

Public complaint procedures for Fare Inspectors

June 2021



Fare Inspector and Special
Constable Complaints Office

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1. Definitions

These procedures make reference to a number of words and phrases, which for reasons of clarity and consistency have been defined below.

Complainant: is the person raising concerns. There can be more than one Complainant in a Complaint.

Complaint: means a Conduct Complaint or a Policy Complaint.

Conduct Complaint: means an allegation(s) by an individual relating to the actions or behaviour of the Fare Inspector. The expectations for the conduct of a Fare Inspector are outlined in the Transit Enforcement Code of Conduct, appended to this document. Fare Inspectors are also expected to adhere to all applicable TTC policies, including but not limited to: TTC Respect and Dignity Policy; TTC Code of Conduct; TTC Workplace Violence Policy and Program; and TTC Diversity and Inclusion Policy. These internal TTC policies are read together with the Transit Fare Inspection Policies, Procedures and Rules Manual.

Fare Inspector: means a person employed by the TTC in the Revenue Protection Department to provide customer service, education, safety and fare compliance in accordance with TTC By-Law No. 1 in an effort to increase the revenue base through additional taps and they may issue fare infraction notices (Provincial Offence Act “POA” notices) to customers for fare non-compliance.

FISCC Office: means the Fare Inspector and Special Constable Complaints Office. It is responsible for receiving, investigating and/or resolving of complaints involving the conduct, policies of both TTC Fare Inspectors and Special Constables. The FISCC Office is independent and located apart from the Revenue Protection Department and Special Constable Service Department work sites, and reports to a different Group – Diversity and Culture; which is independent from TTC Executives, TTC Board Commissioners and the public, and is accountable to the TTC Board.

Informal Resolution: is a voluntary process, as described in Section 10 of this procedure, that is intended to resolve complaints with the co-operation of all the parties involved and with the goal of reaching a mutually agreeable resolution. It is flexible and can encompass a range of possible appropriate outcomes, and there may be no investigation nor any investigative findings made.

Investigator: is the person responsible for conducting the Complaint investigation, and includes senior investigators, investigators and external investigators.

Parties: means the Complainant(s) and the Respondent(s).

Policy Complaint: means an allegation(s) relating to the rules and standards of the Revenue Protection Program that guide how Fare Inspectors deliver their services. For example, there may be a Complaint, that when examined, it is determined that the underlying policy or procedure may need to be assessed, due to systemic issues raised.

Public Complaint Procedure: (also referred to as **Procedure**): means this document which governs Complaints relating to Special Constables. It applies to any Complaints received by the TTC.

Reprisal: means an act of retaliation, either direct or indirect against the parties to the Complaint or any witnesses.

Respondent: means the Special Constable alleged to be responsible for the misconduct raised in the Conduct Complaint. There can be more than one Respondent in a Conduct Complaint.

Revenue Protection Department: is a department within the TTC that employs Fare Inspectors, and oversees the TTC's revenue protection operations, including fare inspection and compliance. The Revenue Protection Department includes any successor department.

Serious Misconduct: means allegations that are considered significant and/or severe in nature as described in Section 8 of this Procedure.

Special Constable Service: is a department within the TTC that employs TTC Special Constables, and is responsible for the enforcement of TTC By-law No. 1 and various federal and provincial statutes. Complaints involving TTC Special Constables follow a different process found at: [\(website link\)](#). The Special Constable Service includes any successor department.

Support Person: means a person identified by a party to a Complaint (Complainant, Respondent, or witness), as someone that they wish to accompany them during the investigation interview. For unionized employees, this can be their union representative. The support person may attend as an observer; however, the person being interviewed must answer the interview questions.

Systemic Discrimination: is defined as patterns of behaviour, policies or practices that are part of the structure of the organization, and which create or perpetuate disadvantage for a group of persons identified by a protected ground in the Ontario Human Rights Code.

Systemic Review: a review which goes beyond the immediate issues raised within a given Complaint to examine underlying causes to determine whether organizational practices and policies are perpetuating inequity, and whether those practices or policies can be improved to prevent such issues from arising in the future.

TTC: means the Toronto Transit Commission.

2. Mandate and role of the FISCC Office

All Conduct Complaints received by the TTC involving a Fare Inspector, or a Policy Complaint involving the Fare Inspection Program, shall be forwarded to the FISCC Office. The FISCC Office will be responsible for reviewing, investigating and resolving all complaints about TTC Fare Inspectors.

The FISCC Office is an internal department within the TTC and it reaches its findings, conclusions and recommendations independent of any TTC staff from other departments, Executives, TTC Board Commissioners and the public. The FISCC Office's investigation procedures are founded on fairness, thoroughness, transparency and timeliness.

