

# ONTARIO POLICE ARBITRATION COMMISSION



## BUSINESS PLAN

Fiscal Years  
2018-19 through 2020-21

December 18, 2017



**ONTARIO POLICE ARBITRATION COMMISSION**  
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2018-19 through 2020-21

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## ONTARIO POLICE ARBITRATION COMMISSION BUSINESS PLAN

**FISCAL YEARS  
2018-19 to 2020-21**

### EXECUTIVE SUMMARY

The Ontario Police Arbitration Commission (the commission) is a non-board governed provincial agency under the Agency and Appointments Directive. In accordance with the Labour Relations Part VIII of the *Police Services Act (PSA)*, the commission appoints conciliators and mediator-arbitrators to assist police associations and police services boards across the province to resolve outstanding labour relations grievances and contract bargaining disputes. The commission does not in any way influence the parties in their negotiations. These processes are intended to promote harmonious labour relations in the police community and improve the long-term effectiveness of policing in the Ontario.

The commission fulfils its mandate by ensuring operations are effective, accountable and aligned with the goals of the Ministry of Community Safety and Correctional Services (MCSCS).

The business plan is updated each year and used as a tool to focus on the strategic direction over a three year period. For the 2018-19 to 2020-21 planning period, the commission's strategic objectives are to:

- **Ensure timely delivery of professional service by qualified conciliators and mediator-arbitrators;**
- **Inform deputy minister and minister about pertinent emerging issues and problems in the policing sector;**
- **Study implications and feasibility of an expanded mandate stemming from the proposed *Safer Ontario Act, 2017*;**
- **Explore options in which policing labour relations conflict can be mitigated with the agreement of police associations, police services boards and police chiefs;**
- **Enhance conciliator and mediator-arbitrator rosters to address retirements and maintain availability high quality services;**
- **Develop and implement succession planning for the organization and to transition the new chair;**
- **Explore database technologies to streamline case management, enhance statistics, and maximize efficiency; and**
- **Address the government's gender diversity targets for women to make up to 40 percent of all appointments to every provincial board and agency by 2019.**

The ministry provides resources to the commission to ensure it has the capacity to fulfill its legislative requirements and implement its strategic directions. The commission's operations

and services do not generate revenue. The financial report for fiscal year 2017-18 is located in the Financial Budget and Staffing Section.

Through the Strategy for Safer Ontario initiative, MCSCS has introduced the *Safer Ontario Act, 2017*, to modernize the province's policing framework and align it with the evolving needs of Ontario. This proposed legislation would expand the commission's mandate which has been taken into consideration throughout the drafting of the business plan; however, at the time of this report, unknowns around timelines, costs and other details which are to be outlined in the regulations have limited the planning scope. The proposed legislation was introduced in November 2017, but has not yet been proclaimed.

## MANDATE

A Memorandum of Understanding (MOU) governs the operational, administrative and reporting relationships between the commission and the Ministry of Community Safety and Correctional Services. The term of the MOU is five years or until such earlier time as all parties agree to a new MOU.

Responsibilities of the Ontario Police Arbitration Commission as outlined in the MOU between the commission and the Ministry of Community Safety and Correctional Services:

- Promote harmonious labour relations in the police community;
- Administer the mediation-arbitration process for police contract bargaining disputes and rights grievances;
- Provide conciliation services prior to arbitration;
- Assist parties negotiating a voluntary collective agreement; and,
- Sponsor research with respect to police arbitration processes and awards.

## Mission Statement

The commission is an independent adjudicative agency whose mission is to provide for the neutral administration of the Labour Relations, Part VIII, and of the *Police Services Act* in an effective and timely manner.

## Legislative Authority

The legislative authority of the commission is set out under section 131(1) of the *Police Services Act*, R.S.O. 1990, c.P. 15 as amended. The statutory responsibilities of the commission are set out specifically in subsection 131(5):

**131 (5)** The arbitration commission has the following responsibilities:

1. Maintaining a register of arbitrators who are available for appointment under section 124.
2. Assisting arbitrators by making administrative arrangements in connection with arbitrations.
3. Fixing the fees of arbitrators appointed by the Solicitor General under section 124.

