

MEMORANDUM OF UNDERSTANDING

BETWEEN

**Her Majesty The Queen as represented by the
Minister of Community Safety and Correctional Services**
(hereinafter called the "Ministry")

AND

The Ontario Police Arbitration Commission
as represented by the Chair of the Ontario Police Arbitration Commission
(hereinafter called the "Commission")

THE PARTIES TO THIS MEMORANDUM OF UNDERSTANDING agree to the following:

1. Purpose

- a. The purpose of this Memorandum of Understanding (MOU) is to:
 - Establish the accountability relationships between the Minister of Community Safety and Correctional Services and the Chair of the Ontario Police Arbitration Commission.
 - Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, and the Chair.
 - Clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the Commission and the Ministry.
- b. This MOU should be read together with the s. 131 of the *Police Services Act*, R.S.O. 1990 C. P.15, as amended (the “PSA”). This MOU does not affect, modify or limit the powers of the Commission as set out under the PSA or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. This MOU replaces the Memorandum of Understanding between the parties dated 15th of August, 2016.

2. Definitions

In this MOU:

- a. “AAD” means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive;
- b. “Act” means *Police Services Act*, R.S.O. 1990 C. P.15, as amended, that governs the Commission;
- c. “Commission” or “OPAC” means the Ontario Police Arbitration Commission;
- d. “Annual Business Plan” means the annual business plan described under article 10.1 of this MOU.
- e. “Annual Report” means the annual report referred to in article 10.2 of this MOU.
- f. “Appointee” means a member appointed to the Commission by the Lieutenant Governor in Council, but does not mean an individual employed or appointed by the Commission as staff;
- g. “Chair” means the Chair of the Commission;
- h. “Constituting instrument” means the PSA that established the Commission;
- i. “Deputy Minister” means the Deputy Minister, Community Safety, Ministry of Community Safety and Correctional Services;
- j. “Executive Council Act” means the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended;

- k. "FIPPA" means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended.
- l. "Fiscal Year" means the period from April 1 to March 31 of the following year;
- m. "Government" means the Government of Ontario;
- n. "MBC" means the Management Board of Cabinet;
- o. "Member" means a Member of the Commission;
- p. "Minister" means the Minister of Community Safety and Correctional Services or such other person who may be designated from time to time as the responsible Minister in relation to this MOU in accordance with the Executive Council Act;
- q. "Minister of Finance" means the Minister of Finance or such other person who may be designated from time to time under the Executive Council Act;
- r. "Ministry" means the Ministry of Community Safety and Correctional Services or any successor to the Ministry;
- s. "MOU" means this Memorandum of Understanding signed by the Minister and the Chair;
- t. "President of Treasury Board" means the President of Treasury Board or such person who may be designated from time to time under the Executive Council Act;
- u. "PSC" means the Public Service Commission;
- v. "PSOA" means the Public Service of Ontario Act, 2006, S.O. 2006, c. 35, Sched. A, as amended;
- w. "TBS" means the Treasury Board Secretariat;
- x. "TB/MBC" means the Treasury Board/Management Board of Cabinet;

3. Commission's Legal Authority and Mandate

- a. The legal authority of the Ontario Police Arbitration Commission is set out in section 131 of the PSA.
- b. The Commission's mandate is set out in the Police Services Act, R.S.O. 1990, C. P.15, which states that the Commission's objects 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 negotiating a voluntary collective agreement;
 - sponsor research with respect to police arbitration processes and awards.

4. Commission Type and Public Body Status

- c. The Commission is designated as a non-board governed provincial Commission under the Agencies and Appointments Directive.
- d. The Commission is prescribed as a commission public body in accordance with Ontario Regulation 146/10 under the *Public Service of Ontario Act, 2006*. It is not organizationally part of the ministry, but it is considered to be within government.

5. Corporate Status and Crown Commission Status

- a. The Commission is not a Crown Agency within the meaning of the *Crown Agency Act*.
- b. The Commission does not have the capacity, rights, power and privileges of a natural person for carrying out its objects, subject to the limitations placed upon it under the PSA and/or limitations imposed by Treasury Board/Management Board of Cabinet.