The FISCC Office's goal is to provide an effective and accessible public complaints process that is fair to both Complainants and the Fare Inspectors, and builds confidence and trust in the process by:

- 1) Ensuring the process of making a Complaint is easy to access and understand;
- 2) Investigating Complaints promptly and overseeing the Complaint investigations through to conclusion;
- 3) Encouraging meaningful resolution of Complaints;
- 4) Recording outcomes of investigations and publicly reporting them to the TTC Board as and when required.
- 5) Conducting and/or coordinating Systemic Reviews; and/or
- 6) Delivering education to the public and Fare Inspectors in respect of the Complaints process.

In fulfilling its mandate, the FISCC Office is guided by the principles of:

Accountability: may be called on to account for its decisions and actions when appropriate, and can be held responsible when it does not fulfil its mandate.

Integrity: providing professional, impartial, objective and timely handling of Complaints; respecting privacy, confidentiality, dignity, fairness; and ensuring measures are in place to protect individuals from experiencing negative treatment because a Complaint has been made or they have participated in the Complaint process.

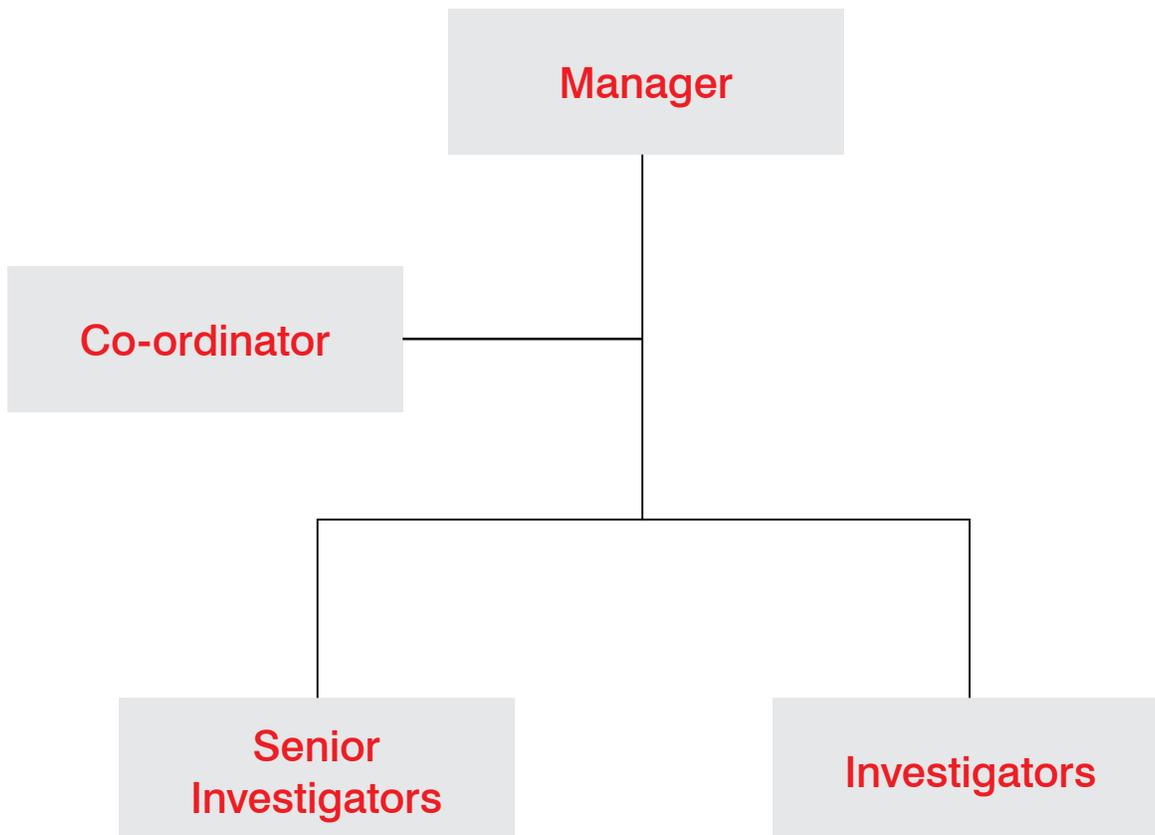
Transparency: ensuring open communication about how a Complaint will be handled and explaining the outcome of the investigation and reasons for the outcome are provided.

Independence: conducting investigations fairly, thoroughly and without any influence or control by TTC Executive management, and free from political interference.

Equity, Diversity and Inclusion: being responsive to, inclusive, and reflective of, the diversity of the communities served, and delivering services in a fair and non-discriminatory manner, having knowledge of, and familiarity with issues of equity and systemic change and the history of and barriers faced by Indigenous, Black and racialized communities due to racism and anti-Black racism.