4. Sponsoring the publication and distribution of information about agreements, arbitrations and awards.
5. Sponsoring research on the subject of agreements, arbitrations and awards.
6. Maintaining a file of agreements, decisions and awards made under this Part.

The commission is subject to the *Accessibility for Ontarians with Disability Act, 2005 (AODA)*; *Occupational Health and Safety Act (OHSA)*; *Freedom of Information and Protection of Privacy Act (FIPPA)*; *Public Service of Ontario Act, 2006 (PSOA)*, the *Human Rights Code* and all other applicable laws as well as government policies and directives including the Agencies and Appointments Directive (AAD).

## Reporting Requirements

The commission is accountable for the following reporting requirements:

- Memorandum of Understanding – The MOU is signed by the chair of the commission and the Minister of Community Safety and Correctional Services. This agreement serves as an important tool to promote mutual understanding of the roles and responsibilities of each party (minister, deputy minister, board, chair and executive officer.)
- Business Plan – Each year, the commission submits a business plan to the Minister of Community Safety and Correctional Services for approval, which covers a three-year period. This plan is a key requirement for accountability under the AAD and an important tool for maximizing an organization's likelihood of success in meeting its goals and objectives.
- Annual Report – Each year, the commission prepares an annual report documenting how the agency fulfilled its mandate during the preceding fiscal year. It provides a retrospective look at the fiscal year and it includes performance targets, performance, accomplishments, financial statements and appointees.
- Compliance Attestation – Each year, the chair of the commission must send a letter to the Minister of Community Safety and Correctional Services confirming compliance with legislation, directives and accounting, and financial policies.
- Risk Assessment Evaluation – Quarterly reporting is made to Treasury Board/Management Board of Cabinet (TB/MBC) on each high-risk the commission faces including a description of the risk, the reasons it is a high-risk, and the plan in place to manage the risk. This reporting requirement ensures effective management of risks for the commission and ministry.
- Public Posting – To fulfill the government's objective to increase transparency, the MOU, business plan, annual report and expense information for appointees and senior executives are posted on the commission website.
- Mandate Review – The commission's mandate sets out the parameters within which it may perform its responsibilities or provide services, and ministries must complete reviews of the mandate once every seven years.

## STRATEGIC DIRECTIONS

The commission endeavours to provide effective and efficient conciliation and mediation-arbitration services to police associations and police services boards across the province. Potential impacts of the drafted mandate expansion, stemming from the Strategy for a Safer Ontario are reflected in the commission's own strategies which include the enhancement of staffing, systems and organization in order to maintain reliability and efficiency in service provision. The focused strategies for the next three years are listed below:

- **Ensure timely delivery of professional service by qualified conciliators and mediator/arbitrators:**

Efficient service delivery is a top priority of the commission. Staff must work expeditiously to arrange hearings at the parties' earliest convenience, and conciliators or mediator-arbitrators need to be readily available to hear cases on specific dates in locations across the province. Staff have been meeting performance targets over the years as requests for service are responded to well below the two-day performance target. Hearing dates are set at the parties' earliest convenience – within 14 days of appointment of a conciliator and within 30 days for a mediator-arbitrator as outlined in the *Police Services Act*, unless otherwise agreed upon by the parties.

The commission utilizes a roster of four conciliators and approximately 30 arbitrators in an effort to ensure that there is always a professional available to attend a hearing on any date requested by the parties.

- **Inform deputy minister and minister about pertinent emerging issues and problems in the policing sector:**

OPAC will continue to identify and track current and emerging trends pertaining to labour related policing issues. The chair will actively inform the deputy minister on new initiatives and directions. The commission will improve communication with the deputy minister and minister to ensure their knowledge and awareness of issues. Improved communication includes scheduling regular meetings and increasing the distribution of information when appropriate.

