



Ontario Police Arbitration Commission

Annual Report
Fiscal Year 2021-22

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Message from the Chair

The Ontario Police Arbitration Commission (the Arbitration Commission) fulfilled all legislated obligations per [Part VIII of the Police Services Act \(PSA\)](#). The Arbitration Commission maintained the required registers of conciliators and arbitrators to provide conciliation and arbitration services when select members of the Ontario policing community applied to the Arbitration Commission for such services.

All additional mandatory reporting requirements have been completed, such as the Arbitration Commission's business plan, annual report, compliance of attestation documentation, quarterly risk assessments, financial reports, public information/website postings, and performance measures. All service delivery timelines were met or exceeded.

Not unlike fiscal year 2020-21, fiscal year 2021-22 presented continuing challenges including tentative planning for the Arbitration Commission's expanded mandate arising out of the possible enactment of the [Community Safety and Policing Act, 2019 \(CSPA\)](#). The COVID-19 pandemic required staff to work remotely, while ensuring all PSA obligations were fulfilled.

The Arbitration Commission had, and continues to have, PSA obligations to provide timely and effective conciliation and arbitration services to Ontario police services boards and police associations. Due to the COVID-19 pandemic and the resulting physical distancing requirements, in-person conciliation meetings and arbitration hearings were halted.

To mitigate COVID-19 infections and ensure the safety of conciliators and stakeholders, the Arbitration Commission continued to request that conciliation meetings and arbitration hearings be conducted via video conference calls. Appointed arbitrators who have jurisdiction over arbitral proceedings are empowered to determine how arbitration hearings would be lawfully conducted while the pandemic continued.

The Arbitration Commission has monitored and will continue to monitor the COVID-19 infection rate and comply with public health directives. The Arbitration Commission continues to provide written guidance to applicants and respondents as to the conduct of conciliation and arbitration proceedings during the COVID-19 pandemic. Notwithstanding the COVID-19 pandemic, the Solicitor General, or their designate, continues to appoint conciliators to rights and interest disputes, including appointment of rights arbitrators. The Arbitration Commission's Chair continues to appoint interest arbitrators only in accordance with the PSA. Before COVID-19, Commission members unanimously agreed that the Chair would identify police services where undue labour relations strife is identified. It was agreed that the Chair, with the endorsement of Commission members, would contact senior representatives of identified police services and police associations

to encourage consensual discussions that lead to measurable reductions in preventable labour relations conflict. All activity continues to be suspended due to COVID-19.

Throughout 2021 and 2022, the Arbitration Commission has been intermittently involved in discussions with ministry officials and stakeholders surrounding the potential implementation of the CSPA and its regulations. The outcome of discussions with various parties and stakeholders has assisted the Arbitration Commission in identifying key issues, concerns and possible solutions.

I sincerely thank all Commission members, appointed from the Ontario Association of Police Services Boards and the Police Association of Ontario, for their insightful contributions and cooperation. Additionally, I thank the Ministry of the Solicitor General staff who have supported the Arbitration Commission both administratively and strategically. The collective cooperation is particularly valued as the details of the Arbitration Commission's potential expanded mandate are being discussed and reviewed. As Chair of the Arbitration Commission, I want to acknowledge and thank our staff for their diligent work, loyalty, and professionalism.

The Arbitration Commission and its staff continue to look to the future with optimism and readiness for challenges that will undoubtedly lay ahead!

Sig M. Walter

Chair

Executive Summary

During the 2021-22 fiscal year, the Arbitration Commission met or exceeded all mandated requirements set out under Part VIII of the *Police Services Act*.

The Arbitration Commission handled a total of 260 conciliation and 86 arbitration cases (refer to Appendix 1 for an activity summary for conciliations and arbitrations which occurred in 2021-22). The total number of conciliation and arbitration files, including carryover from earlier years, reached 346 compared to the 10-year average of approximately 202 files. The 10-year activity summary is in Appendix 2.

The following strategic objectives, outlined in the 2021-22 Business Plan, were successfully met:

- 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, (CSPA) 2019*, prior to its proclamation 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, and
- Review arbitrator and conciliator register as required.

