



Workplace Harassment and Discrimination Policy

Policy No. 10.1.6

1.0 Responsibility

Director, Human Rights and Investigations Department (HRID)

2.0 Policy Statement

Toronto Transit Commission (“TTC”) is committed to providing service delivery and a work environment that promotes human rights, equity, inclusion and will not tolerate, condone or ignore any form of discrimination, harassment, and hate activity.

TTC is committed to identifying, preventing, and eliminating systemic racism, including racial discrimination prohibited by the *Ontario Human Rights Code*, (the “Code”), in all aspects of TTC employment, service delivery, and in its relationships with diverse communities, including Black and racialized persons, First Nations, Métis, and Inuit people.

All Persons conducting business with or performing work on behalf of TTC, and members of the public have a shared responsibility to foster and maintain a safe, respectful, and inclusive environment where every individual is treated with dignity.

3.0 Purpose

The purpose of this Policy is to:

- 3.1 Promote a healthy, safe, and respectful workplace that is free from discrimination and harassment, in accordance with the *Code* and the *Occupational Health and Safety Act* (“OHSA”).
- 3.2 Establish a mechanism for measuring and receiving complaints of harassment, discrimination, or other violations under this Policy including a process to address them.
- 3.3 Establish a process for how such incidents or complaints will be investigated and dealt with, including how information about the incidents or complaints will be kept confidential, and under what circumstances information may be shared.

4.0 Application and Scope

This Policy addresses harassment and discrimination under the *OHSA* and the *Code*, and applies to:

- all employees including, but not limited to, students, interns, temporary employees
- Persons conducting business with or performing work on behalf of TTC including, but not limited to, contractors and vendors
- Customers and members of the public (only as it relates to bringing a complaint)
- all Workplaces, including remote work locations and working virtually through the use of information and communication technology. It also applies to all harassment, discrimination, hate activity, reprisal, or the creation of a poisoned work environment, which occurs outside of the Workplace, but may have a negative impact on the Workplace, including through social media

5.0 Guiding Principles

This Policy is grounded in the following principles, which reflect TTC's commitment to fostering a safe, inclusive, and respectful workplace:

- Equity and Inclusion
- Accountability
- Transparency and Fairness
- Confidentiality
- Support and Safety
- Trauma-Informed
- Prevention and Education
- Continuous Improvement

6.0 Definitions

6.1 Complainant

A Person or persons who allege that discrimination or harassment occurred against them. There can be more than one Complainant to the same complaint.

6.2 Discrimination

Any form of unequal treatment based on a *Code* protected ground (as defined in Section 6.2.4), whether imposing extra burdens or denying benefits. It may be

intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices, or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Discrimination does not need to be the main factor affecting a decision or action; it is sufficient if discrimination is only a factor. Discrimination may arise as a result of a distinction, exclusion, inaction, preference, denial of benefits, or employment opportunities.

Discrimination can be direct, indirect, overt, subtle, or hidden and does not have to be intentional.

Discrimination may include racism, Anti-Black Racism, Anti-Indigenous Racism, and Microaggressions.

- 6.2.1 Anti-Black Racism: the unfair treatment of Black-African peoples under policies and practices embedded in Canadian institutions that reflect and reinforce beliefs, attitudes, prejudice, stereotyping, and/or discrimination directed at people of African descent and rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies, and practices, to the extent that anti-Black racism is either functionally normalized or rendered invisible to the larger White society. Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system.
- 6.2.2 Anti-Indigenous Racism: the negative treatment of First Nation, Metis and Inuit peoples within Canada which may include, but is not limited to, ongoing race-based discrimination, negative stereotyping, and injustice. It includes ideas and practices that establish, maintain, and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from the legacy of colonization, colonial policies, and colonial practices in Canada.
- 6.2.3 Microaggression: brief and commonplace daily verbal, behavioral, and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative slights and insults to the target person or group.

6.2.4 Protected Ground: Grounds upon which discrimination is prohibited under the *Code* and this Policy include the following:

- Age
- Ancestry
- Citizenship
- Colour
- Creed/Religion
- Disability
- Ethnic origin
- Family status
- Gender expression
- Gender identity
- Marital status
- Place of origin
- Race
- Record of offences
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

6.2.5 Racism: the belief that one racial group is superior or inferior to others (i.e., of lesser importance or value). Racism can be openly displayed in racial jokes, slurs, hate crimes, or hate activity. It can also be more deeply rooted in attitudes, values, and stereotypical beliefs, which in some cases, people do not even realize they have.

