

Name of Procedure: London Transit Commission Human Rights and Diversity Policy (Anti-Harassment, Anti-Sexual Harassment and Anti-Discrimination) & Mutual Respect in the Workplace Complaint Procedure	Review/Revise Date: 2025
Approved by: General Manager	
Primary Responsibility: Director of Human Resources	Date of Issue: 2026

Cross-Reference

- Ontario Human Rights Code
- Occupational Health and Safety Act
- Workplace Violence Prevention Program
- Collective Agreement and related employment policy statements
- LTC Policies and Procedures (i.e. Mental Health and Wellbeing Policy, Social Media Policy)

The London Transit Commission (LTC) has adopted a Human Rights and Diversity Policy (Anti-Harassment, Anti-Sexual Harassment and Anti-Discrimination) and a Mutual Respect in the Workplace Policy. These Policies and related Complaint Procedures are posted at all LTC facilities and are made readily available to all employees and parties external to London Transit. They are also included in the “Overview Information – Policies and Procedures” section of the Employee Handbook.

The Policies and related Complaint Procedures are developed in consultation with LTC’s Joint Health and Safety Committees and LTC legal counsel, and are reviewed as necessary and at least annually.

Alleged violations of the Policies will be investigated, decisions will be reached, and actions will be taken in accordance with the procedures set out below.

As a rule, complaints will be addressed through only one respective Policy. Where there is an initial question as to which Policy applies, the Workplace Investigation Specialist (WIS) or designate and, where the Complainant is a bargaining unit employee, the President of ATU Local 741, will perform an initial review and determine the appropriate process. Where a complaint relates to one of the prohibited grounds under the Ontario Human Rights Code or to sexual harassment of any kind, it will be investigated under the Human Rights and Diversity Policy and not the Mutual Respect Policy.

In cases of dispute as to which Policy applies, the General Manager, in consultation with the President, ATU Local 741 (where the Complainant is a bargaining unit employee), will assess and make a final determination. The Complainant and Respondent will be so advised in writing.

Duty to Investigate

While this Procedure sets out the process for employee-initiated complaints, LTC’s obligation to investigate is not limited to formal complaints. Under the Occupational Health and Safety Act, where LTC, through management or otherwise, becomes aware of a potential incident or pattern of behaviour that may constitute harassment, LTC will take appropriate steps to investigate, regardless of whether a formal complaint has been filed. Employees will not be compelled to participate, but LTC remains obligated to act to maintain a safe workplace.

Initial Steps for Employees

When an employee or a party external to London Transit feels that they have experienced harassment or discrimination contrary to these Policies, they are encouraged to advise the person engaging in the offensive conduct to stop, if it is safe to do so, and to keep a written record of the incident(s) including dates, times, locations, other persons present, and any additional relevant information. If the offensive conduct persists or is of a severe nature, the Complaint Procedure set out below should be followed.

Complaint Procedure

Employee Complaint

1. Employees who feel that the Human Rights and Diversity Policy or Mutual Respect in the Workplace Policy has been violated should bring the situation to the attention of the WIS. The employee should commit to writing as much detail of the allegations as possible, including locations, times, and any witnesses, and provide this written summary to the WIS. The WIS will conduct a preliminary interview, if warranted, to obtain additional information before initiating an investigation.
2. Where either or both of the Complainant and Respondent are bargaining unit employees, the President, ATU Local 741 or designate will be consulted by the WIS.
3. The WIS will act as the management investigator in accordance with the investigation process set out below.
4. The WIS will advise the respective Department Director(s) of the Complainant and Respondent, the Director of Human Resources, and, where warranted, the General Manager.
5. For Mutual Respect in the Workplace complaints only, where either or both of the Complainant and Respondent are bargaining unit employees, the President of ATU Local 741 or designate and the WIS may agree to attempt to address the issue informally, with documentation of same. However, if unable to resolve informally or if the matter is more serious, a full investigation will ensue.
6. The WIS will remind the affected employees of the requirement to conduct themselves professionally during the period of investigation. As warranted by the circumstances, interim measures will be assessed to protect the employee(s) while the matter is being investigated.