6. Guiding Principles

The parties agree to the follow principles:

- a. The Minister recognizes that the Commission exercises powers and performs duties in accordance with its legal mandate under the PSA;
- b. The Minister recognizes that the Commission plays a meaningful role in the development of the policies and programs of the Government of Ontario, as well as in the implementation of those policies and delivery of programs.
- c. The Chair acknowledges that it is accountable, through the Minister, to the Legislative Assembly in exercising its mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the Commission.
- d. As an agency of the Government of Ontario, the Commission conducts itself according to the management principles of the Government of Ontario. These principles include ethical behaviour; prudent, effective and lawful use of public resources; fairness; high quality service to the public; and openness and transparency to the extent allowed under the law.
- e. The Minister and Chair are committed to a strong Commission that is empowered to fulfill its statutory mandate efficiently and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the Commission and fulfillment of its statutory responsibilities.
- f. The Commission and the ministry agree to avoid duplication of services wherever possible.
- g. The Commission and the ministry will work together in a mutually respectful manner.

7. Accountability Relationships

7.1 MINISTER

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for the agency's fulfilment of its mandate and its compliance with government policies, and for reporting to the Legislative Assembly on the agency's affairs.
- b. For reporting and responding to Treasury Board/Management Board of Cabinet (TB/MBC) on the agency's performance and compliance with Applicable Government Directives and operational policies.
- c. To the Cabinet for the performance of the agency and its compliance with the government's operational policies and broad policy directions.
- d. For receiving and ensuring that the agency's annual report is approved, tabled, and made available to the public as applicable in accordance with Management Board of Cabinet Agencies and Appointments Directive.

7.2 CHAIR

The Chair is accountable:

- a. To the Minister for the agency's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by the PSA, this MOU, and applicable TB/MBC, The Public Service Commission (PSC) and government directives.
- b. For reporting to the Minister, as requested, on the Commission's activities.
- c. For ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the agency.
- d. For approving the annual report within 60 days of receipt of the agency's annual report.
- e. For receiving and ensuring that the agency's annual report is made available to the public within 30 days of approval by the Minister.

7.3 DEPUTY MINISTER

The Deputy Minister is accountable to the Secretary of the Cabinet and the Minister for the performance of the Ministry in providing administrative and organizational support to the agency and for carrying out the roles and responsibilities assigned by the Minister, this MOU, and applicable TB/MBC, PSC and government directives.

The Deputy Minister is also accountable for attesting to TB/MBC on the agency's compliance with applicable TB/MBC directives.

8. Roles and Responsibilities

8.1 MINISTER

The Minister is responsible for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the Commission.

- b. Reporting and responding to TB/MBC on the Commission's performance and compliance with applicable TB/MBC directives, the government's operational policies and policy directions.
- c. Recommending to TB/MBC, where required, the merger, any change to the mandate, or dissolution of the Commission.
- d. Recommending to TB/MBC the powers to be given to, or revoked from, the Commission when a change to the Commission's mandate is being proposed.
- e. Meeting with the Chair to discuss issues relating to the fulfilment of the Commission's mandate.
- f. Working with the Chair to develop appropriate measures and mechanisms related to the performance of the Commission.
- g. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the Commission, pursuant to the process for Commission appointments established by legislation and/or by MBC through the AAD, [if the appointments are Premier's prerogative or appointments are directly made by the Minister, the wording will need to be adjusted accordingly].
- h. Determining at any time the need for a review or audit of the Commission, directing the Chair to undertake reviews of the Commission on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the Commission resulting from any such review or audit.
- i. When appropriate or necessary, taking action or directing that the Commission take corrective action with respect to the Commission's administration or operations.
- j. Receiving and approving the Commission's annual report and ensuring that the annual report is made available to the public within 30 days of approving it [or within 30 days of tabling it in the Legislative Assembly for those agencies required to do so].
- k. Approving the annual report of the Commission within 60 days of receiving the annual report from the Commission.
- l. Informing the Chair of the government's priorities and broad policy directions for the Commission.
- m. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the government is considering regulatory or legislative changes for the Commission.
- n. Developing the Commission's MOU with the Chair, as well as any amendments to it, and signing the MOU into effect after it has been signed by the Chair.
- o. Reviewing and approving the Commission's annual business plan.
- p. Recommending to TB/MBC any provincial funding to be allocated to the Commission.
- q. Outlines the high-level expectations, key commitments and performance priorities for the Commission at the beginning of the annual business planning cycle through the Commission mandate letter.