- **Study implications and feasibility of an expanded mandate stemming from the proposed Safer Ontario Act, 2017;**

Through the Strategy for Safer Ontario initiative, the ministry has introduced the Safer Ontario Act, 2017, to modernize the province's policing framework and align it with the evolving needs of Ontario.

The commission will work with MCSCS and the Ministry of the Attorney General to assess the implications of assuming new legislative responsibilities that may arise from the pending *Safer Ontario Act, 2017*. The new legislation, which was introduced in November 2017 but has not yet been passed, will expand OPAC's mandate. In order to determine the magnitude of the proposed changes to the mandate, more information is required. This information is expected to become available in the coming months as proposed legislation is developed further. In the interim, OPAC will commence some preliminary analysis on impacts.

- **Explore options in which policing labour relations conflict can be mitigated with the agreement of police associations, police services boards and police chiefs:**

In an effort to promote harmonious labour relations and to mitigate conflict in the policing community, the commission will, with the consent of parties, attempt to provide assistance in instances of extreme labour relations difficulties. The commission will attempt to take a more proactive approach to unnecessary labour disputes and relationship breakdowns. The clear intent is to identify problems and mutually agree on a solution that will improve the day-to-day relationship between the parties.

Before implementing a significant preventative initiative, the chair will first discuss the logistics and intent with the commission's board members, the deputy minister and the minister. Other stakeholders may also be contacted for input and buy-in.

The chair intends to facilitate the initiative by meeting with police services (associations, boards & police chiefs) who jointly request and require assistance. The initiative is intended to minimize workplace conflict, decrease the number of grievances and improve relationships between the parties.

- **Enhance arbitrator and conciliator roster to accommodate retirements and maintain availability of high quality services:**

The roster of arbitrators and conciliators used by the commission will continue to experience retirements over the next few years. The loss of highly-skilled, reputable professionals can result in decreased availability, variety, sense of trust and familiarity among involved parties. In order to maintain the high level of professional service provided by the commission's roster, new arbitrators and conciliators will be recruited. OPAC will work to identify and address all barriers to recruiting new roster members including competing rates.

- **Develop staff and implement succession planning to transition new chair:**

With the appointment of a new chair in November 2017, transition materials and strategies have been developed and opportunities to strengthen and develop succession plans further are being explored.

The commission has a full staff complement. With the proposed new legislation on the horizon, staff and management will invest time into professional development and succession planning to ensure the commission is equipped for scheduled or unexpected staffing changes, as well as potential increase in demand for services.

Staff will spend time on professional development plans and taking part in performance reviews with the executive officer and chair.

- **Explore database technologies to streamline case management, enhance statistics and maximize efficiency:**

Almost daily, commission staff update activity reports for conciliation and arbitration files. The valuable information contained within these reports can produce a variety of statistics and accurate performance measures; however existing programs in use don't provide the specific functions to meet the commission's needs.

The commission could benefit from a program with capabilities to produce focused reports to aid in trend analysis and forecasting in police labour relations, financial planning and risk reports. Requests for conciliation and arbitration services should be organized, tracked and studied on a larger scale than currently possible with Microsoft Office tools. The commission worked with the ministry last fiscal year to create reports with data mining features, however, there were some obstacles implementing the new templates and utilizing them effectively. Due to these complications, the commission has decided to explore database programs beyond Microsoft office capabilities.

The commission will explore ways to streamline case management, reduce duplication, improve organization and maximize efficiency in providing information to stakeholders. The ability to collect and present data more effectively will assist the commission to proactively promote harmonious labour relations in the policing community.

- **Address the government's gender diversity targets for women to make up a minimum of 40 percent of all appointments to every provincial board and agency by 2019:**

In June 2016, Premier Kathleen Wynne announced new gender diversity targets to ensure more women have the opportunity to reach top leadership positions on provincial boards and agencies. The Minister for the Status of Women has informed members of cabinet that the diversity targets for provincial boards and agencies is 40 per cent. Establishing new gender diversity targets will help pave the way for more women to sit on boards of directors and take on executive roles.