The Arbitration Commission ensured the maintenance of high-quality conciliation and arbitration services. Additions were not required since the Arbitration Commission's registers continue to list a sufficient number of conciliators and arbitrators. The Arbitration Commission's budget for fiscal year 2021-22 was \$452,100, and the Arbitration Commission operated slightly over budget with a total expenditure of \$462,109. The Financial Report section is found on page seven.

Legislative Authority

The Arbitration Commission's legislative authority is set out under section 131 (1) of the *Police Services Act*, R.S.O. 1990, c.P. 15 as amended and statutory responsibilities are specifically set out 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.

Mandate

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

The Arbitration Commission's key responsibilities, as outlined in the Memorandum of Understanding between the Arbitration Commission and the Ministry of the Solicitor General, are to:

- 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 in negotiating a voluntary collective agreement
- Sponsor research with respect to police arbitration processes and awards.

Role of the Arbitration Commission

The Arbitration Commission was established in 1972 to facilitate effective and efficient processes to assist Ontario police associations and police services boards in resolving labour and contract bargaining disputes. There are four dispute categories:

1. “Rights” disputes involve the interpretation, application, administration or alleged violation of an existing collective agreement or arbitral award
2. “Interest” disputes involve amendments to an existing collective agreement, or establishing terms for a new collective agreement
3. “Duty of Fair Representation” or “DFR” grievances by individual officers may not be filed against a police services board. However, arbitral jurisprudence has allowed individual officers to bring a DFR grievance against a police association
4. “Section 40” of the *Police Services Act* deals with severance issues arising from the abolition or reduction of a police force.

In accordance with Labour Relations Part VIII of the *Police Services Act*, the Solicitor General or their designate, appoints conciliators and mediator/arbitrators to resolve rights disputes. The Arbitration Commission Chair appoints interest arbitrators only, and the Solicitor General appoints conciliators to interest disputes.

The Arbitration Commission does not influence nor interfere in the conciliation or mediation/arbitration process. The Arbitration Commission promotes harmonious labour relations to improve the effectiveness of policing in Ontario.

Composition

The *Police Services Act*, Section 131(2) sets out the composition of the Arbitration Commission. It consists of a Chair and 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.

2021-22 Commission Member Appointment Terms

Ontario Police Arbitration Commission Chair

Sig Walter: November 1, 2017, to October 31, 2022

Ontario Association of Police Services Board Representatives

Patrick Weaver: January 15, 2016, to January 14, 2023

Lisa MacDonald: March 10, 2022, to December 31, 2022

Kevin Holland: March 18, 2020, to December 9, 2021

Police Association of Ontario Representatives

Mark Baxter: April 5, 2017, to December 31, 2022

Tim Reparson: September 2, 2021, to December 31, 2022
Bruce Chapman: March 2, 2016, to September 2, 2021

Staff

The Arbitration Commission's staff consists of a Manager & Executive Advisor and three full-time Conciliation Services Assistants. Employees of the Arbitration Commission are appointed under Part III of the *Public Service of Ontario Act, 2006*. In 2021-22, the Arbitration Commission continued to use a temporary administrative position on an on-call basis. The position assists with the ongoing maintenance of the Arbitration Commission's database.

Conciliator and Mediator-Arbitrator Register

There were no new additions to the Conciliator and Mediator-Arbitrator Register.

Organization

Ministry of the Solicitor General

The Solicitor General

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

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

Assistant Deputy Minister/Chief Administrative Officer, Corporate Services Division (reports to the Associate Deputy Minister)

Ontario Police Arbitration Commission

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

Four 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 Assistant Deputy Minister/Chief Administrative Officer)

Three Conciliation Services Assistants (report to the Manager & Executive Advisor)

On Call Admin (reports to the Manager & Executive Advisor)

Financial Report

Fiscal Year 2021-22 Budget: \$452,100

Fiscal Year 2021-22	Budget	Actuals	Variance
Salaries & Wages	\$182,000	\$222,249	(\$40,249)
Benefits	\$23,500	\$33,572	(\$10,072)
Transportation & Communication	\$40,000	\$3,640	\$36,360
Services	\$192,600	\$201,794	(\$9,194)
Supplies & Equipment	\$14,000	\$854	\$13,146
Total:	\$452,100	\$462,109	(\$10,009)

See further Services breakdown in the table below:

Services Breakdown

Fiscal Year 2021-22	Actuals
Conciliation Services	\$58,480
Arbitration Services	\$41,415
Other Services	\$101,899
Total:	\$201,794

The Commission's 2021-22 budget decreased by \$6,600 from \$458,700 in 2020-21 to \$452,100 in 2021-22. The Arbitration Commission's total expenditures for 2021-22 are \$462,109 which is an overspend of \$10,009. Factors that affected the Arbitration Commission's expenditures were a return to in-person meetings and additional arbitration hearings held. The Arbitration Commission's staffing was also at full complement to prepare for an expanded mandate arising out of the CSPA. In addition, the Arbitration Commission's members met more frequently to discuss the anticipated establishment of the Ontario Police Arbitration and Adjudication Commission (OPAAC).

Appointee Remuneration

Total remuneration for all the Arbitration Commission appointees for the 2021-22 fiscal year was \$85,256.

Appointee	Total Annual Remuneration	Per Diem Remuneration
Sig Walter, Chair (Part-time)	\$74,400	\$744
Mark Baxter, member (Part-time)	\$2,832	\$472
Patrick Weaver, member (Part-time)	\$2,832	\$472
Kevin Holland, member (Part-time)	\$2,360	\$472
Tim Reparon, member (Part-time)	\$944	\$472
Bruce Chapman, member (Part-time)	\$1,888	\$472
Total:	\$85,256	N/A

Overview of Programs and Activities

Conciliation Services

If parties are unable to resolve their differences through negotiation, a police association, police services board, or an individual may request the appointment of a conciliator by applying to the Arbitration Commission under sections 121 (interest disputes) or 123 (rights disputes) of the *Police Services Act*. An impartial conciliation officer is appointed to assist the parties in resolving or reducing the number of outstanding issues. Unresolved issues may be referred to arbitration at the request of either party. The purpose of conciliation is to assist parties in reaching a mutually agreeable resolution without proceeding to arbitration, thereby avoiding expensive and potentially lengthy processes for all parties involved.

The Arbitration Commission uses the services of three experienced conciliators with schedules that allow them to accommodate same day meetings for multiple conciliation cases.

2021-22 Conciliation Highlights

- 93 new applications for conciliator appointments
- 260 conciliation files were handled in total, including carryover from previous years
- 81 conciliations heard over 58 hearing days

Including carryover files, conciliation activity in fiscal year 2021-22 exceeded the Arbitration Commission's 10-year averages. New conciliation applications filed decreased 60 percent from last fiscal year, reaching 93 new applications. However, due to a significant number of carryover files from previous fiscal years, the Commission handled a total of 260 conciliation files. The detailed conciliation activity report, which includes grievance types and outcomes, is available in Appendix 1 and the 10-year activity summary in Appendix 2.

Mediation-Arbitration Services

If parties are unable to resolve differences through conciliation and cannot agree on a joint appointment of an arbitrator, a police association, police services board or an individual may request the Arbitration Commission to appoint an arbitrator.

2021-22 Arbitration Highlights

- 30 new applications for arbitrator appointments
- 86 arbitration files were handled in total, including carryover from previous years
- 35 arbitration files heard over 33 hearing days

Arbitration activity in fiscal year 2021-22 was above the Arbitration Commission's 10-year average. Due to the high numbers of conciliation applications received in 2020-21, there was an expected increase in new arbitration applications filed in 2021-22. The detailed activity report is available in Appendix 1 and the 10-year activity summary in Appendix 2.

Mitigation of Undue Labour Relations Strife - Strategic Direction

The Arbitration Commission has and will continue to utilize its statistical database to identify the frequency with which police services and police associations apply to the Arbitration

Commission for conciliation services or for appointment of arbitrators. Where statistical analysis indicates ‘out of the ordinary’ increases in the number of applications for conciliation or arbitration, the Arbitration Commission will make its observations known to the OAPSB and the PAO. Subject to the outcome of discussion with the Commission members representing the OAPSB and PAO, the Chair may write to a police service and police association offering the Arbitration Commission’s assistance if the workplace parties mutually agree.

Distribution of Labour Relations Information

The Arbitration Commission continues to provide information about its services to stakeholders and the public in a transparent and accessible manner. The Arbitration Commission’s website (www.policearbitration.gov.on.ca) provides historic information on arbitration decisions and communicates policies, procedures and accountability documents to stakeholders, legal counsel, labour relations personnel in the broader public sector and the public. Individuals can freely access this information and use the awards, summaries and agreements as research materials. The Arbitration Commission’s website complies with the [Accessibility for Ontarians with Disabilities Act, 2005](#). The Arbitration Commission has taken the necessary steps for its website to be fully operative and to comply with all regulatory standards.

Performance Measures – Fiscal Year 2021-22

The following performance measures outline desired results for meeting the Arbitration Commission’s business objectives and strategies.

1. Core Business Function: Conciliation

The following statistics are used to ensure efficient response to applications for conciliation services. The expectation is that every application is acknowledged within the same business day, apart from complex applications that require further interpretation or direction from the Chair. The results below indicate that the Arbitration Commission’s five-year average response time is 1.1 days. In fiscal year 2021-22, the average response time was **1.0 day**. The Arbitration Commission achieved its objective.

Objective	Outcome Statement	Measure	Result Achieved
Ensure timely delivery of professional services by qualified conciliators	Efficient delivery of conciliation services	At or below the previous five-year average number of days to respond from receipt of application to first contact of 1.1 days	Average number of days to respond from receipt of application to first contact: 1.0 day

2. Core Business Function: Mediation/Arbitration

The statistics below are used to ensure an efficient and timely response to applications for arbitration services. As with conciliation, every application for arbitration is acknowledged within the same business day, with an exception for complex applications that require further

interpretation or direction from the Chair. The results below indicate that the Arbitration Commission’s five-year average response time is 1.1 days. In fiscal year 2021-22, the average response time was **1.0 day**. The Arbitration Commission achieved its objective.

Objective	Outcome Statement	Measure	Result Achieved
Ensure timely delivery of professional services by qualified mediator/arbitrators	Efficient delivery of mediation/arbitration services	At or below the previous five-year average number of days to respond from receipt of application to first contact of 1.0 day	Average number of days to respond from receipt of application to first contact: 1.0 day

3. Core Business Function: Maintain and Distribute Information & Research Materials

The statistics indicated below display the timeliness with which the Arbitration Commission posts arbitration awards/decisions on the website for public use. The Arbitration Commission has consistently met its requirement to publish and distribute collective agreement and arbitration award information. The results below indicate the Arbitration Commission’s five-year average posting time is 1.2 days. In fiscal year 2021-22, the average posting time was **1.0 day** of receipt of the summary. The Arbitration Commission achieved its objective.

Objective	Outcome Statement	Measure	Result Achieved
Improve stakeholder accessibility to the application process	Enhanced access to information on the Arbitration Commission’s website	At or below the previous five-year average number of days for new awards to be published on the Arbitration Commission website from receipt of summary of 1.2 days	Average number of days for new awards to be published on website from receipt of summary: 1.0 day

Appendix 1

Activity Summary: Fiscal Year 2021-22

Conciliation Activity Summary

Results from Conciliation Appointments	Conciliation Files Processed	Rights Grievances	Interest Disputes	Duty of Fair Representation	Section 40
Carryover of files from 2016-17	1	1	0	0	0
Carryover of files from 2017-18	1	1	0	0	0
Carryover of files from 2018-19	3	3	0	0	0
Carryover of files from 2019-20	20	18	1	1	0
Carryover of files from 2020-21	142	137	2	3	0
New Conciliation requests 2021-22	93	87	0	6	0
Total Conciliation Files	260	247	3	10	0
Conciliation files heard 2021-22	81	72	2	7	0
Number of Conciliation hearing days	58	50	1	7	0

Average Conciliation Hearing Days Per Case: 0.72

Conciliation File Outcomes in 2021-22

File Outcomes	Total
Withdrawn	111
Resolved	25
Unresolved	44
On Hold	43
In Process	37
Total Files Handled	260