Accessibility: reducing barriers to making Complaints so that open and transparent communication with the public is encouraged. This includes greater public awareness and education on the various ways Complaints may be brought forward, including through the TTC's Customer Service Centre (which has longer service hours), an accessible online Complaint form and a streamlined process.

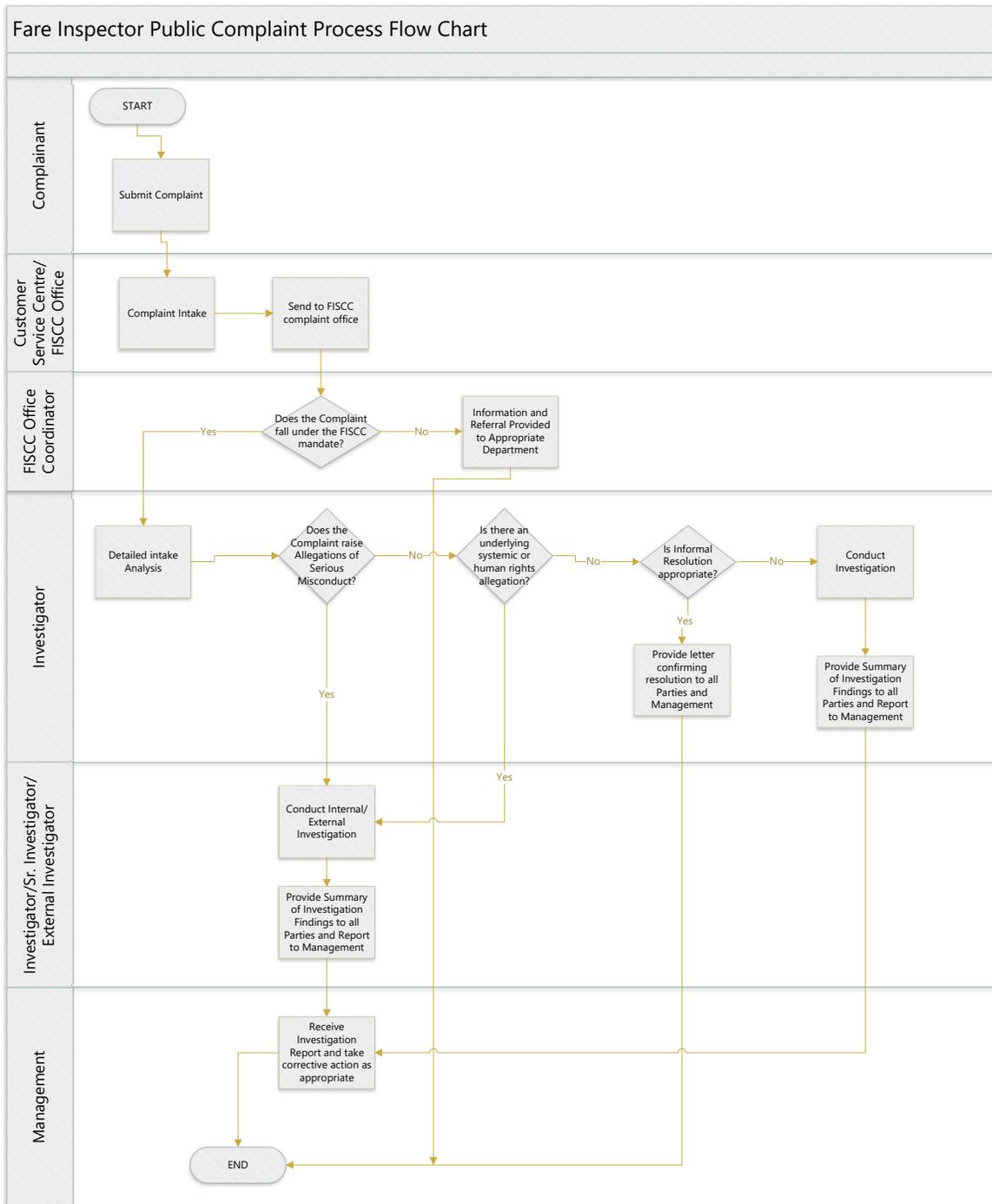
3. Organizational structure of the FISCC Office



4. Fare Inspector public complaints process

The following is the Fare Inspector Complaint Process. The FISCC Office will provide any reasonable accommodation during this process upon request. This includes, but is not limited to, providing documents and information in an accessible format or with communication support during the process.

The FISCC Office is committed to responding to each Complaint in the most equitable manner. This process does not limit, and is intended to facilitate, the FISCC Office's ability to consider the diverse and inclusive views and experiences of the public; and to take steps to resolve Complaints in the most appropriate manner to achieve substantive fairness and equity.



