



# **Ontario Police Arbitration Commission**

## **Business Plan** Fiscal Years 2022-23 through 2024-25

# Ontario Police Arbitration Commission

## Business Plan

Fiscal Years 2022-23 through 2024-25

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## Executive Summary

The Ontario Police Arbitration Commission (the Arbitration Commission) is a non-board governed provincial agency under the Agencies and Appointments Directive (AAD). The objective of the Arbitration Commission is to promote harmonious labour relations and mitigate undue relationship conflict between Ontario police services and police associations. 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. In accordance with [Part VIII, Labour Relations of the \*Police Services Act\*](#), the Arbitration Commission maintains registers of conciliators and arbitrators for appointment by the Solicitor General or the Arbitration Commission Chair (the Chair). The register of conciliators assists Ontario police associations and police services boards with resolving outstanding labour relations grievances and collective bargaining contract renewal and first contract disputes. The Arbitration Commission maintains strict neutrality when assisting parties with rights grievances and interest negotiations.

The Business Plan is updated each year and used to create a focused three-year strategic overview. The period addressed in this plan requires unique consideration given the current status of the *Community Safety and Policing Act, 2019* (CSPA) which has been passed but not yet proclaimed. When the CSPA is proclaimed, the Arbitration Commission will be renamed and continue as the Ontario Police Arbitration and Adjudication Commission (OPAAC). OPAAC will have an expanded mandate that includes the appointment of adjudicators with jurisdiction over individual discipline adjudications related to municipal police services, the Ontario Provincial Police (OPP) and First Nations police services who opt into the CSPA. Additionally, future responsibilities will include conciliation and arbitration services to First Nations police services and municipal budget dispute resolution between police services boards and municipalities. This plan will be reviewed once the CSPA is proclaimed.

For the 2022-23 to 2024-25 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 CSPA, and consequential impacts on the Arbitration Commission's strategic objectives and operations,
- 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 Arbitration Commission policies for amendments and identify new policies where required, and
- Continue to review arbitrator and conciliator registers as required in accordance with the *Police Services Act*.

The Ministry of the Solicitor General provides financial and human resources, and legal, information technology, procurement and other advisory services 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, refer to the Financial Report for fiscal year 2021-22 in the [Financial Budget and Staffing Section](#).

The Arbitration Commission must be fully ready to meet all legislative and regulatory obligations on the day the CSPA is proclaimed. Accordingly, the Arbitration Commission has liaised with the Ministry of the Attorney General, Ontario Civilian Police Commission (OCPC), OAPSB, PAO, First Nations, and the Ministry of the Solicitor General to seek information and input into the development of the Arbitration Commission's action plan.

## Mandate

### 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 also 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
- All other applicable laws as well as Ontario government policies and directives including the AAD.

### Memorandum of Understanding

The Memorandum of Understanding (MOU) between the Solicitor General and the Chair of the Arbitration Commission governs the operational, administrative, and reporting relationships

between the Solicitor General and the Chair on behalf of the Arbitration Commission. 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 policing community,
- Administer the mediation/arbitration process for police contract bargaining disputes and rights grievances,
- Provide conciliation services prior to arbitration,
- Assist parties in 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.

## **Reporting Requirements**

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

### **Memorandum of Understanding**

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 and Manager & Executive Advisor.

### **Business Plan**

The Arbitration Commission submits an annual three-year Business Plan 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 show how the Arbitration Commission met its performance targets, notable accomplishments, and financial objectives.

### **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 all projected risks to the Ministry of the Solicitor General for risk assessment evaluation on a quarterly basis. The risk reporting includes a description of the risk, identifies the severity of the risks and reasons for the severity, and risk management plan. Based on the ministry's assessment, high risks, if any, are reported to Treasury Board Secretariat.

## Public Posting

The MOU, Business Plan, Annual Report and expense information for appointees and senior executives are 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 six years. The Arbitration Commission's next mandate review is scheduled for the fiscal year 2026-27.