Complaint Initiated by London Transit

Upon management notification of an alleged potential violation of either Policy, the information will be forwarded to the WIS for review and a determination of appropriate next steps (steps 1 through 6 above).

Where both Parties (Complaint & Respondent) are Bargaining Unit Employees

1. The President of ATU Local 741 will be requested to appoint a Co-Investigator to work with the WIS (ref: section 102.01.02 of the Collective Agreement).
2. An investigation will be conducted in accordance with the investigation process set out below.
3. In accordance with the Collective Agreement, unless specifically requested by the Commission, neither the union nor the employee will participate in interviews involving non-bargaining unit employees and/or parties external to the LTC.
4. The involvement of Managers as interviewees under a co-investigation is at the General Manager's discretion.
5. Where the Complainant and/or Respondent is a bargaining unit employee, the employee will be afforded the opportunity for union representation to bear witness to any meetings. Union representation will be provided and compensated per related by-laws via the ATU Local 741.
6. The Investigator(s) will provide a full written report to the respective Department Director (or Senior Role where applicable), consistent with the requirements of the Investigation Report.

Where the Complainant is a Non-Bargaining Unit Employee

1. An investigation will be conducted per the process set out below.
2. Where the Respondent is a bargaining unit employee, the President of ATU Local 741 will be advised and may designate a Union representative to attend any interviews conducted.
3. Where any witnesses are bargaining unit employees, the President of ATU Local 741 will be advised and may designate a representative of the Union to be in attendance in any interviews conducted.
4. The Investigator(s) will provide a full written report to the respective Department Director (or Senior Role where applicable), consistent with the requirements of the Investigation Report.

Where the WIS, Manager of Human Resources or a Director is the Complainant or Respondent

1. Where the WIS, Manager of HR, or any Director is the Complainant and/or Respondent, the General Manager will be so advised.
2. The General Manager may either direct that the matter be investigated by the Director of Human Resources (for complaints outside of the respective role) or arrange for an external investigator.
3. The Investigator(s) will provide a full written report to the General Manager consistent with the requirements of the Investigation Report.

Where the General Manager is the Complainant or Respondent

1. Where the General Manager is a Complainant or Respondent, an external Investigator will be appointed by the Commission and will report to the Commission or its designate.

Where a Commissioner is a Complainant or Respondent

1. Where a Commissioner is a Respondent to a complaint, the matter will be directed to the Council of the City of London, given that the Council appoints Commissioners.

Where a Union President is the Complainant or Respondent

1. The Union will be requested to appoint a designate to fulfil the functions identified with the President and to follow the procedures set out herein.

Complaints by Parties External to London Transit

Customer Contact Process

1. Where an allegation of violation of one of the respective Policies is received through the customer contact process, a customer contact record will be completed (conventional and specialized). This type of complaint will initially be reviewed by the Director of Operations – Conventional or the Director of Operations – Specialized.
2. Should the complaint fall under an alleged violation of one of the respective Policies, the WIS and the respective Department Director will be so advised. The WIS will act as Investigator, including, where warranted, engaging a third party.
3. Where the Respondent is a bargaining unit employee, the WIS will notify the President of ATU Local 741 and may designate a representative of the Union to be in attendance in any interviews conducted.
4. An investigation will be conducted in accordance with the investigation process
5. The WIS will provide a full written report to the respective Department Director (or Senior Role where applicable), consistent with the requirements of the Investigation Report.

All Other External Complaints

1. Where an allegation of violation of one of the respective Policies is received outside of the Customer Contact Process, the Director of Human Resources and the respective Department Director will be so advised, and the WIS will act as Investigator, including, where warranted, a third party.
2. Where the Respondent is a bargaining unit employee, the WIS will notify the President of ATU Local 741 and may designate a representative of the Union to be in attendance in any interviews conducted.

3. An investigation will be conducted in accordance with the investigation process set out below.
4. The WIS will provide a full written report to the respective Department Director (or Senior Role where applicable), consistent with the requirements of the Investigation Report.

Investigation Process

Investigations will be initiated as promptly as practicable following receipt of a complaint or notice of an incident. Absent exceptional circumstances, LTC will endeavour to complete investigations within ninety (90) calendar days. Where an investigation is expected to exceed this timeframe, the Complainant will be advised in writing of the anticipated timeline and the reasons for the delay.

