

# ONTARIO POLICE ARBITRATION COMMISSION



## BUSINESS PLAN

Fiscal Years  
2019-20 through 2021-22

Revised  
December 31, 2018



**ONTARIO POLICE ARBITRATION COMMISSION**  
**BUSINESS PLAN**  
2019-20 through 2021-22

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## EXECUTIVE SUMMARY

The Ontario Police Arbitration Commission (OPAC) is a non-Board governed Provincial Agency under the Agency and Appointments Directive (AAD). In accordance with Labour Relations Part VIII of the Police Services Act (PSA), OPAC appoints Conciliators and Arbitrators to assist Police Associations and Police Services Boards across the Province to resolve outstanding labour relations grievances and contract bargaining disputes. OPAC maintains strict neutrality when assisting parties with rights grievances and interest negotiations. The objective is to promote harmonious labour relations in the Ontario Police Sector.

OPAC fulfils its mandate by ensuring service delivery is 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 to create a focused three year strategic overview. For the 2019-20 to 2021-22 planning period, OPAC's strategic objectives are to:

- **Ensure timely delivery of professional service by qualified Conciliators and Arbitrators;**
- **Inform the Deputy Minister and Minister about important emerging issues and areas of concerns in the policing sector, or within OPAC;**
- **Evaluate the implications and likelihood of an expanded mandate arising from the Safer Ontario Act, 2018;**
- **Develop and implement a strategy to mitigate Policing labour relations strife with the agreement of Police Associations, Police Services Boards and Chiefs of Police (PAO, OAPSB and OACP);**
- **Add to Arbitrator and Conciliator rosters to ensure maintenance of high quality, competent service;**
- **Develop and implement succession planning for OPAC staff and appointees;**
- **Implement a Statistical Database to improve case management, ability to automate querying of statistical data, and to increase sophistication in data collection; and,**
- **Explore options to address the Government's gender diversity targets for women to a minimum of 40 percent of all appointments to Provincial Boards and Agencies by 2020.**

The Ministry provides resources to OPAC to ensure it has the capacity to meet its legislative obligations and implementation of strategic directions. OPAC's operations and services do not generate revenue. (For more detail, see the Financial Report for fiscal year 2018-19 in the Financial Budget and Staffing Section on Page 9).

With the passage of the Safer Ontario Act, 2018, and not knowing the full of extent of the legislation's implementation, including regulations, OPAC has considered the circumstance when writing the Business Plan. The lack of information about the implementation of the Safer Ontario Act, 2018, predictably, creates an impediment to definitive planning of costs and other details that are yet to be determined.

## MANDATE

The Memorandum of Understanding (MOU) governs the operational, administrative and reporting relationships between OPAC, the Chair, the Minister and the Ministry of Community Safety and Correctional Services. The term of the MOU is five years and may be amended at any time during the term, with the agreement of the parties.

The MOU sets out the responsibilities of OPAC, the Chair, the Minister and MCSCS. Major responsibilities include:

- Promote harmonious labour relations in the police community;
- Administer the 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

OPAC is an independent adjudicative agency whose mission is to provide neutral and timely administration of the Labour Relations, Part VIII, of the Police Services Act.

### Legislative Authority

The legislative authority of OPAC 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 OPAC 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 and awards made under this Part.

OPAC 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 AAD.

## Reporting Requirements

OPAC is accountable for the following reporting requirements:

- Memorandum of Understanding – The MOU is signed by OPAC’s Chair and the Minister of Community Safety and Correctional Services. The agreement serves as an instrument to promote mutual understanding of the respective roles and responsibilities of the Minister, Deputy Minister, OPAC’s Board Members, OPAC’s Chair and the Executive Officer.
- Business Plan – Each year, OPAC submits a three-year Business Plan to the Minister of Community Safety and Correctional Services for approval. The plan is a requirement for accountability under the AAD. The Business Plan attempts to quantify future events that need to be managed to maximize the organization’s ability to meet its goals and objectives.
- Annual Report – OPAC 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 includes performance targets, actual performance, accomplishments, financial statements and appointees.
- Compliance Attestation – Annually, OPAC’s Chair 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 – OPAC reports high risks to Treasury Board/Management Board of Cabinet on a quarterly basis. The reporting includes identification of high-risks faced by OPAC, including a description of the risk, the reasons it is considered high-risk, and how the risk will be managed. The assessment, reporting, and planning for high risks, is to anticipate strategies for the removal, or mitigation, of the risk(s).
- Public Posting – OPAC posts the MOU, Business Plan, Annual Report and expense information for appointees and senior executives on the OPAC website to fulfill the Government’s objective to increase transparency.
- Mandate Review – OPAC’s mandate sets out the parameters within which it fulfills its responsibilities, including service delivery standards. Ministries must complete mandate reviews once every seven years. OPAC’s next mandate review is expected in 2022.

