more protected characteristics, as defined in section 5.2 (Code-based harassment).

Harassment also includes personal (non-Code) harassment.

Harassment may take many forms and includes, but is not limited to:

- a pattern of behaviour that a reasonable person would consider to be insulting, bullying, humiliating, malicious, degrading, unwelcome or otherwise offensive to an individual or group of individuals, including frequent insults, demeaning communications, or public humiliation;

- any offensive and/or discriminatory comments or behaviour arising from electronic communications and/or social media;
- racial slurs, insults, or name calling;
- the telling or sharing of jokes or pictures that rely on stereotypes or that degrade racialized groups or characteristics associated with different races or ethnic backgrounds;
- making assumptions about a person or their abilities based on stereotypes or generalities connected to a protected characteristic.

5.4 Hate Activity: Acts committed to intimidate, harm, or terrify individuals on the sole basis of who they are and/or the communities to which they belong.

Hate activity can take many forms, such as:

- vandalism with messages of hate and intolerance;
- public messages of hate and intolerance implying that members of an identifiable group linked to a protected Code characteristic are to be despised, denied respect, or subjected to ill-treatment on the basis of association with a particular group.
- may include symbols, slogans, or slurs transmitted in many ways, including graffiti, posters, and flyers.

Hate activity must be reported immediately to Transit Control at 416-393-3444. Transit Control will notify TTC Special Constables to attend, along with a supervisor.

5.5 Investigator: refers to a Human Rights Consultant (HRC) or an Investigator from the Fare Inspector and Special Constable Complaints (FISCC) Office. Each TTC Department has an Investigator from HRID to assist with complaints related to this policy.

The HRC assists with matters related to human rights and this policy. The HRC should always be contacted when questions or issues arise in the workplace related to harassment, discrimination, accommodation (non-medical), workplace violence or any general questions that may be related to human rights. The HRC contact list can be found on the [HRID intranet page](#).

The FISCC Investigator should be contacted for complaints relating to workplace harassment, discrimination, violence or any conduct-related complaints regarding members of the Revenue Protection Department or Special Constable Services. The FISCC Office information can be found on the [HRID intranet page](#).

Investigator may also include a member of Management, when acting in that role, or an External Investigator retained by HRID.

5.6 Poisoned Work Environment: is defined in case law as serious wrongful behaviour that creates a hostile, negative, intolerable work environment, as assessed by a reasonable, objective observer.

A poisoned work environment may be found in two circumstances:

- 1) If there has been a particularly egregious, stand-alone incident; or
- 2) If there has been serious wrongful behaviour sufficient to create a hostile or intolerable work environment that is persistent or repeated.

5.7 Reprisal means taking action, or threatening to take action, that is intended to punish someone for asserting their rights under the Code, OHSA, or a TTC policy, such as making a human rights complaint.

You cannot be punished or threatened with punishment for objecting to discrimination, trying to make a complaint, filing an Ontario Human Rights Tribunal application, filing a grievance based on the Code, or acting as a witness during a human rights investigation.

5.8 Respondent: The person who is alleged to be responsible for the discrimination or harassment. There can be more than one respondent in a discrimination or harassment complaint.

5.9 Sexual Harassment: Engaging in a course of vexatious comment or conduct in a workplace related to a person's sex, sexual orientation, gender identity, or gender expression, that is known or ought reasonably to be known to be unwelcome; or

Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the individual, and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; or

Engaging in reprisal or a threat of reprisal if a sexual advance or solicitation is rejected.

Sexual harassment can include, but is not limited to:

- sexually suggestive or obscene remarks or gestures;
- leering at a person's body;
- having to work in a sexualized environment (bragging or discussions about sexual activities);
- displaying or sharing sexist jokes, cartoons, or sexual images in the workplace;
- negative stereotypical language;
- comments about an individual's physical characteristics or mannerisms.

Unwanted physical contact may amount to sexual assault and is also a violation of TTC's Workplace Violence Policy.