Racism consists of assumptions that have evolved over time and have become part of systems and institutions. Acts of racism are a violation of the Code and may constitute harassment and/or violence under the *OHS*A and an offence under the *Criminal Code of Canada*.

6.3 Harassment

Engaging in “vexatious” comment(s) or conduct against any person in a Workplace, that is known or ought reasonably to be known to be unwelcome and includes sexual harassment. It can involve a course of conduct or a single serious incident i.e. a one-time act that is sufficiently severe in nature to have a long-lasting significant negative impact on the individual’s dignity, safety, or well-being. Such conduct or incidents can include threats, physical aggression, or

highly offensive remarks or gestures that create an intimidating, hostile, or humiliating environment.

Harassment can occur based on one or more Protected Grounds (as defined in 6.2.4 above) of discrimination and may take many forms including, but not limited to, the following:

- 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 or discriminatory comment(s) or behaviour arising from electronic communications 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

6.3.1 Sexual Harassment: Engaging in a course of vexatious comment(s) or conduct against any Person in a Workplace, because of sex, sexual orientation, gender identity, or gender expression, where the course of comment(s) or conduct is known or ought reasonably to be known to be unwelcome.

It can include 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. Sexual harassment can also occur when 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, the following:

- 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 (including online or through digital means)

- negative stereotypical language such as making comments about gender roles
- comments about an individual's physical characteristics or mannerisms
- spreading sexual rumors (including online), such as gossiping about people's personal relationships, in the workplace
- proposition of physical intimacy or demanding dates or sexual favours
- unwanted physical contact which may also violate TTC's Workplace Violence Policy and the *Criminal Code of Canada* or amount to sexual assault

A person does not need to clearly state that conduct or comments are unwelcomed. The onus is on every employee and individuals conducting business with or performing work on behalf of TTC to recognize and avoid conduct that is unwelcomed and inappropriate in the workplace.

6.4 Hate Activity

Acts motivated by hatred, bias, and/or prejudice against an identifiable group, committed to intimidate, harm, or terrify individuals on the basis of their identities and/or the communities to which they belong.

Hate activity can take many forms, such as (but not limited to):

- vandalism with messages of hate and intolerance
- public messages (including social media) 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, flyers, pictures, memes, gifs, etc.

6.5 Informal Resolution

An alternative dispute resolution process intended to resolve complaints with the goal of reaching a mutually agreeable resolution. It is flexible and can encompass a range of possible appropriate outcomes, such as mediation, facilitated discussion, referral to local management, or training, as determined by the Human Rights and Investigations Department ("HRID"). If a matter is resolved through informal resolution, there may be no investigation, nor any investigative findings made.

6.6 Investigator

Approved by:

Date Approved:

A Person assigned and responsible for managing, conducting, or assisting with a complaint made under this Policy, including HRID personnel, management staff acting in the role, or a third-party retained by TTC.

6.7 Mediation

A confidential dispute resolution process that involves a guided conversation, facilitated by a neutral third party (e.g. trained HRID personnel, or external mediator) between two or more parties to resolve conflict. Participation in Mediation is voluntary, and all parties must consent to engage in the process. The goal is to explore whether the dispute can be resolved in a mutually satisfactory manner. A resolution achieved through mediation can conclude the matter. A condition of Mediation is that the parties agree that the conversations between them in the Mediation are confidential, except as required by law.

6.8 Person

A Person includes individuals or companies conducting business for and performing work on behalf of TTC, TTC departments, contractors, consultants and vendors. A Person may also include, but is not limited to, Complainants, Respondents, members of the public, Witnesses, advisors, representatives of Complainants, Respondents and Witnesses, investigators, and decision makers/management.

6.9 Poisoned Work Environment

When serious wrongful behaviour makes the workplace hostile, negative, or intolerable as observed by a reasonable and objective observer.

A poisoned work environment may be found in the following circumstances:

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

6.10 Reprisal

Taking action or threatening to take action (i.e. any punishment or retaliation) against a Person for asserting their rights under the *Code*, *OHSA*, and/or any TTC policy.

6.11 Respondent

The person who is alleged to have violated any TTC policy. There can be more than one Respondent in a complaint.