## STRATEGIC DIRECTIONS

OPAC provides effective and efficient conciliation and arbitration services to Police Associations and Police Services Boards across the Province. Potential impacts arising out of the Safer Ontario Act, 2018 have influenced OPAC's planning. OPAC must consider the possible need for an increase in staffing, systems improvements, and organizational changes to maintain appropriate service delivery. OPAC's projected strategies for the next three years are to:

### **Ensure timely delivery of professional service by qualified Conciliators and Arbitrators:**

Efficient service delivery is a top priority for OPAC. Staff will continue to arrange timely hearings; ensuring Conciliators and Arbitrators are available to deal with cases throughout Ontario. Historically OPAC has consistently met, or exceeded, required performance measures. Responses to stakeholder requests are completed well below the required two-day performance standard. Hearing dates are set at the parties' earliest convenience – within 14 days of appointment of a Conciliator and within 30 days for an Arbitrator as outlined in the Police Services Act, unless otherwise agreed to by the parties.

OPAC utilizes a roster of five Conciliators and approximately thirty Arbitrators to ensure professionals are available to attend hearings on any date requested by the parties.

### **Inform the Deputy Minister and Minister about important emerging issues and areas of concerns in the policing sector, or within OPAC:**

OPAC will continue to monitor and identify trends in labour-related policing issues. The Chair will inform and update the Deputy Minister about new initiatives and directions. OPAC will improve communication with the Deputy Minister and Minister by communicating on issues of interest more frequently. Improved communication includes scheduling meetings, as required, with the Deputy Minister and/or the Minister.

### **Evaluate the implications and likelihood of an expanded mandate arising from the Safer Ontario Act, 2018;**

The Ministry, through the introduction of the Safer Ontario Act, 2018, intends to modernize the Province's policing framework to align it with the evolving needs of Ontario.

OPAC will work with MCSCS and the Ministry of the Attorney General to assess the implications of the legislative responsibilities arising out of the Safer Ontario Act, 2018. The legislation may expand OPAC's mandate and responsibilities. The precise magnitude of the legislation's impact on OPAC's mandate will not be fully understood until the Safer Ontario Act, 2018 regulations are completed and applied.

### **Develop and implement a strategy to mitigate policing labour relations strife with the agreement of Police Associations, Police Services Boards and Chiefs of Police (PAO, OAPSB and OACP):**

OPAC will promote harmonious labour relations and attempt to mitigate conflict in the policing community. OPAC will, with the consent of parties, provide assistance in instances of identified labour relations difficulties. With the agreement of disputing parties, OPAC will take a proactive approach to facilitating resolution of unwarranted labour relations disputes and relationship breakdowns. The intent is to consensually identify problems and, thereafter, mutually agree on solutions that assist in improving day-to-day relations between the parties.

Prior to implementing the initiative, the Chair discussed the details of the proposed strategy with OPAC's Board Members, the Minister, Deputy Minister, the OAPSB, PAO and OACP Board of Directors. The OAPSB and PAO Boards, respectively, endorsed OPAC's strategic direction to mitigate undue labour relations issues in policing. OPAC's Board unanimously endorsed the Chair's initiative to mitigate labour relations issues in the Ontario police sector.

The Chair intends to facilitate the meetings with Police Associations, Police Services Boards and Chiefs of Police. The intention is to engage the parties in consensual discussions to find ways to reduce needless workplace conflict, to decrease numbers of grievances, and to improve relations between the parties.

#### **Add to Arbitrator and Conciliator rosters to ensure maintenance of high quality, competent service:**

OPAC's roster of Arbitrators and Conciliators will experience retirements over the next several years. Unless replenished, the loss of competent Arbitrators will result in potential service delivery disruption and deterioration. To ensure continuity of high quality service to Ontario Police Services, the recruitment of new Arbitrators and Conciliators will continue.