5. Filing a Complaint

Anyone may file a Complaint. This includes persons who have been directly affected by an incident of misconduct or have a concern with a policy relating to Fare Inspectors; have knowledge of, or evidence relating to, an incident of misconduct, and/or have witnessed an incident of misconduct, relating to Fare Inspectors.

A Complaint may be submitted to TTC Customer Service Centre:

- **By phone:** 416-393-3030 or if calling after office hours a message can be left at 416-393-3111
- **By TTY:** 416-338-0357
- **By fax:** 416-338-0547
- **By online form:** ttc.ca/Customer_Service/Compliments_Complaints_Suggestions/index.jsp
- **By mail or in person at:**
TTC Customer Service Centre
1900 Yonge Street,
Toronto, ON M4S 1Z2

A complaint may also be filed directly through the FISCC Office by email at: FISCCInquiries@ttc.ca

Any employee of the TTC may file a Complaint against a Fare Inspector. However, where the substance of that Complaint is an internal workplace matter, the Complaint will be handled under the appropriate corresponding TTC policy and complaint investigation procedures.

6. Public interest and systemic issues

Matters of public interest

A Complaint may be a matter of public interest when it relates to a general public concern and may impact on the broader community, including certain groups of individuals, whole communities and TTC customers. It may also impact the integrity, reputation or public confidence in Fare Inspectors and/or the TTC.

In the absence of a Complaint, or in the case of an anonymous Complainant, the FISCC Office has the discretion to file its own Complaint and initiate the investigative process if it believes that an incident is a matter of public interest and requires further review and investigation in order to maintain public confidence in the Revenue Protection Department and/or the TTC. In such an investigation, there may be no named Complainant. Public Interest complaints will be resolved and/or investigated in an appropriate manner consistent with these procedures, where possible.

The FISCC Office also has the discretion to continue a complaint investigation if the Complainant has withdrawn their Complaint or otherwise declines to participate in the investigation.

Systemic issues

There are also circumstances that may warrant a Systemic Review. With or without a complaint, the FISCC Office may review and investigate, or retain the services of an external Investigator, to investigate issues of a systemic nature, such as Systemic Discrimination. In such an investigation, there may be no named Respondents. The purpose of a Systemic Review is to determine whether systemic organizational failings or inequities have occurred in TTC policies or practices, to make recommendations to address those failings or inequities and to help restore and enhance public confidence in TTC's Revenue Protection Department.

7. Receiving a Complaint

All Conduct Complaints or Policy Complaints will be received by the TTC Customer Service Centre or by the FISCC Office directly at FISCCInquiries@ttc.ca. The Customer Service Centre's hours of service are from 7 a.m. to 10 p.m. daily, seven days a week and voice mail messages can also be left outside of business hours.

A TTC Customer Service Representative will gather and document all of the necessary details of the Complaint and forward the matter to the FISCC Office for further intake. They will also forward a copy of the Complaint to the Respondent's Manager within the Revenue Protection Department. The Customer Service Representative will also immediately request a download of the video of the incident from the TTC's Video Services, if applicable and available within the current video retention periods (i.e. 72 hours from the incident).

The TTC Customer Service Centre Representative will gather as much information as possible, including the following:

- **The Complainant name, phone number, e-mail address**, and the best method and time to be contacted.
- **When?** What date(s) and time(s) the incident(s) took place.
- **Where?** Where the incident(s) occurred? The vehicle number (the four-digit number marked on the vehicle) including the nearest intersection and the direction that the vehicle was travelling, or station name where the incident took place.
- **Who?** Which Fare Inspector is the Complaint about? The name and/or badge number of the Fare Inspector involved, if possible. If not, a clear physical description of the Fare Inspector involved, and anyone else who may have been a witness to the incident(s).
- **What?** A detailed description of what happened. If the Complaint involves comments, a communication between a member of the public and a TTC employee, a verbatim description of the conversation. If any pictures taken or a ticket given, they will be requested as part of the Complaint.

If the Customer Service Representative determines there is more information required, they may ask additional questions.

If upon receiving the Complaint, the Customer Service Representative and/or the Investigator determines that the matter does not relate in any way to a Conduct Complaint or a Policy involving a Fare Inspector, then the matter will be referred to the appropriate department at the TTC for follow-up. If the Complaint involves a Special Constable, the Special Constable Complaints Procedure shall apply.

Any Complaint received by the Customer Service Centre will be documented, even if the matter is referred to another department or division of the TTC, or if only a simple response is required.

8. Complaint intake and assessment of severity

Once a Complaint is received by the FISCC Office, the FISCC Office will acknowledge receipt of the Complaint within two (2) business days. The Complaint will also be assigned to an Investigator for review and assessment.