6.12 Support Person

A person identified by an investigation Complainant, Respondent or Witness as someone they wish to have accompany them during the investigation process who is not a party or a potential Witness to the investigation. A Support Person may be disqualified from participation if a conflict of interest is present or arises throughout the process, as determined by HRID. For unionized employees, this may be a union representative, in accordance with the applicable collective agreement. The Support Person may attend an investigation interview only as an observer and is not permitted to answer interview questions, unless agreed upon by the Investigator. The Support Person must not engage in any conduct that disrupts or interferes with the investigation process.

6.13 Witness

A Person who has been identified as having relevant information relating to the investigation and who is not a Complainant or Respondent.

6.14 Workplace

All physical and digital locations where work is performed, TTC services are provided, or where business or social activities of TTC are conducted. This includes all land, facilities, mobile equipment and vehicles owned, leased or otherwise directly controlled by 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, off-site training, or locations where any action can impact working environments or relationships.

6.15 Workplace Restoration

An interest-focused process that is forward-looking and can create win-win solutions to assist employees to develop and maintain healthy and positive work environments.

7.0 **Appropriate Supervisory Actions**

Approved by:

Date Approved:

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7.1 Appropriate supervisory actions related to the management and direction of employees or the Workplace do not constitute a violation of this Policy. This includes but is not limited to:

- directing or assigning work
- demotions
- discipline
- performance management
- employee performance appraisals
- management or operational directives, work related changes of location, co-workers, or job assignment

8.0 Responsibilities

8.1 Employees and Other Persons (where applicable)

All employees and other Persons to which this Policy applies have a responsibility to:

- understand and uphold their rights, responsibilities, and obligations under this Policy and its procedures, the *Code*, and/or the *OHSA*
- promote and contribute to a respectful Workplace and service delivery, free from Harassment and Discrimination. This includes not engaging in, condoning, or ignoring behavior that violates this Policy
- report all alleged Policy violations they experience, witness, or have knowledge of, to their management or HRID
- cooperate with any efforts to investigate matters that violate this Policy, the *Code*, and/or the *OHSA*
- maintain confidentiality and respect privacy as it relates to alleged violations of this Policy, the *Code*, and/or the *OHSA* and any resulting investigations or Mediation

8.2 Management Staff

All members of TTC management, including, but not limited to, directors, managers, supervisors, and forepersons, have a responsibility to:

- promote a respectful workplace, free of harassment and discrimination, by fostering an understanding and compliance of this Policy and its procedures, the *Code*, and/or the *OHSA*

- model respectful behaviour by not tolerating, engaging in, or condoning any violations to this Policy
- promptly address violations to this Policy and enforce standards of appropriate workplace conduct that maintain a harassment and discrimination free workplace and service delivery
- consult with HRID when there are allegations, or potential violations of this Policy to ensure alignment with this Policy and its procedures
- consult and work with the Employee Relations Section of the People and Culture Group to determine appropriate interim measures, corrective, and/or disciplinary action as violations to this Policy occur
- maintain confidentiality in accordance with this Policy and its procedures
- post this Policy and its procedures in all their workplace locations

8.3 HRID

HRID consists of the Intake and Early Resolutions Office, Human Rights Office, and the Transit Enforcement Complaints Office. HRID personnel have a responsibility to:

- promote awareness, understanding and compliance with this Policy and its procedures, the *Code*, and/or the *OHSA*
- provide unbiased, impartial, and confidential advice, expertise, and guidance on the shared responsibility of fostering and maintaining a respectful workplace and service delivery
- manage the complaints resolution process under this Policy and its procedures, including early interventions, informal resolutions, and investigations
- conduct workplace assessments where appropriate
- provide neutral information and support to all parties (e.g., Complainant, Respondent Witness, decision maker) throughout the complaint resolution and workplace restoration process
- work with the legal department to respond to Human Rights Tribunal of Ontario (“HRT”) applications and orders/inquiries from the Ministry of Labour, Immigration, Training, and Skills Development (“MLTSD”)
- remove 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*
- review and update this Policy and its procedures regularly to ensure compliance with legislative requirements and best practices

8.4 Employee Relations

Employee Relations is responsible for providing recommendations on ~~preventing, discouraging and~~ addressing violations of this Policy, the *Code*, and/or the *OHS*A. Employee Relations has a responsibility to:

- advise managerial staff on the corrective action or discipline that arises from a breach of this Policy, the *Code*, and/or the *OHS*A and on its disclosure to the Complainant and Respondent

