



New TTC Policy – TTC CEO Misconduct Complaints

Date: January 20, 2025

To: Human Resources Committee

From: Chief People and Culture Officer; and
General Counsel

Summary

As part of the TTC's ongoing review of current policies, there was a recognized gap as to the process for investigating any alleged misconduct of the TTC CEO. TTC's current Respect and Dignity (Anti-Harassment and Anti-Discrimination) Policy ("R&D Policy"), provides that complaints relating to an alleged breach of the R&D Policy shall be provided to the Chair of the TTC who will make arrangements to have the matter investigated, if appropriate.

The new policy provides for a detailed process relating to complaints alleging misconduct by the TTC CEO.

A presentation on this policy will be provided at the Human Resources Committee meeting.

Recommendations

It is recommended that the Human Resources Committee:

1. Approve the new policy, TTC CEO Misconduct Complaints, as attached as Appendix "A" to this report; and
2. Forward a copy of this report, and policy, to the TTC Board for information.

Financial Summary

There are no direct financial impacts arising from this report.

The Chief Financial Officer has reviewed this report and agrees with the financial impact information summary.

Equity/Accessibility Matters

There are no equity or accessibility related issues arising from this report.

Comments

The TTC's R&D Policy, provides that complaints relating to an alleged breach of the R&D Policy shall be provided to the Chair of the TTC who will make arrangements to have the matter investigated, if appropriate. This process is very limiting as it only applies to an alleged breach of the R&D policy and not for all types of potential misconduct.

The attached new policy as set out in Appendix "A" to this report is designed to better ensure that responsibilities of employees are clearly set out, while ensuring that the workplace remains safe, inclusive and free from discrimination or harassment. The TTC CEO Misconduct Complaints policy was created to ensure employees and customers have a clear mechanism to file complaints of alleged misconduct against the TTC CEO and to ensure that the complaint process ensures the principles of impartiality, confidentiality, procedural fairness and human rights.

The new policy provides a definition of "misconduct" and sets out a process that allows for complaints, relating to alleged misconduct, to be properly brought forward to the Human Resources Committee.

The policy expressly provides that the Human Resources Committee may engage external legal counsel to assist in providing advice or recommendations and may also retain a third-party investigator to conduct an investigation, if deemed necessary. Depending on the nature of the complaint, the Human Resources Committee may also elect to take other actions as appropriate, including counselling the CEO with respect to the alleged misconduct.

Contact

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Signature

Shakira Naraine
Chief People and Culture Officer

Michael Atlas
General Counsel

Attachments

Appendix “A” – TTC CEO Misconduct Complaints Policy



Policy

Topic	DATE APPROVED	POLICY NUMBER
TTC CEO Misconduct Complaints		

1.0 **RESPONSIBILITY**

Human Resources Committee

2.0 **PURPOSE**

The Toronto Transit Commission (TTC) is committed to maintaining a high standard of integrity, accountability, and fairness at all levels of its operations, including at the executive level. The TTC affirms its dedication to ensuring that complaints and allegations of misconduct against the Chief Executive Officer (CEO) are addressed with impartiality, respect, and in alignment with established human rights principles. The TTC condemns any actions that undermine respect, equity, dignity, and the human rights of any individual, including discriminatory or harassing conduct by or against the CEO.

All employees, including senior leadership, contractors, and stakeholders, are responsible for respecting the rights and dignity of those within the TTC and its customers to ensure the organization is free from discrimination and/or harassment.

3.0 **APPLICATION AND SCOPE**

This policy was created to:

- (a) Establish a transparent and equitable process for addressing complaints against the TTC CEO.
- (b) Foster a workplace that is safe, inclusive, and free from discrimination or harassment, regardless of the position of those involved.
- (c) Clearly establish the responsibilities of employees, contractors, and stakeholders when raising concerns about the CEO's conduct.
- (d) Define discrimination, harassment, and abuse of power in the context of complaints against the CEO.
- (e) Provide clear guidance on how complaints against the CEO are to be reported and investigated in accordance with the Ontario Human Rights Code (the "Code"), the Occupational Health and Safety Act (OHSA), and TTC policies.
- (f) Ensure that all incidents involving the CEO are promptly, thoroughly, and fairly investigated with necessary oversight and confidentiality.
- (g) Incorporate relevant legal obligations, including those outlined in the Code, OHSA, and applicable human rights case law in Ontario.
- (h) Guarantee that both the Complainant(s) and the CEO (Respondent) are informed of the investigation results in a fair and transparent manner.

4.0 **DEFINITIONS**

4.1 The following definitions apply to this policy:

- (a) complainant: An individual alleging that the TTC CEO has engaged in misconduct. Complaints can also be initiated/continued by the Human Resources Committee (HR Committee) or the Chair of the HR Committee, including when the original Complainant withdraws.
- (b) discrimination: Unequal treatment resulting in adverse impacts based on protected characteristics under the Code. Discrimination can be direct, systemic, or unintentional.
- (c) external investigator: An independent third-party professional retained to ensure impartial and thorough investigations, respecting the rights of all parties involved.
- (d) harassment: is defined as engaging in vexatious comments or conduct against a person that is known or ought reasonably be known to be unwelcome. It can involve a course of conduct or a single serious incident. Harassment can be connected to one or more protected characteristics (Code-based harassment) or of a personal nature (non-Code) harassment. Harassment may include bullying, humiliation, or offensive electronic communications.
- (e) hate activity: Actions intended to harm or intimidate individuals based on identity or community membership.
- (f) misconduct: Refers to any improper, unethical, or unlawful behaviour that violates TTC policies, codes of conduct, or applicable laws. Misconduct may include:
 - Discrimination, harassment, hate activity or behaviour undermining dignity, human rights, or contributing to a poisoned work environment.
 - Abuse of power, including exploitation, intimidation, coercion, or acts of reprisal against individuals for raising concerns, filing complaints, or participating in investigations.
 - Conflicts of interest with TTC operations or stakeholders.
 - Violations of the Code, OHSA, or other relevant laws.
 - Any conduct compromising TTC's integrity, reputation, or effective functioning.
- (g) poisoned work environment: A hostile or intolerable workplace resulting from serious wrongful behaviour, whether a single egregious incident or repeated actions.
- (h) reprisal: Any punishment or threat of punishment for asserting rights under the Code, OHSA, or TTC policy, including filing complaints or acting as a witness in investigations.