The Investigator will review and assess the Complaint and schedule a further intake call with the Complainant to gather any additional information regarding the Complaint as appropriate. The purpose of the intake call is to gather all of the relevant information to determine the nature and severity of the Complaint and to help the FISCC Office to determine next steps in the investigation and resolution of the Complaint.

Complaint Assessment

- What is the Complaint about?
- Who should investigate?

What is the Complaint about?

When the FISCC Office receives a Conduct Complaint about a Fare Inspector, the Investigator will assess the nature and severity of the Complaint. The Investigator will determine in consideration of the relevant TTC policies, whether the allegations are of a serious nature. This assessment will depend on the circumstances of each case, and the alleged behaviour or actions of the Fare Inspector.

Some examples of allegations that are considered Serious Misconduct, may include, but are not limited to:

- Discrimination or harassment;
- Systemic issues, including Systemic Discrimination
- Unnecessary use of force;
- An act of workplace violence; or
- Corruption and/or breach of trust.

Some examples of allegations that may be considered less serious in nature may include, but are not limited to:

- Discourtesy, including allegations of rude or profane language;
- Miscommunication;
- Minor damage to property; or
- Disagreement on fare compliance.

Who should investigate?

The FISCC Office will determine the nature of the investigation required given the circumstances of the incident(s).

Where a Complaint is deemed to involve allegations of Serious Misconduct, the matter will be assigned to an Investigator in the FISCC Office, or an external Investigator, to investigate according to Section 11 of this Procedure. For these more complex complaints, the Manager of the FISCC Office will be responsible to assign an Investigator.

The Complainant will be notified in writing by the Investigator of who will be investigating their Complaint and the next steps regarding their Complaint. The Respondent will also be notified in writing of the Complaint and provided a summary of the allegations by the investigator, as soon as practical and prior to an investigation interview.

For all other Conduct Complaints, the Investigator will retain the matter, and will consider whether Informal Resolution is appropriate. The Investigator will consult with the Manager of the FISCC Office when making this assessment.

If Informal Resolution is appropriate, the Investigator will attempt resolution pursuant to the Informal Resolution provisions outlined in this process. The Complainant may decline Informal Resolution and request an investigation at any time.

If Informal Resolution is not appropriate, the Investigator will commence an investigation pursuant to Section 11 of this Procedure.

For a Policy Complaint, the Investigator may assess and determine appropriate to provide it to Revenue Protection Department for appropriate investigation and resolution in consultation with the Investigator.

9. Retaining an external Investigator

The FISCC Office may choose to retain the services of a third party, external Investigator when the circumstances of the Complaint make it appropriate. Those circumstances that will be considered in determining whether to retain a third party investigator may include, but are not limited to:

- Investigations of systemic issues, including human rights matters or Systemic Reviews;
- Matters of public interest, including Complaints that may cause the public to lose confidence in Fare Inspectors and/or the TTC;
- There is a perceived or real conflict of interest;
- Complaints involving a senior level of TTC management;
- The nature of the Complaint being very complex; and/or
- The capacity of the FISCC Office.

If it is determined that an external investigation is required, the external Investigator will possess demonstrable competence and independence in investigations, and specialized expertise where the Complaint alleges discrimination or harassment on an enumerated ground prohibited by the Ontario Human Rights Code or systemic discrimination related thereto, they will comply with this Procedure.

10. Informal resolution

Informal Resolution is a method of resolving, where appropriate, Complaints of a less serious nature without an investigation and a determination of findings. Through the facilitation of the Investigator, it may be undertaken if:

- The Investigator assesses that the alleged misconduct is considered less serious in nature and a formal investigation is not required;
- The Investigator assesses that there is no history of similar Complaints against the Fare Inspector;
- The Complainant would prefer to have their Complaint resolved informally; and
- The Parties are agreeable to an Informal Resolution.

A Complainant may decline Informal Resolution and request a formal investigation at any time.

Informal Resolution may include, but is not limited to:

- A mediated conversation (by phone or in person if/when possible) between the Complainant and the Respondent, led by the Investigator;
- The Investigator will relay and address the Complaint to the manager of the Fare Inspector, , and the Investigator will communicate how the matter has/will be addressed to the Complainant; or
- The Investigator facilitates an agreed to written resolution (i.e. apology letter).

The decision to recommend Informal Resolution depends on the circumstances of each case. Matters suitable for Informal Resolution may include, but are not limited to:

- General rudeness and/or discourteous behaviour by the Respondent;
- Disputes that may have been the result of a miscommunication or misunderstanding; or
- Matters requiring clarification of existing policies or procedures that may not have been clear to either the Complainant or the Respondent.