## Strategic Directions

The Arbitration Commission administers 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 CSPA 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 and its staff who continue to arrange timely hearings based on the schedules of the parties. Historically, the Arbitration Commission has consistently met, or exceeded, required performance measures. Responses to application requests under [Part VIII of the Police Services Act](#) 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. The Arbitration Commission uses a roster of three conciliators and 25 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 Solicitor General and Deputy Solicitor General about new initiatives, strategic directions, and labour related statistics.

## **Evaluate the potential implications of the CSPA, and consequential impacts on the Arbitration Commission's strategic objectives and operations:**

The CSPA, once in-force, will effectively modernize police service delivery throughout Ontario.

The Arbitration Commission is working with the Ministry of the Solicitor General and the Ministry of the Attorney General to evaluate the projected impacts the CSPA will have on the Arbitration Commission. The Arbitration Commission continues to prioritize strategic and administrative requirements and changes that will have to be put in place in advance of the proclamation of the CSPA to ensure high standards in service delivery.

## **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 year. In compliance with the retention schedule, the Arbitration Commission will securely destroy budget files from 1995 to 2010 and financial reconciliation files from 1999 to 2011.

The Arbitration Commission is currently scanning and electronically archiving 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 physical and electronic files are retained. The Arbitration Commission has digitized physical copies but has not yet destroyed them due to the COVID-19 pandemic restrictions to enter the workplace.

## **Continue to implement the strategy to mitigate policing labour relations discord, with the agreement of the OAPSB, the PAO and the OACP:**

The Arbitration Commission will, within the scope of its authority, promote harmonious labour relations and attempt to consensually mitigate conflict in Ontario police services. The Arbitration Commission will provide facilitated assistance with the agreement of specific police services and police association representatives. Before assisting identified Ontario police services and police associations, the Arbitration Commission will first discuss the concerns and proposed action with Commission Members selected from the

OAPSB and the PAO. Once discussions with the OAPSB and PAO are completed, and where there is agreement, the Arbitration Commission will proactively facilitate consensual discussions with the identified parties. The objective is to identify problems and find mutually agreeable solutions to mitigate relationship deterioration and unwarranted labour relations disputes.

### **Review existing Arbitration Commission policies for amendment and identify new policies where required:**

The Arbitration Commission continues to review administrative and strategic policies to determine whether revisions are required.

### **Continue to review arbitrator and conciliator registers as required in accordance with the *Police Services Act*:**

The Arbitration Commission's registers of professional arbitrators and conciliators has and will continue to experience retirements over the next several years. The loss of competent arbitrators and conciliators could result in potential service delivery disruption. To ensure continuity of timely, high-quality service to Ontario police services, the need for recruitment of additional arbitrators and conciliators will continue to be monitored.

## **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 three 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 arbitrator appointed from the Arbitration Commission's Register of Arbitrators may 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 establish and maintain a register of arbitrators. The Arbitration Commission meets the requirement by using the services of arbitrators. New arbitrators are selected for appointment to the register by the Chair and approved by the Arbitration Commission Members. The Chair continuously reviews the performance of arbitrators. Before any arbitrator is appointed to or removed from the register of arbitrators, a majority of the Arbitration Commission Members must vote in favour of such action.

## 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.gov.on.ca](http://www.policearbitration.gov.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

Staff supporting the Arbitration Commission consist of a full-time Manager & Executive Advisor, three 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 uses three conciliators and 25 arbitrators to fulfill legislated obligations and services. The Arbitration Commission's per diem remuneration is \$625 for conciliators and \$825 for rights arbitrators.

Proclamation of future legislated amendments and regulations affecting the Arbitration Commission's mandate are expected to have operational and staffing impacts on the Arbitration Commission.

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

**Outcome Measure**

- At or below the previous five-year average number of days to respond to an applicant from receipt of application to first contact – **1 day**

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

**Outcome Measure**

- At or below the previous five-year average number of days to respond to an applicant from receipt of application to first contact – **1 day**

## 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 new awards 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 new awards 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 day**

## 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 four full-time and one on-call support staff salaries and benefits, member appointees' remuneration and other direct operating expenses. The Arbitration Commission's expenditures are based on its legislated mandate, and the primary cost driver is variation in service level demand which is beyond the Arbitration Commission's control. Historically, the Arbitration Commission has consistently met all key objectives and has operated within, or below, the approved budget.

## Financial Report

The Arbitration Commission's budget for fiscal year 2021-22 is \$452,100. For the first time in seven years, the Arbitration Commission is currently forecasting to operate 1.5% above budget for this fiscal year as it prepares for an expanded mandate. The detailed financial outlook and three-year estimates are provided on Page 10.

## Financial Outlook

The impact of the CSPA on the Arbitration Commission's annual budget will be determined by the Ministry in advance of proclamation. The Arbitration Commission filled vacant support level positions to assist with additional workload in preparation of the expanded mandate.

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. Reduction in conflict between police associations and police services may result in fewer applications for conciliation and arbitration which could result in reduced expenditures for the Arbitration Commission.

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.

Further, the Arbitration Commission will continue to assess the anticipated financial impacts as they relate to the expanded mandate related to disciplinary hearings on police misconduct, and budget dispute arbitration matters.

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	2021-22 (Forecast: Jan 31/22)	2022-23	2023-24	2024-25
<b>Proposed Budget</b>	<b>\$458,789</b>	<b>\$452,100</b>	<b>\$452,100</b>	<b>\$452,100</b>
Salaries & Wages	\$218,967	\$182,000	\$182,000	\$182,000
Benefits	\$32,567	\$23,500	\$23,500	\$23,500
ODOE	\$207,255	\$246,600	\$246,600	\$246,600

## Other Direct Operating Expenses Breakdown:

Financial Categories	2021-22 (Forecast)	2022-23 (Budget)	2023-24 (Budget)	2024-25 (Budget)
<b>Transportation &amp; Communication</b>	<b>\$3,506</b>	<b>\$40,000</b>	<b>\$40,000</b>	<b>\$40,000</b>
Conciliation	\$67	\$25,000	\$25,000	\$25,000
Arbitration	\$0	\$7,500	\$7,500	\$7,500
Other	\$3,439	\$7,500	\$7,500	\$7,500
<b>Services</b>	<b>\$203,716</b>	<b>\$192,600</b>	<b>\$192,600</b>	<b>\$192,600</b>
Conciliation	\$54,532	\$65,200	\$65,200	\$65,200
Arbitration	\$42,158	\$34,000	\$34,000	\$34,000
Other	\$107,026	\$93,400	\$93,400	\$93,400
<b>Supplies &amp; Equipment</b>	<b>\$33</b>	<b>\$14,000</b>	<b>\$14,000</b>	<b>\$14,000</b>
<b>Total ODOE</b>	<b>\$207,255</b>	<b>\$246,600</b>	<b>\$246,600</b>	<b>\$246,600</b>

## 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 has the capability to produce automated focused reports to support trend analysis, financial planning, and risk management.

The Arbitration Commission's website also provides information to stakeholders and the public on published arbitration decisions. The website includes the Arbitration Commission's 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)
    - Chief Administrative Officer/Assistant Deputy Minister, 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 services boards (recommended by the OAPSB)
    - Two representatives of members of police associations (recommended by the PAO)
  - Manager & Executive Advisor (reports to the Chair and the Chief Administrative Officer/Assistant Deputy Minister)
    - Three Conciliation Services Assistants (report to the Manager & Executive Advisor)
    - On Call-Admin (reports to the Manager & Executive Advisor)

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 a Manager and Executive Advisor, three Conciliation Services Assistants and an On-Call Admin.

**Ontario Police Arbitration Commission**  
**Business Plan**  
Fiscal Years 2022-23 through 2024-25

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