8.2 CHAIR

The Chair is responsible for

- a. Reviewing and approving claims for per diems and travel expenses for appointees to the Board.
- b. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the Commission, and otherwise directing the affairs of the Commission so as to fulfill its mandate.
- c. Seeking strategic policy direction for the Commission from the Minister.
- d. Ensuring timely communications with the Minister regarding any issues or events that may concern, or can reasonably be expected to concern the Minister in the exercise of the Chair's responsibilities relating to the Commission.
- e. Consulting with the Minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, or on the Commission's mandate, powers or responsibilities as set out in the Commission's constituting instrument.
- f. Monitoring and evaluating the performance of the Commission.
- g. Working with the Ministry to oversee the recruitment of board members, and providing recommendations to the Minister on appointments and reappointments, as applicable, that respect and promote the principles of equity, diversity, quality, merit, and regional representation.
- h. Reporting to the Minister as requested on the Commission's activities within agreed upon timelines.
- i. Ensuring that the Commission operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.
- j. Developing the Commission's MOU with the Minister and signing it on behalf of the Commission.
- k. Reviewing and approving the Commission's business plan, budget, annual report and financial reports, and submitting them to the Minister in accordance with the timelines specified in the applicable TB/MBC and government directives, and this MOU.
- l. Providing both the Minister and the Minister of Finance and the President of Treasury Board with a copy of every audit report, a copy of the Commission's response to each report, and any recommendation in the report.
- m. Advising the Minister annually on any outstanding audit recommendations.
- n. Ensuring that members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- o. Making sure that appropriate management systems are in place (financial, information technology, human resources) for the effective administration of the Commission.

- p. Making sure that an appropriate framework is in place for Commission staff and appointees to receive adequate orientation and training with respect to the business and operations of the Commission and their particular responsibilities.
- q. Making sure that Commission staff and appointees are aware of and comply with applicable TB/MBC and government directives, and all applicable legislation.
- r. Making sure a process for responding to and resolving complaints from the public and the Commission's stakeholders is in place.
- s. Carrying out effective public communications and relations for the Commission as its chief spokesperson.
- t. Cooperating with any review or audit of the Commission directed by the Minister, Auditor General or TB/MBC.
- u. Fulfilling the role of ethics executive for public servants who are government appointees to the Commission promoting ethical conduct and ensuring that all members of the Commission are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under that Act, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.
- v. Fulfilling the role of ethics executive for public servants, including government appointees to the Commission, promoting ethical conduct and ensuring that all members of the Commission are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under that Act, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.

8.3 DEPUTY MINISTER

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the Commission, including informing the Minister of policy direction, policies and priorities of relevance to the Commission's mandate.
- b. Advising the Minister on the requirements of the AAD, and other directives that apply to the Commission.
- c. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the Commission or any of its programs, or changes to the management framework or operations of the Commission.
- d. Facilitating regular briefings and consultations between the Chair and the Minister, and between the Ministry staff and the Commission staff as needed.
- e. Attesting to TB/MBC on the provincial Commission's compliance with the mandatory accountability requirements set out in the AAD and other applicable TB/MBC directives, the government's operational policies and policy directions based on the annual letter of compliance from the Commission Chair to the Minister.