Matters that are typically not suitable for Informal Resolution, include but are not limited to:

- Incidents of alleged harassment or discrimination based on any enumerated ground prohibited by the Ontario Human Rights Code;
- Incidents involving an alleged excessive use of force, including allegations of Workplace violence;
- Incidents of public interest or serious misconduct; or
- Incidents involving complex or systemic issues that cannot easily be resolved.

If a matter is successfully resolved through an Informal Resolution, the Investigator will send a letter confirming the resolution to the Complainant, Respondent and the Respondent's Manager. The Investigator also monitors the Informal Resolution(s) to ensure all agreed upon resolutions are carried out.

If the parties do not agree to attempt Informal Resolution, the matter will be investigated by the Investigator in accordance with Section 11 of this Procedure.

If after 30 days from when the Investigator received the Complaint, the Complaint is not resolved through an Informal Resolution and/or Informal Resolution is determined not appropriate, the Complaint will be investigated in accordance with Section 11 of this Procedure.

The parties may withdraw from the Informal Resolution process at any time, including if they are dissatisfied with the proposed resolution, and if they do, the Complaint will be investigated in accordance with Section 11 of this Procedure.

11. Investigation

Complaint investigations will be conducted in a thorough, fair, impartial and timely manner.

An investigation into a Conduct Complaint involving a Fare Inspector will be completed in a timely manner, and whenever possible, within 90 days of receiving the Complaint, unless there are extenuating circumstances warranting a longer investigation (i.e. complex Complaint with multiple allegations or multiple witnesses; unavailability of the parties or witnesses to the Complaint, etc.).

If the Complaint investigation is not able to be completed within the 90 days for whatever reason, the FISCC Office will notify the Complainant, and the Respondent's manager that the investigation will take longer than 90 days.

During the course of the investigation, the Investigator will provide updates as appropriate to the Complainant, the Respondent and the Respondent's manager regarding the status of the investigation, particularly if there are any delays in the timelines due to availability of the parties or complexity of the matter (at a minimum, every 30 days).

Steps of an Investigation

An investigation conducted by any of the FISCC Office's Investigators and/or External Investigators will include, but is not limited to:

- A documented interview with the Complainant(s) to establish the scope of the Complaint and to review details that support a summary of allegations in the Complaint;
- The Respondent and their manager will be notified of the Complaint, and the Respondent will be provided with a summary of allegations in writing from the investigator. The Respondent then has an opportunity to provide a written response to the allegations, in advance of their interview with the Investigator;
- A documented interview with the alleged Respondent(s) to obtain their full response to the allegations;
- Documented interview(s) with any relevant witness(es) available to speak with the Investigator;
- Putting contradictory evidence to the parties and allowing them an opportunity to respond;
- Making all reasonable efforts to collect evidence from sources with relevant information and reviewing and documenting relevant documents and evidence for the investigation;
- Any other step the Investigator deems necessary to fully and fairly investigate the Complaint;
- Providing a written investigation report to the Employee Relations Section in the TTC's Human Resources Department and Management of the Revenue Protection department; and

- Notifying the Complainant(s) and the Respondent(s) of the results of the investigation, and providing the results and a summary of the reasons for the findings in writing.

Any appropriate corrective action is the responsibility of the Revenue Protection Department, in consultation with the Employee Relations Section in the Human Resources Department. Complainants will not be provided specific details of any Corrective Action involving employees due to privacy considerations.

Standard of proof

The Investigator will make a factual finding on whether each allegation of the Complaint is substantiated or unsubstantiated, on a balance of probabilities.

Based on the factual findings, the Investigator will also make a determination on whether there has been a violation(s) of the TTC Employee Code of Conduct and TTC policies, including but not limited to, the TTC's Respect and Dignity Policy, TTC Diversity and Inclusion Policy, and TTC Workplace Violence Policy and Program.

12. Support Person

During the interview of the Complainant, Respondent, or witness, the individual may attend the interview with a support person or a representative (e.g., their union representative), as an observer.

A unionized party may have their union representative present as a support person during their communications with the Investigator. However, the person being interviewed must answer the Investigator's questions directly and without interference by the support person (unless assistance is required for an accessibility reason). If the Investigator determines that the support person is interfering with the interview to the point of disruption, then the meeting may be stopped.

If a person who is being interviewed would like a support person to attend the interview, they must contact them and make those arrangements. If an interview needs to be rescheduled in order to accommodate the availability of a support person, the party must inform the Investigator immediately. Reasonable accommodations for rescheduling will be made to facilitate attendance of a support person while maintaining the timeliness of investigations. The person requesting a support person may need to arrange an alternate support person as required. An alternate support person may also be required if the investigator deems there is a conflict of interest. Any support person including a union representative, who is privy to the investigation is bound by the same confidentiality obligations as the parties as set out in Section 14 of this Procedure.