#### **Develop and implement succession planning for OPAC staff and appointees:**

Further opportunities to strengthen and develop effective succession plans continue to be explored.

With the partial implementation of the Safer Ontario Act, 2018, OPAC continues to plan for professional staff development and succession planning. OPAC is planning for scheduled or unexpected staffing changes and possible increases in service demands.

The Executive Officer and the Chair will ensure that staff spend time on professional development plans and be subject to performance reviews.

#### **Implement a Statistical Database to improve case management, ability to automate querying of statistical data, and to increase sophistication in data collection;**

OPAC regularly updates activity reports for conciliation and arbitration files in compliance with performance measures. The information in the reports provides a variety of statistics that assist in determining whether performance measures are being achieved. OPAC's existing technology limits its ability to query the collected data. Implementation of a database resulted in attaining a higher level of data input and analysis. Utilization of a database allows for accurate examination and forecasting of labour relations issues, financial planning, and risk management.

OPAC has made significant progress in migrating large quantities of information into a new database. OPAC will continue to explore ways to improve case management to attain maximum efficiency when providing information to stakeholders. The matter of case management is being carefully analyzed.

**Explore options to address the Government's gender diversity targets for women to a minimum of 40 percent of all appointments to Provincial Boards and Agencies by 2020:**

As a part of the gender diversity target was announced to ensure more women have the opportunity to reach leadership positions on Provincial Boards and Agencies.

Currently, OPAC's Board is 25 percent female. Meeting the 40 percent target is a challenge. OPAC's Board Members are recommended for appointment from two organizations, each of which has their own gender diversity limitations. Representatives from these organizations have been made aware of the 40 percent diversity targets. OPAC encourages and supports the inclusion of female Board Members, employees, executives, as well as Arbitrators and Conciliators.

The foregoing strategies align OPAC with the Government of Ontario and the MCSCS' mandate to provide an accessible, accountable, and innovative justice system. Additionally, the strategies support quality service delivery, continuity and improvement. The Performance Measures section of the Business Plan outlines how OPAC measures the success of strategic objectives.

**OVERVIEW OF PROGRAMS AND ACTIVITIES****Conciliation Services**

Conciliation is a process by which a Police Association or a Police Services Board can make an application to OPAC for the appointment of a neutral Conciliator to assist in resolving rights or interest disputes. While conciliated settlements are never imposed on the parties, conciliation is mandatory before an application for appointment of an Arbitrator can be made as per the PSA. OPAC has a roster of five experienced, professional Conciliators.

**Arbitration Services**

Where the parties are unable to resolve their differences through conciliation, and cannot mutually agree on the appointment of an Arbitrator, a Police Association, or Police Services Board, may make application to OPAC for the appointment of an Arbitrator. Arbitrators will either mediate a settlement or impose a binding resolution.

**Appointment of Arbitrators**

Section 131(6.2) of the Police Services Act requires OPAC's Chair to establish and maintain a register of Arbitrators. OPAC, currently, meets the requirement by utilizing the services of approximately thirty Arbitrators. The register is reviewed by the Chair and approved by OPAC's Board Members. OPAC will continue to review and add to its register of Arbitrators



## Distribution of Labour Relations Information and Research Materials

OPAC provides service information to stakeholders and the public in a transparent and accessible manner. The website ([www.policearbitration.on.ca](http://www.policearbitration.on.ca)) provides access to a database of rights and interest arbitration awards for Police Services in Ontario. OPAC also maintains an archive of collective agreements between Police Associations and Police Services Boards. OPAC is currently examining better ways to organize, analyze, and share labour relations information.

## Workplace Relationship Improvement Program

OPAC has, for some time, offered a voluntary Workplace Relationship Improvement Program (WRIP) to assist Police Associations and Police Services Boards with relationship issues. The program was voluntary and required significant commitment by senior members of the Police Association and the Police Services Board. The WRIP program has been underutilized in recent years and proved ineffective. The OPAC Board, comprised of stakeholder representatives from the OAPSB and the PAO, unanimously agreed to abandon the program and replace it with the Chair's initiative to mitigate unnecessary labour relations issue through consensual, direct discussions with affected Police Associations, Chairs of Police Services Boards, and Chiefs of Police.