- f. Ensuring that the ministry and the Commission have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the Commission.
- g. Ensuring that the Commission has an appropriate risk management framework and a risk management plan in place for managing risks that the Commission may encounter in meeting its program or service delivery objectives.
- h. Undertaking timely risk-based reviews of the Commission, its management or operations, as may be directed by the Minister or TB/MBC.
- i. Establishing a framework for reviewing and assessing the Commission's business plans and other reports.
- j. Supporting the Minister in reviewing the performance targets, measures and results of the Commission.
- k. Advising the Minister on documents submitted by the Commission to the Minister for review or approval, or both.
- l. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.
- m. Undertaking reviews of the Commission as may be directed by the Minister.
- n. Cooperating with any review of the Commission as directed by the Minister or TB/MBC.
- o. Monitoring the Commission on behalf of the Minister while respecting the Commission's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.
- p. Negotiating a draft MOU with the Chair of the Commission, as well as any amendments to the MOU, as directed by the Minister.
- q. Consulting with the Chair, as needed, on matters of mutual importance including services provided by the ministry and compliance with TB/MBC directives and ministry policies.
- r. Meeting with the Chair as needed or as directed by the Minister, or on the request of the Chair.
- s. Arranging for administrative, financial and other support to the Commission, as specified in this MOU.
- t. Informing the Chair, in writing, of new government directives and any exceptions to, or exemptions in whole or in part from TB/MBC directives, government policies, or Ministry administrative policies.
- u. When required, submitting a report to the Secretary of TB/MBC on the wind-down of the Commission, following the disposition of any assets, completion of any outstanding responsibilities by the Commission, and the termination of any appointments.

9. Ethical Framework

The Chair, as the Ethics Executive for the Commission, is responsible for ensuring that appointees of the Commission are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the Commission.

10. Reporting Requirements

10.1 BUSINESS PLAN

- a. The Chair will ensure that the Minister is provided annually with the Commission's business plan covering a minimum of three (3) years from the current fiscal year that includes a financial budget, for approval by the Minister. The annual business plan shall be in accordance with the requirements set out in the AAD.
- b. The annual business plan is to be submitted to the Ministry's Chief Administrative Officer or designated equivalent within three months prior to the Commission's fiscal year-end.
- c. The Chair is responsible for ensuring that the Commission's business plan includes a system of performance measures and reporting on the achievement of the objectives set out in the business plan. The system must include performance goals, how they will be achieved, and targeted results and timeframes.
- d. The Chair will ensure that any business plan to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial Commission in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial Commission.
- e. The Minister will review the Commission's annual business plan and will promptly advise the Chair whether or not they concur with the directions proposed by the Commission. The Minister may advise the Chair where and in what manner the Commission's plan varies from government or Ministry policy or priorities as may be required, and the Chair will revise the Commission's plan accordingly.
- f. In addition, TB/MBC may require the Minister to submit the Commission's business plan to TB/MBC for review at any time.
- g. The Chair will ensure that its business plan is made available to the public in an accessible format, in both official languages, on the Commission website within 30 days of Minister's approval of the plan.

10.2 ANNUAL REPORTS

- a. The Chair, is responsible for ensuring that the Commission's annual report is prepared and submitted to the Minister for approval within 90 days of the Commission's fiscal year end. The annual report shall be in accordance with the requirements set out in the AAD.
- b. The Chair, will ensure that any annual report to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial Commission in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial Commission.
- c. The Minister will receive, review and approve the Commission's annual report. [Where the Commission is required by statute to table its annual report in the Legislative Assembly, the Minister will receive and table the Commission's annual report in the Legislative Assembly.]
- d. The Chair, will ensure that its annual report is publicly posted in an accessible format, in both official languages, on the Commission or Ministry website within 30 days of approval by the Minister.

10.3 OTHER REPORTS

The Chair, is responsible for:

- a. Ensuring that the reports and documents set out in this MOU are submitted for review and approval by the Minister in accordance with the prescribed timelines.
- b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time for the purpose of the ministry's administration.

11. Public Posting Requirements

- a. The provincial Commission, through the Chair, will ensure that the following approved governance documents are posted in an accessible format, in both official languages, on the Commission website within the specified timelines:
 - Memorandum of Understanding and any Letter of Affirmation – 30 days of signing by both parties
 - Annual Business Plan – 30 days of Minister's approval
 - Annual Report – 30 days of Minister's approval
- b. Posted governance documents should not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial Commission in the marketplace, and information that

would otherwise pose a risk to the security of the facilities and/or operations of the provincial Commission

- c. The Commission, through the Chair, will ensure that the expense information for appointees and senior management staff are posted on the Commission or ministry website, in accordance with the requirements of the MBC Travel, Meal and Hospitality Expenses Directive.
- d. The Commission, through the Chair, will ensure that any other applicable public posting requirements are met.