Currently, the commission's board is 100 per cent male. In a traditionally male-dominated industry, meeting this target is a challenge. Board members are recommended for appointment from two organizations, each of which has their own gender diversity limitations. Representatives from these organizations will be made aware of the diversity targets in place and the commission's goal to improve its standing. The commission strongly encourages and supports the inclusion of female board members, employees, executives, as well as mediator-arbitrators and conciliators who provide services in order to meet legislated operational requirements.

These strategies align the commission with the Government of Ontario and the MCSCS' mandate to provide an accessible, accountable and innovative justice system, and support and deliver quality services by ensuring service continuity and improvement. Under the Performance Measures section, the business plan outlines how the commission measures the success of these strategic objectives.



## OVERVIEW OF PROGRAMS AND ACTIVITIES

### Conciliation Services

Conciliation is an extension of the collective bargaining and grievance process whereby an independent third party provides assistance to municipal police associations and police services boards to help them reach a voluntary settlement of their differences. A settlement is never imposed on the parties at the conciliation stage. Conciliation is mandatory prior to arbitration. The commission has a roster of four highly experienced, private-sector conciliators who are paid a per diem per case. It is important that the roster can accommodate a large number of meeting dates within any given timeframe. The ability to hold multiple hearings on the same day in various locations throughout the province ensures the provision of an efficient service to stakeholders. In order to sustain this level of service, the commission will be adding a conciliator to the roster, as existing conciliators availabilities and locations change.

### Mediation-Arbitration Services

Where the parties are unable to resolve their differences through conciliation and cannot agree on the joint appointment of an arbitrator, either party representing a police association or police services board may request the appointment of an arbitrator by applying to the commission. The outcome of a dispute is determined by the arbitrator based on evidence presented at a hearing. In October 1997, the *Police Services Act* was amended to make provision for an assisted dispute resolution mechanism to deal with all police contract bargaining disputes. As a result, the emphasis on mediation prior to arbitration has increased the rate of settlement between police associations and police services boards in both interest and rights disputes. The commission will work on enhancing the arbitrator roster to maintain the high level of professional service and availability required by the parties.

### Appointment of Mediators/Arbitrators

Section 131(6.2) of the *Police Services Act* requires the chair of the commission to establish and maintain a roster of mediator/arbitrators. The commission meets this requirement by utilizing the services of approximately 30 mediator/arbitrators to hear both interest and rights disputes. The roster is reviewed periodically by the chair and board. As mentioned in the strategic directions for the following three years, the roster of conciliators and arbitrators will be under review and expansion.

### Distribution of Labour Relations Information and Research Materials

The commission provides information on its services to stakeholders and the public in a transparent and accessible manner. The website ([www.policearbitration.on.ca](http://www.policearbitration.on.ca)) provides stakeholders and their representatives, legal counsel, labour relations personnel in the broader public sector and the general public, access to a database of rights and interest arbitration awards for police in Ontario. The commission also maintains an archive of collective agreements between police associations and police services boards. The commission will be looking into programs to better organize, analyze, and share labour relations information.

### Workplace Relationship Improvement Program

The commission continues to look at ways to address conflict in workplace relationships before the conflicts escalate into grievances. The commission currently offers a voluntary Workplace

Relationship Improvement Program (WRIP) to assist police associations and police services boards develop good working labour relations. The WRIP is used by the chair and commission conciliators to identify and discuss with police services boards and police associations the ways in which they can improve their day-to-day working relationship. The program is voluntary and requires commitment by senior members of the police association and the police services board in order to be successful.

The WRIP program has not been highly utilized in recent years. The commission has plans to modernize the program and increase participation and engagement from stakeholders.