## HUMAN RESOURCES

Staff members are an integral part of fulfilling OPAC's mandate. With an Executive Officer and two full-time Conciliation Services Assistants, OPAC has consistently met or exceeded performance targets and successfully delivered reliable programs and services. Management will continue to work with staff on succession planning, professional development, and improving skill sets in preparation for planned or unexpected changes to OPAC.

OPAC utilizes five Conciliators and approximately thirty Arbitrators to fulfill legislated obligations and services. OPAC's per diem for Conciliators is \$625 and \$825 for rights Arbitrators.

OPAC appointed a new Chair on November 1, 2017. Since the new Chair has extensive experience working with Police Services and Police Associations throughout Ontario as a Conciliator for OPAC, the transition was seamless.

Future legislative amendments affecting OPAC's mandate may influence the need for additional staff. Changes are not anticipated to take effect immediately; however OPAC is aware of the possible risk when additional responsibilities under the Police Services Act come into effect January 1, 2020. Additional information from the Ministry, feasibility studies, statistical analysis, and timelines need to be completed prior to addressing any new staffing requirements.

## PERFORMANCE MEASURES

The following performance measures outline OPAC’s business objectives and key strategies. Results are reported each year in OPAC’s Annual Report. These measures are under review for further improvement 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 five-year average number of days to respond from receipt of application to first contact – 1.00 days

### 2. Core Business Function: Arbitration

Strategy/Objective	Outcome Statement	Output Measure	Outcome Measure
Ensure timely delivery of professional services by qualified Arbitrators	Efficient delivery of 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 five-year average number of days to respond from receipt of application to first contact – 1.00 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 five-year average number of days for new awards to be published on OPAC website from receipt of summary – 1.00 days

## FINANCIAL BUDGET AND STAFFING

The majority of OPAC's budget is allocated to the provision of conciliation and arbitration services to police across Ontario. The budget 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. While most of OPAC's expenditures are mandated by legislation, the cost of service level demands is beyond OPAC's control. Historically, OPAC consistently meets its key objectives and operates within its budget.

### Financial Report

OPAC's budget for fiscal year 2018-19 was \$458,700 and OPAC is forecasted to operate within its budget for this fiscal year. The detailed financial outlook and three-year estimates are below.

### Financial Outlook

Subject to the regulations of the Safer Ontario Act, 2018, OPAC's annual budget may increase from \$458,700 to an amount that is presently unknown. In addition to the potential financial implications of the Safer Ontario Act, 2018, OPAC will be proactive in facilitating meetings with Police Services to mitigate relationship issues between Police Associations, Police Services Boards, and Chiefs of Police.

OPAC may encounter challenges if significant changes occur in the volume of applications it receives for conciliation and/or arbitration services. The volume of applications and hearings are tracked year-over-year. An increase in the number of requests for conciliation or arbitration will have an impact on OPAC's expenditures.

OPAC will continue to monitor costs and update as required in compliance documentation (Annual Report and Business Plan). OPAC expects to work within its current budget, to the extent possible.

	Forecast: Dec 31/18	Estimates		
Fiscal Year	2018-19	2019-20	2020-21	2021-22
<b>Proposed Budget</b>	<b>\$449,656</b>	<b>\$458,700</b>	<b>\$458,700</b>	<b>\$458,700</b>
<b>Salaries &amp; Wages</b>	139,889	182,000	182,000	182,000
<b>Benefits</b>	22,073	23,500	23,500	23,500
<b>ODOE</b> (see below)	287,694	253,200	253,200	253,200
<b>Other Direct Operating Expenses Breakdown:</b>				
<b>Transportation &amp; Communication</b>	45,599	39,200	40,900	44,800
Conciliation	19,916	22,000	21,000	22,000
Arbitration	13,148	12,000	12,000	12,500
Other	12,535	5,200	7,900	10,300
<b>Services</b>	240,957	209,000	207,000	204,000
Conciliation	59,888	100,000	101,000	100,000
Arbitration	52,616	37,000	36,000	35,000
Meeting Space	15,552	13,000	13,000	13,000
Other	112,901	59,000	57,000	56,000
<b>Supplies &amp; Equipment</b>	1,138	5,000	5,300	4,400