13. Reprisal

The Respondent(s), and any employee witness(es) will co-operate with the Investigator and with all efforts to investigate the Complaint.

No person shall be negatively treated for bringing forward a Complaint in good faith, providing information to Investigators or helping to resolve a Complaint. Reprisal may be the subject of a Complaint under this Procedure, and any TTC employee engaging in Reprisal may be subject to discipline, up to and including termination of employment.

14. Confidentiality and records

To protect the integrity of the Complaint process, confidentiality will be required. Parties and witnesses are expected to keep the matter confidential, with the exception of advising their medical practitioner, counsellor (EFAP or otherwise), their legal or union representative, and/or their support person. Those persons so advised are in turn required to keep all matters relating to the Complaint and the investigation process confidential. Parties and witnesses are not to ask individuals if they have participated in the investigation process, nor speak to anyone who may participate in the investigation process about the subject matter of the investigation or the contents of their discussions with the Investigator.

The FISCC Office will not disclose information regarding the complaint unless the disclosure is necessary:

- To conduct the investigation;
- To protect the safety of employees, customers, the public and/or contractors;
- To administer corrective action with respect to an incident of misconduct;
- To comply with public reporting requirements to the TTC Board and City Council; and
- It is a matter that is determined by the TTC to be of public interest;
- Where required by law.

If it is determined that an employee has breached confidentiality during or after an investigation and/or Informal Resolution, they may be subject to discipline, up to and including termination of employment.

All documents related to a Complaint, including the written complaint, witness statements, investigation notes and reports, and documents relating to the Complaint, will be securely maintained by the FISCC Office and/or external Investigator. No documentation relating to a complaint will be placed in an employee's personnel file, except for any discipline documents which will be kept in accordance with the respective Collective Agreement, if applicable.

15. Conflict of interest

To protect the independence and integrity of the investigation, Investigators will avoid any real or perceived conflicts of interest, including those that may arise with TTC staff or any other TTC department. Investigators will reach their findings, conclusions and recommendations independent of, and without influence from, any staff from any TTC departments, including management and Executives. Should a conflict of interest arise, it will be addressed immediately by declaring it to the Manager of the FISCC Office.

16. Time limitation period

The FISCC Office may choose not to address a Complaint if it is made more than one year after the incident occurred, or more than one year after the last incident in a chain of events, unless the FISCC Office is satisfied that the delay was incurred in good faith. If a Complaint is reported after one year from the last incident, the Complainant will be provided an opportunity to explain the reason for the delay for the FISCC Office's consideration.

The provisions of this procedure in no way affect the right of any person to exercise their rights under any applicable law, including the Ontario Human Rights Code, within the time limits specified by that legislation.

17. Human Rights Tribunal of Ontario (HRTO)

Any person may file a Complaint directly with the HRTO. If the person files a Complaint with the HRTO, the FISCC Office may choose to suspend any Complaint investigation process under this Procedure pending final determination by the HRTO. All Complaints filed with the HRTO shall be managed by the TTC Legal Department and TTC Human Rights and Investigations Department.

18. Option to contact Ombudsman Toronto

If the Complainant or Respondent believes the TTC has failed to comply with this Public Complaints Procedure, or is dissatisfied with an outcome of a Complaint, the Complainant or Respondent may contact the Office of the Ombudsman of the City of Toronto (www.ombudsmantoronto.ca).

Appendix A

Toronto Transit Commission Revenue Protection Department

Code of Conduct

Established July 2018, Amended March 2021

Revenue Protection Department Commitment:

The Revenue Protection Department is committed to working in partnership with TTC employees and the community to support the TTC's vision of a transit system that makes Toronto proud.

The Revenue Protection Department provides customer service, education, safety and fare compliance. The Revenue Protection Department's objective is to increase the revenue based through additional taps by:

- Reinforcing a positive customer culture encouraging our riders and our employees to tap every time
- Ensuring our customers pay the correct fare
- Enabling easy and convenient payment through reliable PRESTO equipment

The Revenue Protection Department is required to protect the integrity of the transit system and its customers and to promote compliance of the TTC's fare policy and procedures. The Revenue Protection Department is responsible for assisting the TTC in increasing the TTC's revenue base by ensuring customers pay their required fare.

1) In this Code of Conduct:

Record: means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy of the record.

On Duty: means the time period commencing from when a Fare Inspector reports to work up until the time the employee leaves work, and shall include lunch and break times. On duty also includes the time period in which an employee is required

to be at work, or is in attendance in a working session at a conference or seminar as a representative of the TTC, and further includes anytime that the Fare Inspector is in a TTC-issued uniform.

