



Ontario Police Arbitration Commission

Business Plan Fiscal Years 2020-21 through 2022-23

Updated: December 12, 2019

Ontario Police Arbitration Commission

Business Plan

Fiscal Years 2020-21 through 2022-23

Table of Contents

Executive Summary	1
Mandate	2
Mission Statement	2
Legislative Authority.....	2
Reporting Requirements.....	3
Strategic Directions	4
Overview of Programs and Activities.....	7
Conciliation Services	7
Arbitration Services.....	7
Distribution of Labour Relations Information and Research Materials	7
Human Resources.....	8
Performance Measures	9
Financial Budget and Staffing	10
Financial Report.....	10
Financial Outlook.....	10
Information Technology and Electronic Service Delivery	11
Organizational Chart	12

Executive Summary

The Ontario Police Arbitration Commission (the Arbitration Commission) is a non-board governed provincial agency under the Agencies and Appointments Directive (AAD). In accordance with Part VIII, Labour Relations of the Police Services Act, the Arbitration Commission 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. The Arbitration Commission 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. The Arbitration Commission fulfils its mandate by ensuring service delivery is professional, effective, accountable and aligned with the goals of the Ministry of the Solicitor General.

The Business Plan is updated each year and used to create a focused three-year strategic overview. For the 2020-21 to 2022-23 planning period, the Arbitration Commission's strategic objectives are to:

- **Ensure timely delivery of professional conciliation and arbitration services;**
- **Inform the Deputy Solicitor General and Solicitor General about important emerging labour relations issues in policing, or within the Arbitration Commission;**
- **Evaluate the potential implications of the Community Safety and Policing Act, 2019, and the operational impacts on the Arbitration Commission, post-proclamation;**
- **Manage records, including the retention and/or destruction of out-dated core business, and financial files;**
- **Continue to implement the strategy to mitigate policing labour relations discord, with the agreement of the Ontario Association of Police Services Boards (OAPSB), the Police Association of Ontario (PAO), and the Ontario Association of Chiefs of Police (OACP);**
- **Review existing policies, and identify new policies that require development;**
- **Review and add to arbitrator and conciliator register as required;**
- **Continue succession planning for the Arbitration Commission staff and appointees; and,**
- **Continue improvement and implementation of the statistical database to improve case management, including the ability to automate queries of statistical data, and to advance sophistication in data collection.**

The Ministry of the Solicitor General provides resources to the Arbitration Commission to ensure it has the capacity to meet its legislative obligations and implementation of strategic directions. The Arbitration Commission's operations and services do not generate revenue. For more detail, see the Financial Report for fiscal year 2019-20 in the Financial Budget and Staffing Section on Page 10.

The potential impacts of the Community Safety and Policing Act, 2019 on the Arbitration Commission have not been considered for planning of expenditures, and will need to be addressed, as appropriate, once legislation is proclaimed.

Mandate

The Memorandum of Understanding (MOU) governs the operational, administrative and reporting relationships between the Arbitration Commission, the Arbitration Commission Chair (Chair), the Solicitor General and the Ministry of the Solicitor General. The term of the MOU is five years and may be amended at any time with the agreement of the parties.

Key responsibilities include:

- 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 Arbitration Commission is an independent adjudicative agency whose mission is to provide for the neutral administration of the Police Services Act, 1990, Part VIII Labour Relations in an effective and timely manner.

Legislative Authority

The legislative authority of the Arbitration Commission is set out in section 131(1) of the Police Services Act, R.S.O. 1990, c. P.15 as amended. The statutory responsibilities of the Arbitration 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 Arbitration Commission is subject to the following:

- Accessibility for Ontarians with Disabilities Act, 2005 (AODA);
- Occupational Health and Safety Act, R.S.O 1990 (OHSA);
- Freedom of Information and Protection of Privacy Act, R.S.O 1990 (FIPPA);
- Public Service of Ontario Act, 2006 (PSOA);
- The Ontario Human Rights Code; and
- All other applicable laws as well as Ontario Government policies and directives including the AAD.