## **HUMAN RESOURCES**

Staff members are an integral part of the commission meeting its mandate. With an executive officer and two conciliation services assistants working full-time, the commission has been able to reach performance targets and successfully facilitate reliable programs and services. In the coming years, management will continue to work with staff on succession planning, professional development, and improving skill sets in order to prepare for planned or unexpected changes in the commission's future and to develop staff to their full potential.

The commission utilizes four conciliators and approximately 30 mediator-arbitrators to deliver legislated programs and services. As noted, the per diem rates are much lower than those in the private sector for these services, which can pose challenges in attracting and retaining experienced conciliators and mediator/arbitrators for the commission's roster. The private sector per diem rates for some individuals on OPAC's roster can be upwards of \$3,000 - \$5,000, while the commission per diem is \$625 for conciliators and \$825 for arbitrators. An increase in retirements has created opportunities to expand the conciliator and arbitrator roster. The rosters will be reviewed and enhanced in 2018-19.

The commission's new chair was appointed in November 2017. There was no overlap in appointments, however the transition has been seamless due to the chair's experience working in the police labour relations community and as a conciliator for the commission for many years. The chair was appointed at a time when business planning had already begun, however best efforts have been made to ensure his inclusion and awareness of the planning process and timelines.

Future proposed legislative amendments pertaining to the commission's mandate will likely result in the need to hire additional staff. Changes are not anticipated to take effect immediately, however the commission is aware of the risk. Additional information from the ministry, feasibility studies, and timelines will need to be completed prior to addressing new staffing needs. The commission will also need to diversify the arbitrator roster to accommodate the varied types of disputes that may arise with the proposed mandate expansion.

## PERFORMANCE MEASURES

The following performance measures outline desired results for meeting the commission's business objectives and key strategies. Results are reported each year in the commission's annual report. These measures are under review for further development in the next business planning phase:

### 1. Core Business Function: Conciliation

Strategy/Objective	Outcome Statement	Output Measure	Outcome Measure
Ensure timely delivery of professional services by qualified conciliators	Efficient delivery of conciliation services	<ul style="list-style-type: none"> <li>number of days to respond to applicant from receipt of application to first contact</li> <li>number of applications received</li> <li>Average number of days to respond from receipt of application to first contact</li> </ul>	At or below the previous 5-year average number of days to respond from receipt of application to first contact – 1.25 days

### 2. Core Business Function: Mediation-Arbitration

Strategy/Objective	Outcome Statement	Output Measure	Outcome Measure
Ensure timely delivery of professional services by qualified mediator-arbitrators	Efficient delivery of mediation-arbitration services	<ul style="list-style-type: none"> <li>number of days to respond to applicant from receipt of application to first contact</li> <li>number of applications received</li> <li>Average number of days to respond from receipt of application to first contact</li> </ul>	At or below the previous 5-year average number of days to respond from receipt of application to first contact – 1.31 days

### 3. Core Business Function: Maintain and Publish Information

Strategy/Objective	Outcome Statement	Output Measure	Outcome Measure
Improve stakeholder accessibility to the application process	Enhanced access to information on OPAC's website	<ul style="list-style-type: none"> <li>number of days for new awards to be published on OPAC website from receipt of summary</li> <li>number of new award summaries received</li> <li>Average number of days for new awards to be published on OPAC website from receipt of summary</li> </ul>	At or below the previous 5-year average number of days for new awards to be published on OPAC website from receipt of summary – 1.39 days

## FINANCIAL BUDGET AND STAFFING

The majority of the commission's budget is allocated to the provision of conciliation and mediation-arbitration services to police across Ontario. This includes the conciliator and arbitrator per diems, travel costs and meeting space for conciliation hearings. The remainder of the budget supports three full-time staff salaries and benefits, board appointees and other direct operating expenses. Although most of the commission's expenditures are mandated by legislation and the level of service demand is beyond its control, the commission consistently meets its key objectives and operates within its budget allocation.

### Financial Report

The commission's budget for fiscal year 2017-18 was \$458,700 and the commission is forecasted to operate within its budget for this fiscal year. The detailed financial outlook and three-year estimates are below.