1. The Investigator(s) will obtain a full statement from the Complainant and gather all particulars of the incident(s) and possible witnesses.
2. The Investigator(s) will provide the particulars necessary to allow the Respondent to provide a full response to all allegations.
3. The Respondent will be provided with an opportunity to respond to the allegations.
4. The Complainant and Respondent will be provided with a typed copy of their interview record and asked to provide any comments, which will form part of the investigation record.
5. The Complainant will be asked to clarify what redress, if any, is being sought.
6. Where applicable, if the union Co-Investigator does not participate in an interview, a summary of the results will be provided to the union Co-Investigator. The union Co-Investigator may also request that specific questions be asked of the parties.
7. The Complainant and Respondent will be allowed to review and respond to any related evidence not already discussed, which is being relied upon by the Investigators.
8. When interviews are complete, the Investigator(s) will review the case record.
9. From that case record review, the Investigator(s) will render findings of fact. Where the Investigator(s) cannot completely agree on the findings, agreed items will be noted, as will any facts in dispute.
10. The Investigator(s) will review the findings of fact and make recommendations as appropriate. Recommendations will address both the specific situation and any systemic issues that may have arisen. Where agreement cannot be reached on recommendations, agreed-upon recommendations will be noted, as will any recommendations in dispute. Recommendations may address the general need for individual corrective action but not specific disciplinary actions.
11. The Investigator(s) will provide a full written report consistent, including at minimum: (i) a summary of the interviews; (ii) a summary of any other evidence, including relevant policies, legislation, or extraneous evidence not provided by witnesses; (iii) the findings of fact; and (iv) the recommendations.
12. Where applicable, a copy of the report will be provided to the President ATU Local 741 (the President's copy will contain a summary of interviews when same are provided to the union Co-Investigator).
13. The full report will be provided to the respective Department Director (or alternate Senior Role where applicable). The respective Department Director may choose to meet with the Investigator(s) and, where applicable, the President of ATU Local 741. The Department Director may also ask that further investigation be conducted. When satisfied, the Department Director will sign off on the report and its recommendations.
14. The respective Department Director or designate will advise the Complainant and Respondent of the findings and recommendations.
15. Responses from the Complainant and Respondent as a result of being notified will be noted on file via the respective Department Director or designate.
16. The employer will provide, in writing, to the Complainant(s) and Respondent(s) the results of the investigation within ten (10) calendar days of the Department Director's review. The written notification will state whether the allegations were substantiated, not substantiated, or partially substantiated. Where a policy violation is found, the matter is referred to the respective Department Director to take such action as is deemed warranted, in accordance with LTC's progressive discipline process and the applicable Collective Agreement. The specific nature of any corrective or disciplinary action will not be disclosed to the parties.
17. Where individual corrective action is to be taken as a result of the findings and recommendations, the normal processes under the Collective Agreement, including those relating to discipline, will be followed. A disciplinary meeting will be arranged, and the affected bargaining-unit employee will be afforded the opportunity for union representation. When all actions have been completed, the respective Director will advise the Director of Human Resources and General Manager, where warranted.
18. The situation will be monitored by the affected department's management and the Union. Any subsequent related issues will be investigated and dealt with in accordance with this Procedure.

Past Conduct as a Factor in Assessing Credibility

Where Investigator(s) determine that the credibility of a witness, the Complainant or the Respondent in an investigation is at issue, the Investigator(s) will so note along with supporting rationale in the report. Normally, investigations will stand on their own findings with related recommendations and will not be influenced by prior incidents or investigations. The exception to this will be situations where any of the witnesses, which could include the Complainant or Respondent, have shown, to the satisfaction of the General Manager, through their prior actions that credibility is at issue.

The finding that credibility is at issue for an employee will be made only by the General Manager and will be communicated to the employee in writing, with a copy to the Director of Human Resources and (if a bargaining unit employee) the President of ATU Local 741. In these cases, a copy of the letter will be provided to Co-Investigators at the outset of any new investigation in which the employee may be called as a witness. The Co-Investigators may take this information into account in assessing witness credibility in the instant investigation.