Reporting Requirements

The Arbitration Commission has responsibility to comply with the following key accountability requirements under the AAD:

- Memorandum of Understanding (MOU) – The MOU is signed by the Chair and the Solicitor General. The MOU sets out the respective roles and responsibilities of the Solicitor General, Deputy Solicitor General, the Chair, Arbitration Commission Members (Members), and Executive Officer.
- Business Plan – The Arbitration Commission submits a three-year Business Plan, annually, to the Solicitor General for approval. The Business Plan sets out the Arbitration Commission’s strategic plan and budget to achieve its mandate and strategic/administrative goals, and objectives over three years.
- Annual Report – The Arbitration Commission submits an Annual Report to the Solicitor General for approval. The Annual Report provides a retrospective look at the past fiscal year and documents how the agency fulfilled its mandate during that time. The Annual Report includes the outcomes and outputs that shows how a provincial agency met its performance targets, notable accomplishments, information on the agency’s appointees (including total remuneration) and financial information (including financial statements).
- Compliance Attestation – Annually, the Chair must provide a letter to the Ministry of the Solicitor General confirming compliance with legislation, directives, accounting and financial policies.
- Risk Assessment Evaluation – The Arbitration Commission reports any projected high risks to the Ministry of the Solicitor General for risk assessment evaluation on a quarterly basis. The high-risk reporting includes a description of the risk, the reasons it is considered high-risk and how the risk will be mitigated or eliminated. The Ministry submits the quarterly evaluation to Treasury Board/Management Board of Cabinet (TB/MBC).
- Public Posting – The MOU, Business Plan, Annual Report and expense information for appointees and senior executives is posted on the Arbitration Commission’s website in accordance with the AAD.
- Mandate Review – The Arbitration Commission’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. The Arbitration Commission’s last mandate review was completed in 2019.

Strategic Directions

The Arbitration Commission provides professional conciliation and arbitration services to Police Associations and Police Services Boards across the province. The Arbitration Commission must consider the potential operational impacts from the Community Safety and Policing Act, 2019 once it is proclaimed, including staffing, systems improvements, and organizational/administrative changes required to maintain high standards in service delivery. The Arbitration Commission's projected strategies for the next three years are to:

Ensure timely delivery of professional conciliation and arbitration services:

Effective service delivery is a top priority for the Arbitration Commission. Staff will continue to arrange timely hearings; ensuring conciliators and arbitrators are available to deal with cases throughout Ontario. Historically, the Arbitration Commission 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 Service Act, unless otherwise agreed to by the parties. The Arbitration Commission utilizes a roster of 4 conciliators and 27 arbitrators to ensure professionals are available to attend hearings on dates requested by the parties.

Inform the Deputy Solicitor General and Solicitor General about important emerging labour relations issues in policing, or within the Arbitration Commission:

The Arbitration Commission will continue to monitor and identify trends in labour-related policing issues. The Chair will inform and update the Deputy Solicitor General about new initiatives and directions. The Arbitration Commission will improve communication with the Deputy Solicitor General and Solicitor General by communicating issues of interest as the need arises.

Evaluate the potential implications of the Community Safety and Policing Act, 2019, and the operational impacts on the Arbitration Commission, post-proclamation:

The Ministry of the Solicitor General, utilizing the Community Safety and Policing Act, 2019, intends to modernize the province's policing framework to meet the needs of Ontario.

The Arbitration Commission will work with the Ministry of the Solicitor General and the Ministry of the Attorney General to evaluate the impacts of the Community Safety and Policing Act, 2019. The legislation's impact on the Arbitration Commission's mandate will be fully understood once the Community Safety and Policing Act, 2019 is proclaimed.

Manage records, including the retention and/or destruction of out-dated core business and financial files:

The current file retention schedule obligates the Arbitration Commission to keep conciliation and arbitration files for 10 years, plus the current fiscal. In compliance with the retention schedule, the Arbitration Commission will securely destroy budget files from 1995-2008 and financial reconciliation files from 1999-2009.

The Arbitration Commission has already started to scan and electronically archive newly submitted applications and relevant grievance material to the Arbitration Commission's internal document tracking system. The Arbitration Commission currently has all hard copies of arbitration awards and collective agreements from 1973 to the present. Currently, both hard copies and electronic files are retained. Going forward the intention is to eliminate storage of hard copies, while retaining the information digitally.

Continue to implement the strategy to mitigate policing labour relations discord, with the agreement of the Ontario Association of Police Services Boards (OAPSB), the Police Association of Ontario (PAO), and the Ontario Association of Chiefs of Police (OACP):

Whenever possible, the Arbitration Commission will promote harmonious labour relations and attempt to mitigate conflict in the policing community. Before helping identified Ontario Police Services and Associations, the Arbitration Commission will first discuss its concerns and intentions with the OAPSB and PAO. The Arbitration Commission will help with the agreement of disputing parties. Once discussed with the OAPSB and PAO, the Arbitration Commission intends to take a proactive approach to facilitating discussions to resolve unwarranted labour relations disputes caused by relationship deterioration. The intent is to consensually identify problems and, thereafter, mutually agree on solutions that improve day-to-day relations between the parties.

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

Review existing policies, and identify new policies that require development:

There is a need to review all existing Arbitration Commission policies to identify whether revisions are needed. Additionally, there is a necessity to identify where additional policies may be required. Where the requirement for policies are identified, steps will be taken to develop such policies.