### Financial Outlook

Over each of the next three fiscal years, OPAC annual budget is expected to remain at \$458,700.

The commission may encounter challenges should it experience a significant change in the volume of applications for service as a result of labour relations among municipalities. The volume of applications and hearings are tracked year-over-year, however, if there is an increase in the number and nature of requests for conciliation or arbitration, this will have an impact on the commission's expenditures. Despite the uncertainty, it is anticipated and assumed for the purpose of planning that activity will remain around average levels.

Over the next three years, expenditures are expected to increase slightly as applications for services return to their average levels, and the Travel, Meal and Hospitality Directive has been amended for expense increases. Minor per diem increases, staff salary increases and benefit costs will reflect these changes. Barring unforeseen pressures and assuming the level of demand for service returns within the five-year averages, the commission is expected to operate within its proposed budgets.

The *Safer Ontario Act, 2017* which was introduced in November 2017 (to be proclaimed at a future date) will expand OPAC's mandate. Although this expanded role is still under review; the commission cannot forecast additional costs until the legislation is passed, regulations are set and further details are known. The commission will continue to monitor these costs and update as required in future compliance documentation (i.e. annual report and business plan).

	<b>Forecast @ Oct. 31/17</b>	<b>Estimates</b>		
<b>Fiscal Year</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
<b>Proposed Budget</b>	<b>\$456,410</b>	<b>\$458,700</b>	<b>\$458,700</b>	<b>\$458,700</b>
<b>Salaries &amp; Wages</b>	172,600	182,000	182,000	182,000
<b>Benefits</b>	24,300	23,500	23,500	23,500
<b>ODOE</b> (see below)	259,510	253,200	253,200	253,200
<b>Other Direct Operating Expenses Breakdown:</b>				
<b>Transportation &amp; Communication</b>	46,180	39,200	40,900	44,800
Conciliation	23,600	22,000	21,000	22,000
Mediation-Arbitration	12,100	12,000	12,000	12,500
Other	10,480	5,200	7,900	10,300
<b>Services</b>	210,200	209,000	207,000	204,000
Conciliation	99,000	100,000	101,000	100,000
Mediation-Arbitration	37,000	37,000	36,000	35,000
Meeting Space	14,000	13,000	13,000	13,000
Other	60,200	59,000	57,000	56,000
<b>Supplies &amp; Equipment</b>	3,130	5,000	5,300	4,400