**A person does not need to clearly state that conduct or comments are unwelcomed. The onus is on every employee to recognize and avoid conduct that is unwelcomed and inappropriate in the workplace.**

- 5.10 Workplace: Includes all locations where work is performed, TTC services are provided, or where business or social activities of the TTC are conducted. This includes all land, facilities, mobile equipment and vehicles owned, leased or otherwise directly controlled by the TTC for the purpose of conducting TTC business. It also includes any locations or worksites to which employees or contractors have been assigned or which they may access during the performance of their duties, including conferences and off site training.

Note that this policy may also be applied to workplace-related postings on the internet/social media that may result in harassment and/or discrimination in the workplace.

## 6.0 SUPERVISORY ACTIONS

Appropriate supervisory actions related to the management and direction of employees or the workplace do not constitute discrimination or harassment. This includes, but is not limited to: directing or assigning work, discipline, legitimate performance management (even if the employee disagrees), employee performance appraisals, Management or operational directives, work related change of location, co-workers and/or job assignment.

## 7.0 RESPONSIBILITIES

### 7.1 Employee and Contractor Responsibilities

All employees and contractors are responsible for:

- understanding and upholding their rights, responsibilities, and obligations under this policy, the Code, and OHSA;
- respecting and valuing individual differences in all employees and customers;
- leading by example and not engaging in offensive, discriminatory, and/or harassing behaviour;
- acting respectfully towards others, and not conducting themselves in a manner that will embarrass and/or jeopardize the integrity, business interests, image and/or reputation of the TTC;
- co-operating with any efforts to investigate and resolve matters that violate this policy;
- reporting promptly all incidents of discrimination and/or harassment they have experienced, witnessed, or have knowledge of in accordance with Section 8.0 of this policy; and

- maintaining confidentiality as it relates to incidents or complaints of discrimination or harassment and any resulting investigations and/or mediations.

## 7.2 Managerial Responsibilities

In addition to the expectations set out in section 7.1 above, all members of Management, including, but not limited to, Directors, Managers, Supervisors, and Forepersons, are responsible for promoting understanding and compliance with this policy, the Code, and OHSA, and ensuring that their workplace is free from harassment and discrimination by doing the following:

### 7.2.1 When an issues arises:

- taking appropriate action upon becoming aware of discriminatory and/or harassing conduct contrary to this policy, the Code and/or the OHSA, and contacting the HRC for your work location (or the FISCC Office, for members of Revenue Protection and Special Constable Services) immediately;
- taking all complaints of discrimination and harassment seriously and immediately referring all complaints to HRID for review and assessment;
- ensure the Complainant is aware of all relevant supports available to them, such as TTC's Employee and Family Assistance Program;
- leading the investigation into allegations of discrimination and/or harassment, when advised to do so by HRID.

### 7.2.2 When investigating a complaint:

- Ensuring information obtained about a complaint is kept confidential and employees' privacy respected, to the extent possible (see section 11.0 Confidentiality and Records);
- documenting details of human rights concerns, actions taken, outcomes, and remedies implemented;
- consulting, and working with the Employee Relations Section of the Human Resources Department to determine appropriate discipline and/or corrective action for individuals found to have engaged in discriminatory and/or harassing conduct;
- notifying the Complainant and Respondent in writing of the results of the investigation and any corrective action that has or will be taken;
- consulting and working in conjunction with the Safety and Environment Department when contacted by the Ministry of Labour regarding a complaint of workplace harassment.

### 7.2.3 After a complaint:

- Periodically check-in with employees involved to offer support and ensure issues are not ongoing;

- explore workplace restoration options, such as mediation or training, with HRID, as appropriate.