Review and add to arbitrator and conciliator register as required:

The Arbitration Commission's register of professional arbitrators and conciliators will experience retirements over the next several years. Unless replenished, the loss of competent arbitrators and conciliators could 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 as needed.

Continue succession planning for Arbitration Commission staff and appointees:

The Arbitration Commission will continue strengthening and developing effective succession plans. The Arbitration Commission also plans for professional staff development to meet the needs of scheduled or unexpected staffing changes and possible increases in service demands. The Executive Officer and the Chair will ensure staff spend time on professional development plans and have regular scheduled performance reviews.

Continue improvement and implementation of the statistical database to improve case management, including the ability to automate queries of statistical data, and to advance sophistication in data collection:

The Arbitration Commission 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. The Arbitration Commission's previous technology limited its ability to query the collected data. Implementation of a database has resulted in a higher level of data input and analysis. Utilization of the database allows for accurate examination and forecasting of labour relations issues, collective agreement analysis, judicial reviews, financial planning, and risk assessment management.

The Arbitration Commission will continue to examine ways to improve case management to attain maximum efficiency in providing information to stakeholders. These strategies align the Arbitration Commission with the Government of Ontario and Ministry of the Solicitor General's mandate to provide an accessible, accountable, and innovative justice system.

Overview of Programs and Activities

Conciliation Services

Conciliation is a process by which Police Associations, individual police employees, or Police Services Boards may apply to the Arbitration Commission for the appointment of a 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 Police Services Act. The Arbitration Commission currently has a register of 4 conciliators.

Arbitration Services

A Police Association, police employee or Police Services Board may apply to the Arbitration Commission for the appointment of an arbitrator in cases where the parties are unable to resolve differences through conciliation and cannot mutually agree on the appointment of an arbitrator. An Arbitration Commission appointed arbitrator will either mediate a settlement or impose a legally binding resolution. 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 settlements between Police Associations and Police Services Boards in both rights and interest disputes.

Appointment of Arbitrators

Section 131(6.2) of the Police Services Act requires the Chair to establish and maintain a register of arbitrators. The Arbitration Commission meets the requirement by utilizing the services of 27 arbitrators. New arbitrators are selected for appointment to the register by the Chair and approved by the Members. The Chair continuously reviews the performance of arbitrators. Before any arbitrator is appointed to, or removed from, the register of arbitrators, the majority of the Members must vote in favour of such action. Additional arbitrators will be recruited as required.

Distribution of Labour Relations Information and Research Materials

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

Human Resources

The Arbitration Commission employs an Executive Officer, two full-time Conciliation Services Assistants and one part-time On Call Admin. The Arbitration Commission 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 the Arbitration Commission.

The Arbitration Commission utilizes 4 conciliators and 27 arbitrators to fulfill legislated obligations and services. The Arbitration Commission's per diem for conciliators is \$625.00 and \$825.00 for rights arbitrators.

Future proclamation of legislative amendments and regulations affecting the Arbitration Commission's mandate may have operational impacts on the Arbitration Commission, and influence staffing requirements.

Performance Measures

The following performance measures outline the Arbitration Commission's business objectives and key strategies. Results are reported each year in the Arbitration Commission's Annual Report.

1. Core Business Function: Conciliation

Strategy/Objective

- Ensure timely delivery of professional services by qualified conciliators

Outcome Statement

- Efficient delivery of conciliation services

Output Measure

- Number of days to respond to applicant from receipt of application to first contact
- Number of applications received
- Average number of days to respond from receipt of application to first contact

Outcome Measure

- 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: Mediation-Arbitration

Strategy/Objective

- Ensure timely delivery of professional services by qualified arbitrators

Outcome Statement

- Efficient delivery of arbitration services

Output Measure

- Number of days to respond to applicant from receipt of application to first contact
- Number of applications received
- Average number of days to respond from receipt of application to first contact

Outcome Measure

- 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

- Improve stakeholder accessibility to the application process

Outcome Statement

- Enhanced access to information on the Arbitration Commission's website

Output Measure

- Number of days for new awards to be published on the Arbitration Commission's website from receipt of summary
- Number of new award summaries received
- Average number of days for new awards to be published on the Arbitration Commission's website from receipt of summary

Outcome Measure

- At or below the previous five-year average number of days for new awards to be published on the Arbitration Commission's website – **1.00 days**

Financial Budget and Staffing

The majority of the Arbitration Commission's budget is allocated to providing conciliation and arbitration services to policing throughout Ontario. The budget includes conciliator and arbitrator per diems, travel costs and meeting space for conciliation and arbitration hearings. The remainder of the budget supports three full-time staff and one on-call support staff salaries and benefits, Member appointees' remuneration and other direct operating expenses. While most of the Arbitration Commission's expenditures are mandated by legislation, the cost of service level demands is beyond the Arbitration Commission's control. Historically, the Arbitration Commission consistently meets key objectives and operates within, or below, the approved budget.