12. Communications and Issues Management

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the Commission is essential for the Minister to meet her responsibilities for reporting and responding to the Legislative Assembly on the affairs of the Commission. The parties also recognize that it is essential for the Chair to be kept informed of the government initiatives and broad policy directions that may affect the Commission's mandate and functions.

The Minister and the Chair, therefore, agree that:

- a. The Chair will keep the Minister advised, in a timely manner, of all planned events or issues, including contentious matters, concerning or can be reasonably expected to concern the Minister in the exercise of her responsibilities.
- b. The Minister will consult with the Chair in a timely manner, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the Commission's mandate or functions, or which otherwise will have a significant impact on the Commission.
- c. The Minister and the Chair will consult with each other on public communication strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions.
- d. The Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the Commission's mandate, management and operations.
- e. The Deputy Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the delivery of the Board's mandate and the efficient operation of the Commission [and the provision of services by the ministry to the Commission]. The DM and the Executive Director shall provide timely information and advice to each other concerning significant matters affecting the Commission's management or operations.
- f. The Commission and Ministry will adhere to the communications protocol set out by the Ministry from time to time.

13. Administrative Arrangements

13.1 APPLICABLE GOVERNMENT DIRECTIVES

- a. The Chair is responsible for ensuring that the Commission operates in accordance with all applicable TB/MBC, PSC and government directives, as well as applicable ministry financial and administrative policies and procedures.
- b. The ministry will inform the Commission of amendments or additions to directives, policies and guidelines that apply to the Commission; however, the Commission is responsible for complying with all directives, policies and guidelines to which it is subject.

13.2 ADMINISTRATIVE AND ORGANIZATIONAL SUPPORT SERVICES

- a. The Deputy Minister is responsible for providing the Commission with the administrative and organizational support services listed in Appendix 2 to this MOU, and for negotiating with Ontario Shared Services concerning these services, as appropriate.
- b. Appendix 2 may be reviewed at any time at the request of either party.
- c. The Deputy Minister will ensure that the support or services provided to the Commission are of the same quality as those provided to the Ministry's own divisions and branches.

13.4 LEGAL SERVICES

- a. Legal services to the Commission will be provided by the Ministry of the Attorney General, Civil Law Division, MCSCS Legal Services Branch.

13.5 CREATION, COLLECTION, MAINTENANCE AND DISPOSITION OF RECORDS

- a. The Chair is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The Chair is responsible for ensuring that the provincial Commission complies with all government legislation, directives and policies related to information and records management.
- c. The Chair shall protect the legal, fiscal and other interests of the Commission by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the Commission. This includes, but is not limited to, all electronic records, such as emails, information posted on the Commission's website(s), database data sets, and all records stored on personal computers and shared drives.
- d. The Chair is responsible for ensuring measures are implemented requiring the Commission's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs.

- e. The Chair is responsible for ensuring that the Commission complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.

13.6 INTELLECTUAL PROPERTY

- a. The Chair is responsible for ensuring that the legal, financial and other interests of the government in intellectual property are protected in any contract that the Commission may enter into with a third party that involves the creation of intellectual property.

13.7 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

- a. The Chair and the Minister acknowledge that the Commission is bound to follow the requirements set out in the *Freedom of Information and Protection of Privacy Act* (FIPPA) in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The Minister is the institution head for the purposes of the FIPPA.

13.8 SERVICE STANDARDS

- a. The Commission shall establish customer service and quality standards that are consistent with the appropriate standards of the government, the Ministry and the Ontario Public Service.
- b. The Chair will ensure that the Commission delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive.
- c. The Commission has in place a formal process for responding to complaints about the quality of services received by stakeholders of the Commission consistent with the government's service quality standards.
- d. The Commission's annual business plan will include performance measures and targets for service and the Commission's response to complaints.
- e. The Commission shall comply with the *Accessibility for Ontarians with Disabilities Act*.

14. Financial Arrangements

14.1 GENERAL

- a. Consequently, the Commission is administered by the ministry, all financial procedures for the provincial Commission shall be in accordance TB/MBC and Ministry of Finance directives and guidelines, Ministry corporate financial and administrative policies and procedures, and other Government of Ontario guidelines, directives and policies.