## **INFORMATION TECHNOLOGY AND ELECTRONIC SERVICE DELIVERY**

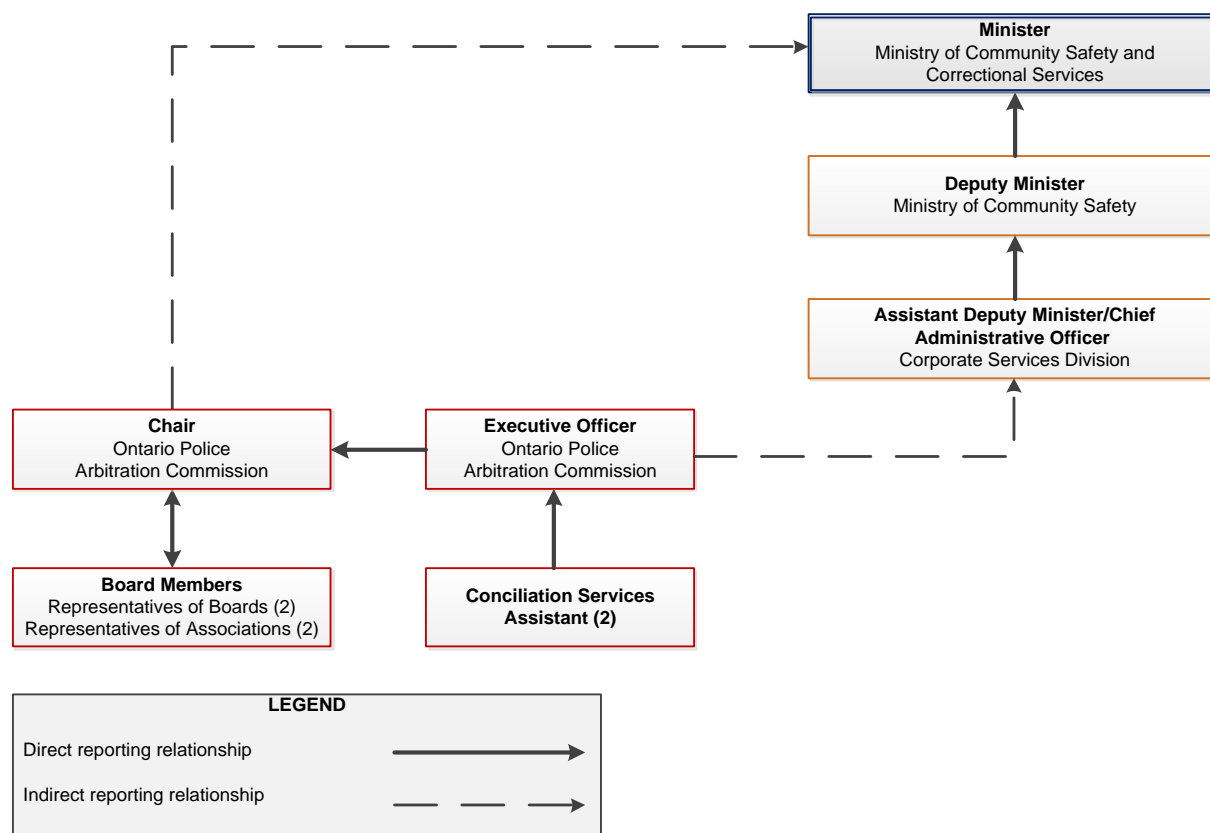
One of the commission's outlined strategies is to explore database technologies to streamline case management, enhance statistics and maximize efficiency. With the right program, data collected by the commission can produce focused reports for trend analysis, financial planning and risk reports. All of these outputs can aid in proactive action to promote harmonious labour relations in the policing community.

A similar strategy was explored last fiscal year; however the program did not meet the needs of the commission after a trial period. The commission will research alternative software options with the necessary capabilities to aid in this statistical enhancement initiative.

The commission's website is used to provide information on arbitration decisions to stakeholders and the public. The website also communicates policies, procedures, and accountability documents. The commission changed its website platform during fiscal year 2015-16 following the announcement of the provincial government's initiative to simplify Ontario's online presence. This change in platforms has allowed for modernization of the commission's online presence.

Staff will continue to look at ways to streamline the administration process and the input and posting of new data to the commission's website. Currently, the commission accepts application forms by mail, email and fax.

## ORGANIZATIONAL CHART



In accordance with section 131 (1) of the *Police Services Act*, the commission is composed of a chair, two representatives of police services boards recommended for appointment by the Ontario Association of Police Services Boards (OAPSB), and two representatives of members of police associations, recommended for appointment by the Police Association of Ontario (PAO).

The Minister must consult with, or attempt to consult with the bargaining agents or employers' organizations prior to a chair being appointed to the commission. The terms of office for appointees are set within government of Ontario guidelines. Staff is comprised of an executive officer and two conciliation services assistants.



**ONTARIO POLICE ARBITRATION COMMISSION**  
**BUSINESS PLAN**  
2018-19 through 2020-21

You may contact the Commission at:

25 Grosvenor Street  
15<sup>th</sup> Floor  
Toronto ON M7A 1Y6  
**Telephone:** 416 314-3520  
**Facsimile:** 416 314-3522  
**Email:** [opac.applications@ontario.ca](mailto:opac.applications@ontario.ca)

**[www.policearbitration.on.ca](http://www.policearbitration.on.ca)**