



Notice of Motion

Working Together to Address Transit Worker Assaults

Moved by: Chair Jaye Robinson

Seconded by: Commissioner Jennifer McKelvie

Summary

As set out in the March 2022 TTC CEO Report, the number of offences against TTC employees in Q3 2021 was 243 and in Q4 2021 was 208, which represents offences against employees of more than 2x per day.

In Q3 and Q4 2021, the two most common types of offences against TTC employees were threats of assault (50%) and assaults against employees (45%).

On December 17, 2021, the TTC and the City of Toronto recognized the first Transit Worker Assault Awareness Day. The day brings attention to the abuse and assault transit workers, including TTC employees, face on the job.

The TTC has developed a 10-point action plan ("Plan") to address transit worker assaults and support employees. An internal, cross-sectional working group has been tasked with implementing and monitoring the progress of the Plan.

The Plan builds on already-established TTC programs and includes:

- Integrating social service resources in the Special Constable Service unit to assist individuals experiencing homelessness and people in crisis.
- Implementing a customer campaign focused on respecting TTC employees and keeping them safe.
- Delivering an operator-focused campaign reminding employees what to do if confronted by a customer.
- Enhancing protective screens for bus operators and mandating their use.

In 2015, the Government of Canada, through the passage of Bill S-221, amended the Criminal Code by adding subsection 269.01 to allow Courts to consider that any assault against a Transit Operator engaged in the performance of their duty be an aggravating circumstance for the purpose of sentencing.

Subsection 269.01(1) of the Criminal Code provides that:

When a court imposes a sentence for an offence referred to in paragraph 264.1(1)(a) or any of sections 266 to 269, it shall consider as an aggravating circumstance the fact that the victim of the offence was, at the time of the commission of the offence, a public transit operator engaged in the performance of his or her duty.

There continues to be a number of assaults on TTC employees that are not transit operators or are not transit operators engaged in the performance of their duties.

In addition to the TTC Plan, the Criminal Code should be amended to ensure that any offence against a transit worker, while engaged in the performance of their duties or while in uniform, shall be considered an aggravating factor to be considered as part of sentencing.

Recommendation

It is recommended that the TTC Board:

1. Request the Government of Canada to amend subsection 269.01 of the Criminal Code to include all transit workers in these provisions, not just operators.
2. Direct TTC staff to coordinate a table with representatives from all three levels of government to work with ATU Local 113 on a national framework aimed at eliminating transit worker assaults.
3. Request TTC staff to explore options, in consultation with ATU Local 113, to continue to raise public awareness of transit worker safety and respect for TTC employees, as soon as possible.

Date: April 6, 2022