14.2 FUNDING

- a. Financial procedures of the Commission must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.

14.3 FINANCIAL REPORTS

- a. The Chair, with the support of the Executive Director, will provide to the Minister annual financial statements, and will include them as part of the Commission's annual report. The statements will be provided in a format that is in accordance with the province's stated accounting policies issued by the Office of the Provincial Controller Division.
- b. The Commission will submit its salary information to the Minister of Finance and/or the President of the Treasury Board, through the ministry, in accordance with the *Public Sector Salary Disclosure Act, 1996*.

14.4 TAXATION STATUS: HARMONIZED SALES TAX (HST)

- a. The provincial Commission is responsible for paying HST where applicable, in accordance with the federal *Excise Tax Act*. HST paid to suppliers is recovered through a centrally administered account maintained by the Office of the Provincial Controller Division.

15. Audit and Review Arrangements

15.1 AUDITS

- a. The Commission is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act* or by the Ontario Internal Audit Division of Treasury Board Secretariat.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so by the Ministry's Audit Committee or by the Corporate Audit Committee.
- c. Regardless of any previous or annual external audit, the Minister may direct that the Commission be audited at any time.
- d. The Commission will promptly provide a copy of every report from an audit to the Minister and the Minister of Finance/President of Treasury Board. The Commission will also provide a copy of its response to the audit report and any recommendations therein. The Commission will advise the Minister annually on any outstanding audit recommendations.
- e. The Chair may request an external audit of the financial transactions or management controls of the Commission, at the Commission's expense.

15.2 OTHER REVIEWS

- a. The Commission is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the Commission that

are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the Commission.

- b. In requiring a periodic review, the Minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Chair and the Minister, and how any other parties are involved.
- c. A mandate review of the provincial Commission will be conducted at least once every 7 years. The date of the next review will be 2023.
- d. The Minister will consult the Chair as appropriate during any such review.
- e. The Chair will cooperate in any review.
- f. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the Commission to TB/MBC for consideration.

16. Staffing and Appointments

16.1 DELEGATION OF HUMAN RESOURCES MANAGEMENT AUTHORITY

- a. Where the PSC has delegated its powers, duties and functions in relation to human resources management to the Deputy Minister, Chair or prescribed individual under Ontario Regulation 148/10, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the mandate of the Commission and within the parameters of the delegated authority.

16.2 STAFFING REQUIREMENTS

- a. Where staffing is provided by the Ministry, the Ministry will provide such staffing and administrative services as set out in Appendix 2 to this MOU.

17. Risk Management, Liability Protection and Insurance

17.1 RISK MANAGEMENT

- a. The Chair, is responsible for ensuring that a risk management strategy is developed for the Commission, in accordance with the OPS Risk Management process.
- b. The Commission shall ensure that the risks it faces are dealt with in an appropriate manner.

18. EFFECTIVE DATE, DURATION AND PERIODIC REVIEW OF THE MOU

- a. This MOU becomes effective on the date it is signed by the Minister as the last party to execute it ("Original Effective Date") and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. A copy of the signed MOU and any successor MOU must be provided to the Secretary, Treasury Board/Management Board of Cabinet.

- c. Upon a change in the Minister or Chair, both parties must affirm by letter that this MOU will continue in force without a review (and attach the signed letter to the MOU); or alternatively, they may agree to revise it and sign a new MOU within six (6) months of the change.
- d. A copy of the letter of affirmation, or a new MOU between the Minister and Chair must be provided to the Secretary, Treasury Board/Management Board of Cabinet within six months of the new party or parties' commencement.
- e. Either the Minister or the Chair may initiate a review of this MOU by written request to the other.
- f. If either of the parties deems it expedient to amend this MOU, they may do so only in writing. Any amendment shall only be effective after approval by the parties.
- g. A full review and replacement of this MOU will be conducted immediately in the event of a significant change to the Commission's mandate, powers or governance structure as a result of an amendment to the Commission
- h. At a minimum, this MOU will be reviewed at least once every 5 years to ensure it is current and consistent with government expectations.