Confidentiality

To the extent practical, the identities of the parties and witnesses, as well as all documentation and reports, will be kept confidential. Those involved in the investigation will be asked to maintain the confidentiality of both the investigation itself and the information disclosed during it.

LTC cannot guarantee the confidentiality of any person or document, and investigation materials may have to be disclosed if necessary to protect the integrity of the investigation, to take corrective action, or as compelled by law.

Appointment of Trained Investigators

The Workplace Investigation Specialist (WIS) is engaged by LTC on the basis that they hold the required training and qualifications to conduct workplace investigations, including trauma-informed investigation practices, investigation best practices, and legal updates. Where a joint investigation is warranted, co-investigators appointed by the union must complete the required training before serving in that role.

If an internal Complainant and/or Respondent raises an objection to the impartiality of the Workplace Investigation Specialist or union-appointed Co-Investigator, the employee must submit substantive objections in writing to the respective Department Director (or alternate Senior Role where applicable), requesting a change in Investigator(s). The Department Director will consult with the President of ATU Local 741 (if applicable) and provide a written decision.

In a joint investigation where a bargaining unit employee refuses to be interviewed by the union-appointed Co-Investigator, the Co-Investigator will not personally interview the employee but will:

- Provide the Workplace Investigation Specialist with questions to be asked;
- Be nearby while the interview takes place; and
- During any break in the interview, be provided with the answers to the questions and be given the opportunity to add supplementary questions to be put to the witness when the interview resumes.

LTC acknowledges that under the Occupational Health and Safety Act, the Ministry of Labour, Immigration, Training and Skills Development may order that an independent third-party investigation be conducted at LTC's expense. LTC will comply fully with any such order.

Prohibition Against Reprisal

Reprisals by employees or management are prohibited. A reprisal by an employee includes harassment or actions such as shunning taken as a retaliatory measure against an employee who has acted in compliance with this Procedure and/or sought the protection or enforcement of this Procedure. Substantiated reprisals will be addressed through corrective action, which may include disciplinary action.

A reprisal by management includes disciplining or imposing any penalty, or intimidating or coercing an employee, as a result of the employee acting in compliance with and/or seeking the protection or enforcement of this Procedure. Allegations of reprisals by management will be investigated by the Director of Human Resources with a report to the General Manager. Substantiated reprisals by management will not be tolerated, and corrective action will be taken.

Employee Assistance

Employees who have been subject to violations of one of the respective Policies may benefit from supportive counselling. In addition to the support that an employee's department management and, in the case of bargaining unit employees, their Union may provide, employees will be reminded of the Employee and Family Assistance Program (EFAP) and related external counselling available at no charge to London Transit employees.

Employee Training

All London Transit employees will receive training on both Policies and the Complaint Procedure during onboarding. Employees will receive refresher training at a minimum every four years, or sooner where warranted by a significant incident, a legislative change, or at the direction of the Senior Management Team.

The Director of Human Resources will ensure that assigned Investigators perform investigations in a confidential manner consistent with the foregoing and the Investigation Guidelines.

Resolution Process – Prohibition Against Multiple Avenues

Bargaining unit employees have the right to lodge grievances in certain circumstances. Where a bargaining unit employee is considering lodging a grievance concerning a violation of one of the respective Policies, they should first discuss the matter with a Union representative. Resolution under this Complaint Procedure will not occur where there is an active grievance on the same issue, except by specific agreement of the parties. Grievance timeframes can only be extended by agreement of the parties.

Request for Review of Results

An employee who is unsatisfied with the result of the investigation, the conduct of an Investigator, or the outcome of the investigation, may request in writing to have the matter reviewed by the General Manager, including in the request the reasons for the review. The General Manager or a designate will consider the request, take action deemed appropriate in the circumstances, and provide a written reply.

Requests for review must be filed with the General Manager within ten (10) days (excluding Saturdays, Sundays, and Statutory Holidays) following notification of the findings and recommendations of the investigation.

If an employee elects to proceed with a grievance for any discipline resulting from the investigation, it must be done within the time limits set out in the Collective Agreement, notwithstanding any pending request for a review of the investigation findings.

Review

This Complaint Procedure is reviewed as necessary and at least annually, in consultation with LTC's Joint Health and Safety Committees and LTC legal counsel.