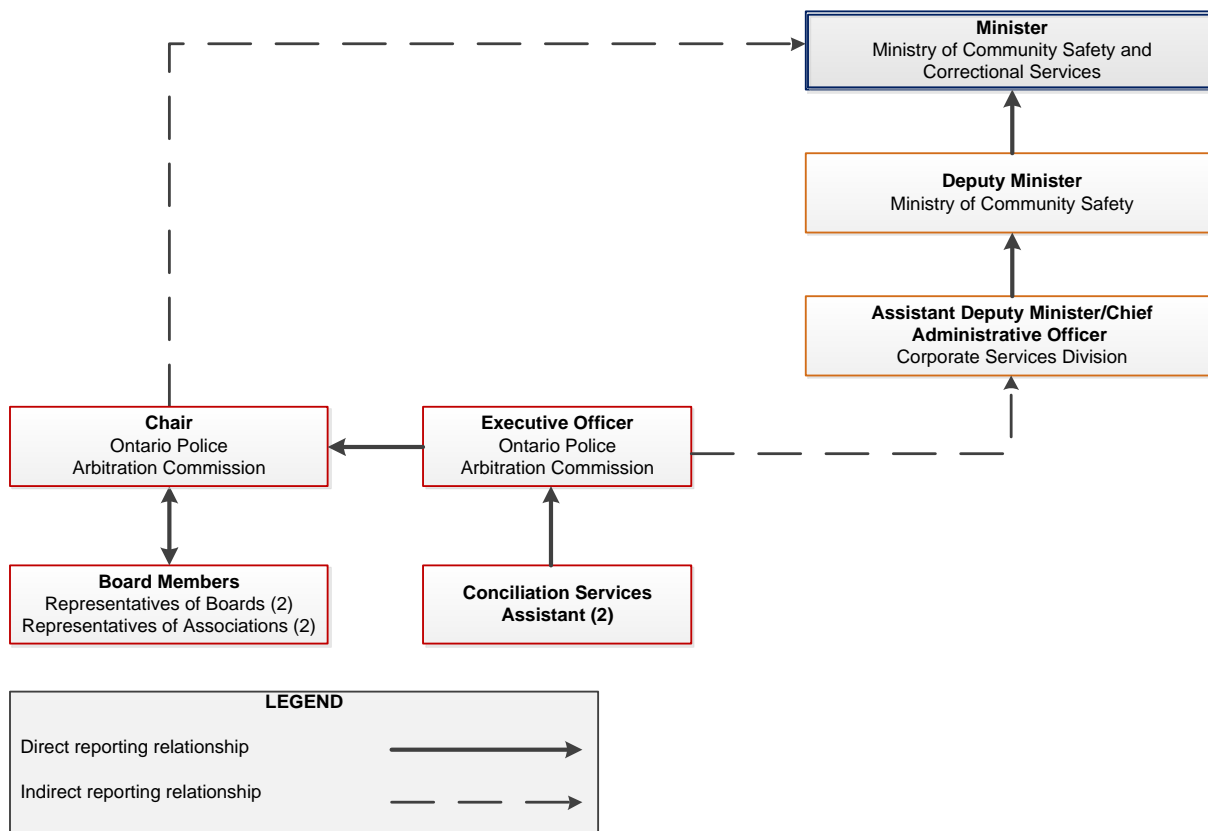
## INFORMATION TECHNOLOGY AND ELECTRONIC SERVICE DELIVERY

OPAC is utilizing database technology to improve case management by enhancing statistical analysis, and data collection. Data maintained by OPAC will produce focused reports for trend analysis, financial planning and risk management reports.

In addition to comprehensive data collection on case management and performance standards, OPAC’s website provides information on arbitration decisions to stakeholders and the public. The website also communicates policies, procedures, and accountability documents. OPAC website will be continuously improved, as the need arises.

OPAC will find ways to streamline the administrative process, input, and posting of new data to OPAC’s website. Currently, OPAC accepts application forms by mail, email and fax.

# ORGANIZATIONAL CHART



In accordance with section 131 (1) of the Police Services Act, OPAC 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 OPAC. The terms of office for appointees are set within Government of Ontario guidelines. OPAC’s Staff is comprised of an Executive Officer and two Conciliation Services Assistants.



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**BUSINESS PLAN**  
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