8.5 Employee Development and Operations Training Centre

Employee Development and the Operations Training Centre are responsible for supporting the prevention of discrimination and harassment by providing training programs that ensure all employees are aware of their rights and responsibilities under this Policy, the *Code*, and/or the *OHS*A and have a responsibility to:

- promote understanding and compliance with this Policy and its procedures, the *Code*, and/or the *OHS*A
- develop and conduct training programs to educate employees on this Policy and its related procedure guide, the *Code*, and/or the *OHS*A, in consultation with the Access Equity and Inclusion Department and HRID
- ensure all employees receive training on this Policy as appropriate to their role. It is the supervisor's duty to ensure that employees fulfill all training obligations and adhere to compliance standards.
- ensure management receives training on this Policy and its procedures including early intervention methods and techniques to avoid the escalation of issues
- collect feedback after training and share relevant feedback with HRID, and adjust programs and policies accordingly

8.6 Safety and Environment Department

The Safety and Environment Department has the responsibility to:

- promote understanding and compliance with this Policy, the *Code*, and/or the *OHS*A;
- Liaise with the MLITSD during investigations or inspections related to allegations of workplace harassment, in consultation with HRID and/or Employee Relations, as appropriate

9.0 Time Limits

- 9.1 Complaints must be filed within one year of the incident (or last incident in a series of incidents). Incidents that happened more than a year before a complaint is filed will not be considered, unless they are part of a continuing series that includes at least one incident within the past year of the complaint.
- 9.2 Complaints filed more than one year after the incident will not be investigated. Should HRID determine the delay in filing was justified and incurred in good faith, they may consider investigating the complaint.

10.0 Bad Faith Complaints

- 10.1 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.
- 10.2 An honest belief of alleged wrongdoing 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 necessarily constitute a bad faith complaint.

11.0 Confidentiality

- 11.1 To protect all parties involved in the complaint and early resolution process, all Persons are required to maintain strict confidentiality during and after the complaint and early resolution process, to the extent practicable and appropriate in the circumstances. Disclosure exceptions may include:
- Immediate family
 - Employee and Family Assistance Program (EFAP)
 - Healthcare providers
 - Legal representative, Support persons or Union representative
 - Immediate Manager or Supervisor
- 11.2 Information obtained by HRID, Investigative Services, Employee Relations, management, or any Person with knowledge of the incident - regarding a complaint or potential violation of this Policy, including identifying details of the persons involved - will remain confidential and will not be disclosed unless such disclosure is necessary to:

- conduct the investigation;
- protect the safety of employees, customers, the public or contractors;
- administer corrective action;
- comply with any reporting requirements to the TTC Board or Toronto Police Services; or
- where required by law, for example, pursuant to the *OHSA*, arbitration proceedings, civil proceedings, proceedings before the HRTO or criminal proceedings.

11.3. Personal information obtained through the course of the complaint and early resolution process will be collected, used and disclosed in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

11.4 If a complaint involves allegations of workplace discrimination or harassment, information relating to the corrective action taken will be disclosed to the Complainant.

11.5 Breaches of confidentiality during or after the complaint and early resolution process may result in disciplinary action, including dismissal of an employee or termination of contract, as applicable.

12.0 Policy Review

12.1 This Policy is subject to annual review in consultation with the Racial Equity Office and Employee Relations, taking into consideration any current conditions and evolving needs. Any revisions to this Policy will be made accordingly.

13.0 Appendices

- Appendix A: Respect and Dignity – Complaints Procedures
- Appendix B: Respect and Dignity – Investigation Procedures

14.0 References

- Accommodation in the Workplace Policy
- Anti-Racism Policy
- Anti-Racism Strategy
- At Work Program
- CEO Misconduct Policy
- Code of Conduct Policy
- Collective Agreements

10.1.6 Respect and Dignity Policy

- Conditions of Employment Policy
- Criminal Code of Canada
- 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

15.0 Policy History

Subject	Classification	Date Approved	P/I Number
Respect and Dignity	Human Rights	May 6, 2010	1.6.0
Respect and Dignity	Human Rights	May 30, 2013	10.1.0
Respect and Dignity	Human Rights	June 29, 2015	10.1.1
Respect and Dignity	Human Rights	December 17, 2015	10.1.2
Respect and Dignity	Human Rights	June 30, 2016	10.1.3
Respect and Dignity	Human Rights	August 22, 2022	10.1.4
Respect and Dignity	Human Rights	March 27, 2025	10.1.5

Approved by:

Date Approved: