TORONTO TRANSIT COMMISSION
RESPECT AND DIGNITY POLICY

1.0 POLICY STATEMENT

The Toronto Transit Commission (“TTC”) is committed to providing a work environment and service that respects the dignity, self worth and human rights of every individual and is free from any form of discrimination or harassment. The TTC will not tolerate any acts of discrimination or harassment perpetrated against or by any employee or member of the public utilizing TTC services.

2.0 PURPOSE

This policy is intended to:

a) Create and foster a work environment free from discrimination or harassment;
b) Provide a definition of workplace discrimination and harassment;
c) Establish and detail the responsibilities of all employees in the TTC to maintain a workplace free from discrimination or harassment;
d) Ensure that all employees are not influenced by stereotypes and/or make assumptions based on a prohibited ground of discrimination when providing a service;
e) Ensure that incidents of discrimination or harassment in the workplace are reported to TTC management and Police Services as appropriate; and
f) Ensure that incidents of discrimination or harassment in the workplace are investigated in a timely manner by the TTC.

3.0 APPLICATION

3.1 This policy applies to all employees, including all full-time and part-time employees, temporary, and casual employees, and employees on leave of absence. This policy also applies to all persons who attend a TTC workplace, including, but not limited to, TTC’s contractors, volunteers, students, and members of the public utilizing TTC services.

3.2 Prevention and reporting of incidents of discrimination or harassment is the responsibility of all employees whether they have experienced, witnessed, or have knowledge of, a situation that violates the Ontario Human Rights Code, the Criminal Code, the Occupational Health and Safety Act and/or this corporate policy.

3.3 Employees who are found to have engaged in discriminatory and/or harassing conduct against employees or members of the public will be disciplined, up to and including dismissal.

3.4 Any employee who has authority to prevent or discourage discrimination or harassment will be held responsible for failing to exercise this authority, and may be subject to discipline, up to and including, dismissal.

3.5 This policy is subject to annual review, and modifications will be made as deemed necessary to respond to current conditions and evolving needs.
4.0 DEFINITIONS

4.1 Discrimination

Discrimination occurs when an employee or person is subjected to differential treatment and/or denied an opportunity in employment or excluded from access to a service based on a Prohibited Ground (as defined below). Discrimination can be direct or indirect, and does not have to be intentional.

The Prohibited Grounds that are protected under the Ontario Human Rights Code and this policy are: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, sex including pregnancy and gender identity, sexual orientation, age, record of offences, marital status, family status and disability.

4.2 Harassment

Harassment is defined as engaging in vexatious comment or conduct against a worker or person that is known, or ought reasonably to be known, to be unwelcome.

Harassment does not have to be based on a Prohibited Ground (as defined in section 4.1 above). Harassment often involves a course of conduct. However a single serious incident of such behaviour may also constitute harassment.

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

a) 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;

b) any offensive behaviour arising from the use of electronic media, devices and systems; any offensive or humiliating behaviour that is related to a person's sex or gender, as well as behaviour of a sexual nature that creates an intimidating, hostile work environment, or that could be reasonably thought to put sexual conditions on a person's job or employment opportunities;

c) any behaviour that causes a work or service environment to be extremely hostile and/or isolating for an individual or group of individuals creating real or perceived inequalities in the workplace. This is known as a “poisoned work environment”. Pornography, insulting slurs or jokes, malicious gossip, pin ups, offensive cartoons have been found to “poison the work environment” for employees.

5.0 SUPERVISORY ACTIONS

Appropriate supervisory actions including performance management, employee performance appraisals (EPA), management directives or discipline, do not constitute discrimination or harassment under this policy.
6.0 RESPONSIBILITIES

6.1 Employee Responsibilities:

All employees are responsible for:

- reading and understanding the requirements and obligations of this policy;
- upholding this policy by not engaging in discriminatory and/or harassing conduct;
- acting respectfully towards others;
- cooperating with any efforts to investigate and resolve matters that violate this policy; and
- reporting all incidents of discrimination and/or harassment experienced, witnessed, or having knowledge of to a supervisor, member of management and/or the Human Rights Unit.

6.2 Supervisory Responsibilities:

All supervisors are responsible for preventing, discouraging and addressing acts of discrimination and harassment by:

- understanding and upholding the principles of this policy;
- not engaging in behaviour contrary to this policy;
- not allowing or condoning behaviour contrary to this policy;
- taking all complaints of discrimination and harassment seriously by:
  - reporting all complaints of discrimination and/or harassment to the Human Rights Unit;
  - responding to all complaints in a sensitive manner;
  - investigating allegations of discrimination and/or harassment;
  - taking prompt action to resolve the complaint in accordance with the procedures outlined in this policy;
  - documenting all aspects of the process followed to address the complaint; and
- consulting with Employee Relations of the Human Resources Department prior to disciplining employees that engage in discriminatory and/or harassing conduct.

6.3 The Human Rights Unit’s Responsibilities:

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

- promoting understanding and compliance with this policy and the Ontario Human Rights Code;
- responding to all complaints of discrimination and/or harassment in a sensitive and timely manner;
- conducting, co-ordinating and assisting management in informal resolutions, mediations, and investigations into complaints that are covered by this policy; and
- being the corporate liaison to the Human Rights Tribunal of Ontario.

6.4 The Human Resources Department's Responsibilities:

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

- promoting understanding and compliance with this policy;
- developing and conducting training programs to inform and educate all employees and supervisory staff on this policy and the Ontario Human Rights Code;
- advising management staff on corrective action and discipline that arises from an employee's breach of this policy; and
- participating in the review of this policy for continuous improvement.