### 7.3 HRID Responsibilities

HRID operates as an independent department, consisting of both the Human Rights Office and the FISCC Office. HRID is responsible for preventing, discouraging, and investigating acts of discrimination and harassment. All complaints submitted to HRID will be dealt with in an unbiased manner. Responsibilities include:

- promoting awareness, understanding and compliance with this policy, the Code, and OHSA;
- reviewing, assessing and determining appropriate resolution method for all complaints or incidents that may involve a potential violation of this policy;
- responding to complaints of discrimination and/or harassment in an impartial, sensitive, and timely manner;
- conducting, coordinating, and/or assisting Management in informal resolutions, or mediations;
- assisting Management in investigations into complaints under this policy;
- conducting investigations into complaints under this policy, where appropriate; and
- being the corporate liaison to the Human Rights Tribunal of Ontario (HRTTO).

### 7.4 Human Resources Department Responsibilities

The Human Resources Department is responsible for preventing, discouraging and addressing acts of discrimination and harassment by:

- Notifying HRID immediately when any incidents of potential harassment and/or discrimination are brought to their attention;
- promoting understanding and compliance with this policy, the Code, and OHSA;
- removing barriers in employment policies and practices that may have the effect of discriminating against groups or individuals who are protected under the Code and the *Accessibility for Ontarians with Disabilities Act*;
- advising managerial staff on the corrective action and/or discipline that arises from a breach of this policy, and on its disclosure to the Complainant and Respondent; and

### 7.5 Employee Development and Operations Training Centre Responsibilities

The Employee Development Section of the Human Resources Department and the Operations Training Centre are responsible for preventing, discouraging and addressing acts of discrimination and harassment by:



- promoting understanding and compliance with this policy, the Code and OHSA;
- developing and conducting training programs to educate employees on this policy, the Code, and OHSA, in consultation with the Diversity Department and HRID; and
- ensuring all employees and Management receive training on the Respect and Dignity Policy, as appropriate to their role.

#### 7.6 Safety and Environment Department Responsibilities

The Safety and Environment Department is responsible for preventing, discouraging and addressing acts of discrimination and harassment by:

- promoting understanding and compliance with this policy, the Code and OHSA;
- liaising with the Ministry of Labour during investigations or inspections related to allegations of workplace harassment, in consultation with HRID and/or Human Resources departments, as appropriate.

### 8.0 COMPLAINT PROCEDURES

The TTC has developed the following complaint procedures for investigating and resolving complaints that may arise concerning discrimination and/or harassment. These procedures require the full cooperation of all employees, contractors, or individuals, including the Complainant(s), Respondent(s), and relevant witness(es).

#### 8.1 Employees Filing a Complaint

##### 8.1.1 How to Report a Complaint

- Employees who feel they have been harassed or discriminated against, or who witness a violation of this policy, are encouraged to immediately report, in detail, the actions, behaviour or incident(s) to:
  - their immediate supervisor, and/or
  - any member of their departmental senior Management, and/or
  - HRID.
- If the Respondent is a member of the employee's Management team, the employee is encouraged to immediately report to:
  - HRID
- If the Respondent includes any member of the executive team, with the exception of the Chief Executive Officer (CEO), the employee is encouraged to immediately report to:
  - the office of the CEO and HRID.

- If the Respondent includes the CEO, the employee is encouraged to immediately report to:
  - the office of the Chair of the TTC, which will make arrangements to have the complaint investigated, as appropriate. The office of the Chair can be reached at [ttcchair@toronto.ca](mailto:ttcchair@toronto.ca).
- In the absence of a written complaint or a Complainant, HRID may determine a need to investigate, depending on the alleged actions, behaviour and/or incident(s) reported.

#### 8.1.2 What to Include in a Complaint

- When filing a complaint of an alleged violation of this policy, employees should provide as much information as possible, including but not limited to:
  - the details of what happened, including when and where;
  - the name of the Respondent;
  - the names of any witnesses; and
  - any relevant documentation.

HRID's Workplace Harassment and Discrimination Complaint form is available on [HRID's intranet page](#), in the [Forms Repository](#), by contacting HRID, or in all workplaces.

#### 8.1.3 What to do when a complaint is received

- Anyone receiving a complaint about an alleged violation of this policy shall ensure that the complaint is immediately reported to HRID.
- **Serious cases of harassment where a person's safety is at risk (for example, stalking) must be reported immediately to Transit Control (416-393-3555) who will immediately dispatch the appropriate police services, emergency personnel and supervisory personnel. Any employee who is a victim of a criminal act may also directly contact the appropriate police services to lay criminal charges.**

#### 8.2 Customers Filing a Complaint

Customers are encouraged to bring forward their complaints of discrimination and/or harassment through the Customer Service line at 416-393-3030, or online at [www.ttc.ca](http://www.ttc.ca). These complaints will be investigated and addressed as appropriate. In cases of emergency, customers must call 9-1-1.

#### 8.3 Complaints against a TTC contractor

Complaints of discrimination or harassment by contractors should be brought to TTC Management and HRID. TTC Management will then notify the contractor's company. These complaints may be investigated and addressed as deemed appropriate depending on the alleged actions, behaviour and/or incident.

#### 8.4 Human Rights Tribunal of Ontario (HRT) Complaints

Any person may file an application with the HRT. If the person files an application with the HRT, HRID may choose to suspend any related complaint investigation process under this policy, pending final determination of the HRT. All applications filed with the HRT are managed by HRID and Legal.

#### 8.5 Mediation

If a complaint has been submitted, and where appropriate, the employees involved are both willing to try to resolve the matter through mediation, HRID can conduct or coordinate the mediation. Mediation is a voluntary process whereby the employees can meet with a mediator to determine whether their complaint can be resolved in a mutually satisfactory manner.

#### 8.6 Investigation Process

##### 8.6.1 HRID Assessment

- Once a complaint is received, HRID will conduct a preliminary assessment of the complaint and determine:
  - 1) Whether the allegations, if true, would amount to a violation of this policy.
  - 2) If yes, whether the investigation should be conducted by Management, with HRID's assistance, investigated by HRID directly, or referred to an external investigator.
  - 3) If no, the complaint will be referred to Management to address, as appropriate, with assistance from Employee Relations, if required. HRID may also provide guidance on whether mediation or another form of dispute resolution would be appropriate.
- HRID may determine that the investigation will be conducted by an external investigator where: the allegations are against a member of the executive team; may pose a conflict of interest; or in any other situation where HRID deems external investigation appropriate.

##### 8.6.2 Investigation Steps

- The investigation conducted by Management or HRID will include, but will not be limited to the following steps, as appropriate:
  - 1) A documented interview with the Complainant(s) to establish the scope of the complaint and to review the evidence that supports the allegations in the complaint.
  - 2) Provide the Respondent(s) with the allegations in writing, and provide them with an opportunity to provide a written response, if they wish, in advance of being interviewed.
  - 3) A documented interview(s) with the Respondent(s) to allow them a full opportunity to respond to the allegations.

- 4) Documented interview(s) with any relevant witness(es).
  - 5) Follow-up interviews, if required, to allow responses to new information and/or counter-allegations that may arise during the investigation.
  - 6) Collect and review all relevant evidence and documents.
  - 7) Provide a written report of the results of the investigation to Management of the Complainant and Respondent, Employee Relations and HRID. [For investigations involving allegations against Special Constables, Toronto Police Services will also receive the report].
    - The report will include a summary of the evidence, factual findings, made on a balance of probabilities, and an analysis of whether the substantiated allegations (if any) amount to a violation of this policy.
  - 8) Provide findings letters to the Complainant and Respondent, informing them of the results of the investigation and any discipline and/or corrective action taken or that will be taken, as deemed appropriate by Management.
- The Investigator must conduct the investigation in a manner that protects the privacy and confidentiality of the parties involved, to the extent possible by law, and protects the integrity of the investigation (see section 11.0 Confidentiality and Records).
  - Complaint investigations will be conducted in a thorough, fair, objective, and timely manner.