Financial Report

The Arbitration Commission's budget for fiscal year 2019-20 is \$458,700. The Arbitration Commission is currently forecasted to operate within budget for this fiscal year. The detailed financial outlook and three-year estimates are below.

Financial Outlook

The impact of the Community Safety and Policing Act, 2019 on the Arbitration Commission's annual budget will be determined after it is proclaimed. The Arbitration Commission will be proactive in facilitating meetings with Police Services to mitigate relationship issues between Police Associations, Police Services Boards, and Chiefs of Police.

The Arbitration Commission may encounter challenges if significant changes occur in the volume of applications it receives for conciliation and/or arbitration services. An increase in the number of requests for conciliation or arbitration will have an impact on the Arbitration Commission's expenditures.

The Arbitration Commission constantly monitors costs, and updates are made as required, in compliance documentation. The Arbitration Commission expects to work within its current budget barring unforeseen increases in conciliation and arbitration applications.

Budget Estimates by Fiscal Year

Financial Categories	2019-20 (Forecast: Oct 31/19)	2020-21	2021-22	2022-23
Proposed Budget	\$455,678	\$458,700	\$458,700	\$458,700
Salaries & Wages	142,255	182,000	182,000	182,000
Benefits	22,256	23,500	23,500	23,500
ODOE (see below)	291,167	253,200	253,200	253,200

Other Direct Operating Expenses Breakdown:

Financial Categories	2019-20	2020-21	2021-22	2022-23
Transportation & Communication	34,616	40,000	40,000	40,000
Conciliation	21,404	26,000	22,000	22,000
Arbitration	3,758	5,000	8,000	8,000
Other	9,454	9,000	10,000	10,000
Services	255,743	199,200	199,200	199,200
Conciliation	85,870	70,200	70,200	70,200
Arbitration	42,537	34,000	34,000	34,000
Other	127,336	95,000	95,000	95,000
Supplies & Equipment	808	14,000	14,000	14,000

Information Technology and Electronic Service Delivery

The Arbitration Commission is utilizing case management technology to improve and enhance statistical analysis and data collection. The Arbitration Commission now has the automated capability to produce focused reports for trend analysis, financial planning and risk management reports.

In addition to improving and augmenting data collection for case management and performance standards, the Arbitration Commission's website also provides information to stakeholders and the public on published arbitration decisions. The website includes Arbitration Commission policies, procedures and accountability documents. The website is regularly reviewed so improvements can be identified and implemented.

The Arbitration Commission continuously seeks to streamline administrative processes, data input and the posting of new data to the Arbitration Commission's website. Currently, the Arbitration Commission accepts application forms by mail, email and fax.

Organizational Chart

Ministry of the Solicitor General

The Honourable Sylvia Jones, Solicitor General

Deputy Solicitor General, Community Safety (reports to the Solicitor General)

Assistant Deputy Minister/Chief Administrative Officer, Corporate Services Division
(reports to the Deputy Solicitor General, Community Safety)

Ontario Police Arbitration Commission

The Chair (reports to the Solicitor General and the Deputy Solicitor General, Community Safety)

Four Arbitration Commission Members (report to the Chair)

- Two representatives of police boards (OAPSB)
- Two representatives of police associations (PAO)

Executive Officer (reports to the Chair and the Assistant Deputy Minister/Chief Administrative Officer)

Two Conciliation Services Assistants (report to the Executive Officer)

On Call Admin (reports to the Executive Officer)

In accordance with section 131 (1) of the Police Services Act, the Arbitration Commission is composed of a Chair, two representatives of Police Services Boards recommended for appointment by the OAPSB, and two representatives of Police Associations, recommended for appointment by the PAO.

The Solicitor General must consult with, or attempt to consult with, the bargaining agents or employers' organizations prior to a Chair being appointed to the Arbitration Commission. The terms of office for appointees are set within Government of Ontario guidelines. The Arbitration Commission's staff is comprised of an Executive Officer, two Conciliation Services Assistants and an On Call Admin.

Ontario Police Arbitration Commission
Business Plan
Fiscal Years 2020-21 through 2022-23

Contact the **Ontario Police Arbitration Commission** at:

25 Grosvenor Street
15th Floor
Toronto ON M7A 1Y6
Telephone: 416 314-3520
Facsimile: 416 314-3522
Email: opac.applications@ontario.ca
www.policearbitration.on.ca