



**London Transit Commission  
Human Rights and Diversity Policy  
(Anti-Harassment, Anti-Sexual Harassment & Anti-Discrimination)**

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The Human Rights Code and the Occupational Health and Safety Act prohibits harassment and discriminatory practices for all people. The Human Rights Code specifically prohibits harassment and discrimination on the basis of all prohibited grounds per the Human Rights Code.

Prohibited Grounds are as follows: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion, including atheism), sex (includes pregnancy and breastfeeding), sexual orientation, gender identity, gender expression, age, record of offences, marital status (includes married, single, widowed, divorced, separated, living together in a conjugal relationship whether in a same-sex or opposite-sex relationship), family status, age, receipt of public assistance (in the case of the provision of services), or disability (includes mental, physical, developmental or learning disabilities), association or relationship with a person identified by one of the listed grounds. The Occupational Health and Safety Act specifically prohibits harassment and sexual harassment.

The London Transit Commission (LTC) as an employer and service provider, complies with, supports and adheres to the Human Rights Code and the Occupational Health and Safety Act, including the principle that every person is free and equal in dignity and rights, and therefore, should be free from harassment, sexual harassment and discrimination in their work environment and with the provision of LTC's services. The LTC will not knowingly participate in or tolerate any harassment or discrimination or reprisal against any of its employees, representatives or customers.

The LTC continues to foster an inclusive and supportive workplace, recognizing that a diverse workplace draws upon, and respects the unique characteristics, capabilities, and experiences of each employee and that a diverse and inclusive workforce benefits individuals, the LTC and the community it serves.

## **DEFINITIONS**

The following definitions are intended to assist in understanding the terms in the application of this Policy.

All definitions will be interpreted and applied per applicable legislation, including the Human Rights Code and Occupational Health and Safety Act.

**Complainant** - the individual who brings a complaint against another individual for harassment or discrimination under the Policy.

**Respondent** - the individual against whom a complaint is brought concerning allegations that the individual has breached the Policy.

**Supervisor** - the individual who is in charge of the workplace or has authority over the worker making the complaint.

**Harassment** - Engaging in offensive, hurtful (i.e. bullying), upsetting or embarrassing comments or conduct that a person knows or ought reasonably to know to be unwelcome. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it, does not mean the behaviour is welcomed, consented to or is not harassing. It is conduct and or behaviour which could create an intimidating, demeaning or hostile working environment. Harassment can be "Code Based" (based on one or more of the prohibited grounds listed in the Human Rights), which would be dealt with under Human Rights and Diversity Policy (Anti-Harassment, Anti-Sexual Harassment & Anti-Discrimination). It can be "personal" (directed at an individual(s) but not based on any prohibited ground listed in the Human Rights Code), which would be dealt with under the Mutual Respect in the Workplace Policy.

**Poisoned Work Environment** - A hostile, humiliating, or uncomfortable workplace that is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that intimidate, demean or ridicule a person or group. The comments or conduct need not be directed at a specific person and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned work environment. Visual offensive materials, insulting slurs or jokes, and malicious gossip are examples of comments and conduct that can "poison the workplace" for employees.

**Sexual Harassment** - Engaging in offensive or hurtful, upsetting or embarrassing comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance (i.e. verbal or physical) where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the recipient of the comment or conduct, and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Reprisal** - Any act of retaliation or revenge against a person for:

- a) Raising a concern or making a complaint under one of these Policies (whether on their own behalf or on behalf of another)
- b) Participating or cooperating in an investigation or other complaint resolution process under one of these Policies, or
- c) Associating with or assisting a person identified in paragraphs "a" and or "b" above.

**Workplace** - Includes all facilities and worksites, including vehicles and any other locations where employees conduct the business of LTC. Harassment and discrimination which occur outside the workplace or hours of work but related to the work environment are also considered as workplace harassment.

The above definitions of harassment fulfill the definitions of harassment per the Ontario Human Rights Code and the Occupational Health and Safety Act. All types of harassment introduce a disruptive element into the work environment and can upset the well-being and job performance of individuals and, if not dealt with, may lead to workplace violence.

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**Kelly S. Paleczny**  
**General Manager**