7.0 COMPLAINT REPORTING

7.1 Employees who experience discrimination and/or harassment are encouraged to first make it known to the offending person(s) that the behaviour is offensive and/or unwelcome.

7.2 If confronting the individual(s) directly is not possible, or if after doing so, the discrimination and/or harassment continues, employees should then immediately report the behaviour or incident(s) to:
   - their immediate supervisor;
   - any member of their departmental management (e.g. superintendent, department head); and/or
   - directly to the Human Rights Unit.

7.3 A complaint of an alleged violation of this policy must be recorded in writing by the complainant, or by the TTC supervisor or management staff receiving the complaint. The date, time, location, potential witnesses, and the nature of the alleged violation should be documented and reported to the Human Rights Unit.

7.4 Serious cases of harassment where a person's safety is at risk (for example stalking) must be reported immediately to Transit Control who will immediately despatch the appropriate Police Services, emergency personnel, and TTC supervisory personnel. Any employee who is a victim of a criminal act may also contact the appropriate Police Services to lay criminal charges.

7.5 Members of the public are encouraged to bring forward their complaints of discrimination or harassment to TTC personnel through the TTC’s Customer Service line at 416-393-3030, or online at www.ttc.ca. In cases of emergency, members of the public are required to call 911.

7.6 Any person may file a complaint directly with the Human Rights Tribunal of Ontario (HRTO). If an employee files a complaint with the HRTO, the Human Rights Unit may choose to suspend any complaint investigation processes under this policy pending final determination of the HRTO. All complaints filed with the HRTO shall be managed by the Human Rights Unit.

8.0 COMPLAINT INVESTIGATION AND RESOLUTION

8.1 Investigations:

Once a complaint is reported, immediate action must be taken as follows:

- all complaints of discrimination or harassment must be reported to the Human Rights Unit;
- the Human Rights Unit will determine the nature of the investigation required given the circumstances of the incident, and assess the appropriateness of informal resolution options noted at section 8.4 below;
- the Human Rights Unit will directly assist management in conducting the investigation;
- in situations where the allegations may pose, a conflict of interest for the work location; involve multiple work locations or multiple work departments; or allege that the respondent is in a
managerial position above foreperson or supervisor, the Human Rights Unit may conduct the investigation, or direct the investigation to an external investigator;

- the investigation conducted by management or the Human Rights Unit will include:
  
  - a documented interview with the complainant or victim;
  - a documented interview with the alleged respondent(s);
  - a documented interview(s) with the witness(es);
  - a collection of all relevant documentation for the investigation;
  - any other step the investigator deems necessary to fully and fairly investigate the complaint or incident;
  - a written report of the results of the investigation to be provided to the Employee Relations Section of the Human Resources Department and the Human Rights Unit; and
  - the investigation will be handled in a manner that protects the privacy of the parties involved as much as possible and the integrity of the complaint.

8.2 Pending the completion of an investigation, appropriate measures will be taken to ensure the workplace is free from discrimination and/or harassment. Such measures may include an employee alleged accused of engaging in discriminatory or harassing conduct being transferred to another work location; re-assigned duties; suspended; and/or relieved of duty. Management should consult with Employee Relations to determine the most appropriate course of action pending the completion of an investigation.

8.3 Once an investigation is complete, management should consult with the Employee Relations prior to taking any disciplinary action based on the results of an investigation.

8.4 Informal Resolutions:

Upon notification of the complaint and where appropriate, the Human Rights Unit may recommend mediation as a means to resolve the complaint informally.

Mediation is a voluntary process and can only proceed if both parties involved are in agreement. Mediation provides a controlled environment for the parties to discuss the complaint and attempt to arrive at a mutually agreeable resolution. Mediation should result in a signed agreement resolving the matter.

9.0 REMEDIAL ACTION

All employees involved or affected by an incident of discrimination or harassment should be offered support from the TTC's Employee Family Assistance Program (EFAP), together with any other remedial measures deemed appropriate by TTC.

10.0 TIME LIMITS

A complaint of an incident of discrimination or harassment that occurred more than twelve months prior, or if there was a series of incidents within twelve (12) months after the last incident in the series, will be dismissed, unless the Human Rights Unit is satisfied that the delay was incurred in good faith.
11.0 BAD FAITH COMPLAINTS

11.1 It is a violation of this policy to put forward a vexatious and/or bad faith complaint. These include complaints that are filed:

a) without reasonable grounds;
b) with the intention to embarrass or harass; or
c) with no factual basis.

11.2 If it is proven in an investigation that an employee made a complaint in bad faith and/or the complaint was frivolous or vexatious, he or she will be subject to discipline up to and including dismissal.

12.0 REPRISAL

Any person who files a complaint, or acts as a witness in good faith, is protected from reprisal, the threat of reprisal, or further discrimination or harassment. Reprisal is defined as any act of retaliation, either direct or indirect, in both work and service environments. Any employee who engages in reprisal against anyone who has filed a complaint or who is co-operating in an investigation of a complaint will be disciplined, up to and including dismissal.

13.0 CONFIDENTIALITY AND RECORDS

13.1 To protect all parties involved in an investigation of a complaint of discrimination or harassment, strict confidentiality will be maintained throughout the investigation process to the extent practicable and appropriate under the circumstances. Information may be disclosed:

a) to protect the safety of employees, the public and/or contractors; and

b) where required by law, for example, pursuant to the Occupational Health and Safety Act; in arbitration proceedings, proceedings before the Human Rights Tribunal or criminal proceedings.

13.2 If a complaint results in discipline, only the disciplinary documents will be placed in the respondent’s employee personnel file and work location file.