Signatures

(Original Signed)

January 29, 2018

 Commission Chair
 Ontario Police Arbitration Commission

 Date

(Original Signed)

March 1, 2018

 Minister of
 Community Safety and Correctional Services

 Date

Appendix 1: Summary of Commission Reporting Requirements

Note:

The MOU should specify “who does what” to produce any report – who prepares, reviews, approves, and releases or tables business plans, annual reports, financial reports, and other documents. [These roles and responsibilities should be set out in the body of the MOU and may be summarized in an appendix to the MOU.]

DUE DATE	REPORT / DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS
	<p>The Commission will prepare estimates of its expenditures for inclusion in the ministry’s business plan.</p> <p>a. Prepares b. Approves</p>	<p>c. Executive Officer d. Chair</p>
Submitted annually within three (3) months prior to the Commission’s fiscal year end	<p>Commission Business Plan</p> <p>e. Prepares f. Approves g. Provides to Minister</p>	<p>h. Executive Officer i. Chair j. Chair</p>
Submitted annually within 90 days of the Commission’s fiscal year end	<p>Annual Report</p> <p>k. Prepares l. Approves m. Provides to Minister</p>	<p>n. Executive Officer o. Chair p. Chair</p>
Annually	Auditing	Ministry
Annually	Financial Statements Financial Reports	Ministry
Reviewed at least once every 5 years	Memorandum of Understanding	Chair
At least once every 7 years	Mandate Review	Chair, Ministry

Appendix 2: Administrative or Organizational Support Services

A – Administrative Support

The financial and administrative support services to be provided by the Ministry to the Commission is outlined below:

- (a) Financial and administration services including pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services and records and forms advisory services, will be provided by the Corporate Services Division;
- (b) Human resources services including classification; advice and consultation regarding recruitment procedures and staff relations; job description writing; counselling regarding career planning and staff development; and advice and consultation regarding corporate initiatives such as Occupational Health and Safety, etc. will be provided by the Human Resources Branch. Corporate educational opportunities are provided by the Ministry of Government and Consumer Services and coordinated and processed by the Human Resources Branch;
- (c) Advice and consultation on information technology and telecommunications services will be provided by Justice Technology Services;
- (d) Internal audit services including financial compliance, management, human resources and information systems audits, operational reviews and special investigations as required will be provided by Ontario Internal Audit, Justice Audit Services Team;
- (e) Accommodation planning and relocation services, including lease renewals, will be provided by the Facilities and Capital Planning Branch;
- (f) Services of the Freedom of Information program will be provided by the Freedom of Information and Protection of Privacy Office;
- (g) French language services will be provided by the French Language Services; French Language Services, in accordance with the translation policy of the Ministry, will provide translation and interpretation services;
- (h) Research services and statistical analysis will be provided by the Strategic Policy, Research and Innovation Division; and
- (i) Communication services will be provided by the Communications Branch;

These services will be provided to a standard of service acceptable to the Commission and the Ministry, will be of the same level and quality as provided to the line divisions and branches within the Ministry, and will be provided without cost unless alternate arrangements with respect to cost are agreed upon.

B -- Assigned Personnel and Roles

The following personnel will be responsible for services provided by the Ministry to the Commission:

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| (a) ADM/CAO, Corporate Services Division | ● act as a liaison between the Ministry and the Commission to communicate policy and other administrative changes driven by central agencies |
| (b) Director, Procurement & Business Improvement Branch | ● provide procurement and business improvement support |
| (c) Director, Business & Financial Planning Branch | ● for advice and assistance in business and financial planning, including Commission Business Plans |
| (d) Director, HR Advisory Services - Central Agencies & Justice Portfolio, Ontario Shared Services | ● for the delivery of human resources services, advice and consultation transactional human resources services (i.e. CORPAY) to be provided by the Ontario Shared Services |
| (e) ADM, Justice Technology Services | ● for computer and telecommunications services |
| (f) Director, Audit Services Branch | ● for audit services |
| (g) Director, Facilities and Capital Planning Branch | ● for accommodation services |
| (h) Coordinator, Freedom of Information and Protection of Privacy Office | ● for freedom of information services |
| (i) Coordinator, French Language Services | ● for French language advisory, monitoring and translation services |
| (j) Manager, Research and Innovation Unit | ● for research services and statistical analysis |
| (k) Director, Communications | ● for communications services |