Fare Inspector: means a person employed by the TTC in the Revenue Protection Department to provide customer service, education, safety and fare compliance in accordance with TTC By-Law No. 1 in an effort to increase the revenue base through additional taps and they may issue fare infraction notices (Provincial Offence Act "POA" notices) to customers for fare non-compliance.

Revenue Protection Member: means any member/employee of the Revenue Protection Department, including but not limited to, a Fare Inspector.

- 2) (1) A Head of the Revenue Protection Department or a Revenue Protection Member commits misconduct if they engage in:

(a) Discreditable Conduct, in that they,

- (i) fails to treat or protect persons equitably without discrimination with respect to services provided by the Revenue Protection Department based on any of the prohibited grounds as set out in Section 1 of the Ontario Human Rights Code.
- (ii) engages in improper or oppressive conduct towards another employee.
- (iii) uses profane, abusive or insulting language to any law enforcement officer or TTC employee.
- (iv) uses profane, abusive or insulting language or is otherwise uncivil to a member of the public.
- (v) willfully or negligently makes any false complaint or statement.
- (vi) assaults any other person.
- (vii) withholds or suppresses a complaint or report against a member of the Revenue Protection Department or about the policies of or services provided by the Revenue Protection Department of which the Fare Inspector is a member.
- (viii) fails to report that they have been charged with a criminal offence.
- (ix) is guilty of a criminal offence that is an indictable offence or an offence punishable upon summary conviction; or
- (x) contravenes any provision of any agreement with a police service board, including but not limited to any agreement which provides for the appointment of Special Constable status, or
- (xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the TTC.

(b) Insubordination, in that they,

- (i) is insubordinate by word, act or demeanour.
- (ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order.

(c) Neglect of Duty, in that they,

- (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the Revenue Protection Department.
- (ii) fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause.
- (iii) fails to report a matter that is their duty to report.
- (iv) fails to report anything that they know concerning a criminal or other charge, or fails to disclose any evidence that they, or any person within their knowledge, can give for or against any prisoner or defendant.
- (v) omits to make any necessary entry in a record.

- (vi) is absent without leave from or late for work, without reasonable excuse.
- (vii) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty.

(d) Deceit, in that they,

- (i) knowingly makes or signs a false statement in a record.
- (ii) knowingly submits a record that is misleading or false.
- (iii) willfully or negligently provides a false, misleading or inaccurate statement.
- (iv) without lawful excuse, destroys a record or alters or erases an entry in a record.

(e) Breach of Confidence, in that they,

- (i) divulges any matter, which it is his or her duty to keep secret or confidential.
- (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of the warrant or service of the summons.
- (iii) without proper authority, communicates to the media or to any unauthorized person any matter connected with the Revenue Protection Department, the TTC or any police service.
- (iv) without proper authority, shows to any person not a Revenue Protection Department Member or to any unauthorized Special Constable Service Member any record that is the property of the Toronto Police Service (TPS) or the TTC.
- (v) without proper authority, shows to any person not a member of a police force or to any unauthorized member of any police force any record that is the property of that or another police force or the TTC.

(f) Corrupt Practice, in that they,

- (i) offers or takes a bribe.
- (ii) fails to account for or to make a prompt, true return of money or property received in an official capacity.
- (iii) directly or indirectly solicits or receives a gratuity or present without the consent of the Head of the Revenue Protection Department.
- (iv) improperly uses their position as a Revenue Protection Department Member for private advantage or for personal gain. Personal gain includes gain for oneself or any friend or family member.

(g) Unlawful or Unnecessary Exercise of Authority, in that they,

- (i) without good and sufficient cause makes an unlawful or unnecessary arrest.
- (ii) uses any unnecessary force against a person contacted in the execution of their duty.

(h) Damage to Clothing or Equipment, in that they,

- (i) willfully or carelessly causes loss or damage to any article of clothing or equipment, or to any record or other property of the Revenue Protection Department or
- (ii) fails to report loss or damage, however caused, as soon as practicable.

(i) Consuming Drugs or Alcohol in a Manner Prejudicial to Duty, in that they,

- (i) violates the TTC Fitness for Duty Policy.

(j) Misrepresentation, in that they,

- (i) identifies or represents themselves, in any way, to be a police officer,

- 3) The TTC Head of the Revenue Protection Department or a Revenue Protection Member commits misconduct if they conspire, abet or is knowingly an accessory to any misconduct described in this Code of Conduct.
- 4) The TTC Head of the Revenue Protection Department or a Revenue Protection Member shall also comply with all other TTC Corporate Policies and Procedures and any Departmental Policies and Procedures, including but not limited to, Conditions of Employment and Conflict of Interest. These Corporate Policies and Procedures and Departmental Policies and Procedures may be amended from time to time.