#### 8.7 Interim Measures

While an investigation is ongoing, appropriate measures must be taken by Management to ensure the workplace is free from discrimination and/or harassment. Such measures may include a Respondent being transferred to another work location; re-assigned duties; and/or placed on administrative leave.

Management should consult with Employee Relations to determine the most appropriate course of action pending the completion of an investigation.

#### 8.8 Remedial Actions

Once an investigation is complete, if a violation of this policy has been found, Management should consult with Employee Relations prior to taking any disciplinary and/or corrective action, where appropriate.

#### 8.9 Workplace Restoration and Support

All employees involved or affected by an incident of discrimination or harassment should be offered support from the TTC's Employee Family Assistance Program (1-800-572-0039).

After a workplace complaint or investigation, repairing workplace relationships is important. Employees and Management are encouraged to reach out to HRID to explore restoration options, such as mediation or training. Management should also check-in

periodically with employees after they have been involved in an investigation, to ensure issues have been resolved and will not reoccur.

## 9.0 TIME LIMITS

A complaint under this policy will not be investigated if the incident, or the last incident in a series of incidents, occurred more than one year prior to the complaint being filed.

In instances where HRID is satisfied that the delay was justified and incurred in good faith, HRID may consider accepting the complaint.

## 10.0 BAD FAITH COMPLAINTS

It is a violation of this policy to put forward a bad faith complaint. A bad faith complaint is one pursued for improper reasons or motives. These include complaints that are filed with the intention to mislead, or to embarrass or harm the Respondent(s) or others.

An honest belief of alleged wrong doing or a mistake on the Complainant's part does not constitute bad faith. The sole fact that an investigation finds that an allegation is unsubstantiated does not constitute a bad faith complaint.

## 11.0 CONFIDENTIALITY AND RECORDS

- To protect all parties involved in a complaint and the integrity of the complaint handling and investigation procedures, strict confidentiality will be required and maintained during and after the investigation and/or mediation, to the extent practicable and appropriate in the circumstances.
- Information obtained about an incident or complaint of workplace harassment or discrimination, including identifying information about the individuals involved, will not be disclosed unless the disclosure is necessary:
  - to conduct the investigation;
  - to protect the safety of employees, customers, the public and/or contractors;
  - to administer corrective action;
  - to comply with any reporting requirements to the TTC Board or Toronto Police Services; or
  - where required by law, for example, pursuant to OHSA, arbitration proceedings, proceedings before the HRTO or criminal proceedings.

- If a complaint involves allegations of workplace discrimination or harassment, information relating to the corrective action taken will be disclosed to the Complainant.
- If it is determined that an employee or contractor has breached confidentiality during the complaints process, including the investigation, or after an investigation and/or mediation, they may be subject to discipline, up to and including dismissal, or termination of their contract, as applicable.

## 12.0 WHERE TO FIND ADDITIONAL INFORMATION

- [Workplace Harassment and/or Discrimination Complaint Form](#)
- [Human Rights Office Contact List](#)
- [FISCC Contact List](#)
- [Human Rights and Investigations site on TTC Intranet](#)

## 13.0 POLICY REVIEW

This policy is subject to annual review. In consultation with the Racial Equity Office, the Employee Relations Section of the Human Resources Department, and the Joint Health and Safety Committees, modifications will be made as deemed necessary, to respond to current conditions and evolving needs.

## 14.0 REFERENCE SOURCES

- Accommodation in the Workplace Policy
- At Work Program
- Code of Conduct Policy
- Collective Agreements
- Conditions of Employment Policy
- *Criminal Code*
- Criminal Misconduct Policy
- Discipline Policy
- Diversity and Inclusion Policy
- Fare Inspector Code of Conduct
- Ontario *Human Rights Code*

- Ontario Human Rights Commission
- *Occupational Health and Safety Act*
- Special Constable Code of Conduct
- Staff Employee Complaints and Grievances Policy
- Whistle Blower Reporting and Protection Policy
- Workplace Violence Policy and Program

**Last updated: August 22, 2022**

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