5.0 COMPLAINT PROCESS

5.1 Submitting a Complaint of Misconduct by the CEO:

A report containing allegations of misconduct against the CEO may be made in many different forms to the TTC. Employees or witnesses are encouraged to report allegations of misconduct against the CEO to, (i)) the TTC Human Rights and Investigations Department (HRID) by completing [TTC Form 2604](#) and directing it to the HRID via email or mail or (ii) through the TTC's Integrity Line (Whistleblower) Program (see Whistle Blower Reporting and Protection Policy).

A complaint alleging misconduct against the CEO, however made, shall be immediately provided to TTC's General Counsel and/or Chief People and Culture Officer.

5.2 Threshold Criteria:

The Chief People and Culture Officer and/or General Counsel, will assess complaints alleging misconduct against the CEO to determine if the complaint:

- (a) Contains allegations that, if true, constitute misconduct under TTC policies, the Code, or OHSA;
- (b) Are not frivolous, vexatious, or trivial and
- (c) Do not repeat allegations already addressed by the TTC.

5.3 HR Committee Review:

- (a) If the complaint meets the criteria set out in Clause 5.2(a), (b) and (c) above, the Chief People and Culture Officer and/or General Counsel shall be responsible to forward the complaint to the members of the HR Committee for review.
- (b) The HR Committee shall review the complaint and determine whether any necessary next steps should be taken, which may include an investigation, counselling the CEO or a determination that the complaint, on its face, does not constitute misconduct.
- (c) The HR Committee may engage external legal counsel to provide legal advice and recommendations on how to address the complaint.

5.4 Investigation Process:

- (a) If deemed necessary, external legal counsel, with the approval of the HR Committee, or as otherwise delegated by the HR Committee, will retain an independent investigator to conduct an impartial investigation.
- (b) TTC General Counsel will act as a liaison to the external legal counsel, for the purpose of accessing information required for the investigation and as otherwise determined by the HR Committee.
- (c) External legal counsel should provide updates to the HR Committee, or as otherwise delegated by the HR Committee, every 30 days, or some other frequency as directed by the HR Committee, on the status of the investigation.
- (d) The HR Committee may delegate responsibility to manage the investigation to one or more members of the HR Committee.

5.5 Reporting and Resolution:

- (a) External counsel and/or the investigator will submit findings of the investigation to the HR Committee, which will review the report with external counsel and recommend resolutions or remedial measures to the TTC Board.
- (b) The HR Committee will update the TTC Board and share findings and recommendations for resolution.

5.6 Confidentiality and Communication:

- (a) Both the Complainant and CEO will receive written summaries of the allegations of the investigation and updates throughout the investigation.
- (b) A final letter summarizing findings and outcomes will be provided to the CEO and the Complainant upon completion of the investigation.
- (c) If the complaint was made anonymously, the Complainant may not receive written summaries or a final letter summarizing findings and outcomes.

6.0 **INTERIM MEASURES**

The HR Committee may recommend interim measures to the TTC Board pending investigation outcomes to protect the workplace where an allegation, on its face, may cause injury or expose any person to risk.

7.0 **SYSTEMIC ISSUES**

In addition to the criteria set out in Clause 5.2 above, the Chief People and Culture Officer will monitor and log complaints to identify systemic issues and may at their discretion, based on principles of procedural fairness, initiate investigation(s) into potential misconduct of the CEO in accordance with this Policy by forwarding the relevant information to the HR Committee. Clauses 5.3 – 5.6, inclusive, shall apply to any investigation initiated in accordance with this Article 7.

8.0 **REPRISAL**

With respect to protection of any reprisal, section 6.0 of the TTC Whistle Blower Reporting and Protection Policy shall apply to employees and contractors who, in good faith, report suspected allegations of misconduct against the TTC CEO.

9.0 **APPLICATION OF OTHER TTC POLICIES**

This policy takes precedence over any other TTC policy as it relates to a processes or procedure for investigating complaints of misconduct relating to the TTC CEO, including but not limited to, TTC Respect and Dignity Policy (section 8.1.1).

10.0 **CONFIDENTIALITY AND RECORDS**

To ensure the integrity of the complaint process, strict confidentiality will be maintained at all stages of the investigation.

Information related to the investigation, including the identities of the parties involved, will only be disclosed as necessary for the investigation, to ensure safety, to implement corrective actions, or to comply with reporting requirements to the TTC Board and legal reporting requirements where required by law.

Breaches of confidentiality by any parties involved may result in disciplinary action, up to and including termination of employment or contract, as applicable.

11.0 REFERENCES

- Discipline Policy
- *Occupational Health and Safety Act* (OHSA)
- Ontario Human Rights Code
- Ontario Human Rights Commission
- TTC Code of Conduct
- TTC Respect and Dignity Policy
- Whistle Blower Reporting and Protection Policy