

TORONTO TRANSIT COMMISSION REPORT NO.

MEETING DATE: JANUARY 23, 2008

SUBJECT: TTC CORPORATE POLICY REVIEW – DEFENCE AND
INDEMNIFICATION OF EMPLOYEES

RECOMMENDATION

It is recommended that:

- 1) the Commission approve the following amended TTC Corporate Policy, 9.3.2 - Defence and Indemnification of Employees, which is attached hereto as Appendix 'A' ("Policy 9.3.3"); and
- 2) the Commission approve the elimination of TTC Corporate Policy 9.4.3 – Indemnification of Employees from Action, as this policy has been merged into policy 9.3.3.

BACKGROUND

At its meeting on July 14, 2004, the Commission approved a motion by Chair Moscoe for Commissioner Giambrone to undertake a review of the TTC's Corporate Policy Manual with a request that he bring forward one policy per meeting for the review and consideration of the Commission.

DISCUSSION

The above process was commenced at the Commission meeting of February 9, 2005. In accordance with the review schedule adopted at the aforementioned meeting, policies 9.3.2 Defence of Employees and 9.4.3 Indemnification of Employees from Action are submitted for Commission approval with the suggested merging of the two policies, together with amendments (see Appendix 'A').

Attached as Appendix "B" and "C" respectively are policies 9.3.2 Defence of Employees and 9.4.3 Indemnification of Employees from Action.

Two main points should be noted regarding the proposed policy as compared to the current policy.

- 1) The proposed policy addresses possible indemnity for legal fees and time off work

in circumstances where there is a complaint made which may result in discipline by an employee's professional organization for conduct arising from employment duties (vs. a charge relating to an offence). This is consistent with the City of Toronto's policy.

- 2) The proposed policy clearly provides discretion of General Counsel, and Chief General Manager, if required, to indemnify legal fees or lost time, taking into account a number of factors, including whether the employee is acquitted or not. The previous policy contained some ambiguity which has been clarified in the new policy.

JUSIFICATION

The proposed revised policy consolidates two current policies, and provides appropriate protection for the Commission and its employees regarding defence and indemnification of employees.

January 23, 2008
45-9-1
Attachments