Arbitration Activity Summary

Results from Arbitration Appointment	Arbitration Files Processed	Rights Grievances	Interest Disputes	Duty of Fair Representation	Section 40
Carryover of files from 2015-16	1	1	0	0	0
Carryover of files from 2017-18	10	10	0	0	0
Carryover of files from 2018-19	17	14	3	0	0
Carryover of files from 2019-20	13	10	2	1	0
Carryover of files from 2020-21	15	12	2	0	1
New Arbitration requests 2021-22	30	26	2	2	0
Total Arbitration Files	86	73	9	3	1
Arbitration files heard 2021-22	35	29	4	1	1
Number of arbitration hearing days	33	29	2	1	1

Average Arbitration Hearing Days Per Case: 0.94

Arbitration Hearing Outcomes 2021-22

Outcomes	Total
Arbitration Commission Lacked Jurisdiction	0
Arbitration Cases Withdrawn	7
Parties Agreed to Non-Arbitration Commission Arbitrator	1
Settled Prior to Arbitration	0
Mediated Settlement	4
Final Awards Delivered	2
Adjourned Sine Die	0
In Process	72
Total Files Handled	86

Appendix 2

Activity Summary – 10 Year Overview:

Conciliation Files

Categories	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	Average
New Conciliation Applications	71	100	106	103	84	130	70	100	234	93	109.1
Rights Grievances	61	84	94	85	72	117	62	83	228	87	97.3
Interest Disputes	7	11	7	15	7	9	3	11	2	0	7.2
Duty of Fair Representation (DFR)	2	4	5	3	5	4	5	6	4	6	4.4
Section 40	1	1	0	0	0	0	0	0	0	0	0.2
Total New and Carryover Conciliation Applications	108	123	120	129	115	165	104	128	268	260	152.0
Rights Grievances	91	104	106	109	97	148	93	108	256	247	135.9
Interest Disputes	12	13	8	17	13	13	6	13	7	3	10.5
Duty of Fair Representation (DFR)	4	4	6	3	5	4	5	7	5	10	5.3
Section 40	1	2	0	0	0	0	0	0	0	0	0.3
Conciliation Cases Heard	63	92	90	87	76	109	69	86	104	81	85.7
Conciliation Hearing Days	51	70	71	64	48	71	58	54	65	58	61.0
Average Number of Days Per Conciliation	0.81	0.76	0.79	0.74	0.63	0.65	0.84	0.63	0.63	0.72	0.7

Arbitration Files

Categories	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	Average
New Arbitration Applications	22	31	21	15	29	23	32	20	16	30	23.9
Rights Grievances	11	21	17	11	24	20	28	15	13	26	18.6
Interest Disputes	8	3	3	4	1	3	3	2	2	2	3.1
Duty of Fair Representation (DFR)	0	4	1	0	4	0	1	3	0	2	1.5
Section 40	3	3	0	0	0	0	0	0	1	0	0.7
Total New and Carryover Arbitration Applications	44	47	44	37	39	41	51	57	60	86	50.6
Rights Grievances	29	29	29	26	30	36	45	48	49	73	39.4
Interest Disputes	9	9	5	4	3	3	4	5	7	9	5.8
Duty of Fair Representation (DFR)	1	4	5	3	6	2	2	4	3	3	3.3
Section 40	5	5	5	4	0	0	0	0	1	1	2.1
Number of Arbitration Cases Heard	25	22	19	12	20	20	19	13	12	35	19.7
Number of Arbitration Hearing Days	36	35	36	18	18	22	23	13	12	33	24.6
Average Number of Days Per Arbitration Hearing	1.44	1.59	1.89	1.50	0.90	1.10	1.21	1.00	1.00	0.94	1.2

Total Files

Categories	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	Average
Total New Applications	93	131	127	118	113	153	102	120	250	123	133.0
Total New and Carryover Applications	152	170	164	166	154	206	155	185	328	346	202.6
Total Cases Heard	88	114	109	99	96	129	88	99	116	116	105.4
Total Hearing Days	87	105	107	82	66	93	81	67	77	91	85.6

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