



# **ONTARIO POLICE ARBITRATION COMMISSION**

## **BUSINESS PLAN**

## **FISCAL YEARS**

**2016-17 through 2018-19**

**May 4, 2016**





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# **ONTARIO POLICE ARBITRATION COMMISSION BUSINESS PLAN**

**FISCAL YEARS  
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## **EXECUTIVE SUMMARY**

The Ontario Police Arbitration Commission (the Commission) is a non-board governed provincial agency under the Agency and Appointments Directive (AAD). In accordance with the Labour Relations Part VIII of the *Police Services Act (PSA)*, the Commission appoints conciliators and mediator-arbitrators to assist police associations and police services boards across the Province to resolve outstanding labour relations grievances and contract bargaining disputes. The Commission does not in any way influence the parties in their actual negotiations. These processes are intended to promote harmonious labour relations in the police community and improve the long term effectiveness of policing in Ontario.

The Commission actively works towards fulfilling its mandate in an efficient manner while ensuring operations are effective, responsible and aligned with the goals of the Ministry of Community Safety and Correctional Services.

The past fiscal year was active for the Commission with efforts dedicated to the recruitment and training of fulltime staff, filling board vacancies, contributing to the legislated mandate review, and the development of a new website. Additional priorities included the search and implementation of cost saving strategies and making environmentally conscious revisions to administrative activities in order to support the Ontario Public Service “Go Green” initiative of reducing the environmental footprint.

The Commission’s primary activity of appointing conciliators and mediator/arbitrators to hear interest and rights disputes was consistent with the 5-year average of 167 total active applications for service and 106 new appointments. In Fiscal Year 2015-16, there were 166 total active applications for service and 99 new appointments. While applications for service remained steady, a higher number of cases ended in mediated settlements, requiring fewer hearing dates.

The business plan is updated each year and used as a tool to focus on the strategic direction over a three year period. For the 2016-17 to 2018-19 planning period, the Commission’s three strategic objectives are:

- **Ensuring the timely delivery of service by qualified professional conciliators and mediator-arbitrators;**
- **Improving accessibility to Commission research materials and application processes;**
- **Implementing cost saving, environmentally friendly alternatives for business practices;**

The ministry provides resources to the Commission to ensure it has the capacity to fulfill its legislative requirements and implement its strategic directions. The total allocated budget for fiscal year 2015-16 was four hundred and fifty-three thousand, eight hundred dollars (\$453,800). At fiscal year end, the total expenditures were four hundred and twenty-nine thousand, nine hundred and one dollars (\$429,901) resulting in a surplus of twenty-three thousand, eight

hundred and ninety-nine dollars (\$23,899). There was no revenue. The financial report for fiscal year 2015-16 is located in the Financial Budget and Staffing Section.

## **MANDATE**

A Memorandum of Understanding (MOU) governs the operational, administrative and reporting relationships between the Commission and the Ministry of Community Safety and Correctional Services. The term of the MOU is five years or until such earlier time as all parties agree to a new MOU. The sunset review date is May 9, 2017.

Responsibilities of the Ontario Police Arbitration Commission as outlined in the MOU between the Commission and the Ministry of Community Safety and Correctional Services:

- 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.

## **Mission Statement**

The 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 (PSA)* in an effective and timely manner.

## **Legislative Authority**

The legislative authority of the Commission is set out under section 131(1) of the *Police Services Act*, R.S.O. 1990, c.P. 15 as amended. The statutory responsibilities of the 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 Commission is subject to the *Accessibility for Ontarians with Disability Act, 2005*; *Occupational Health and Safety Act*; *Freedom of Information and Protection of Privacy Act (FIPPA)*; *Public Service of Ontario Act, 2006 (PSOA)*, the *Human Rights Code* and all other applicable laws as well as government policies and directives including the Agencies and Appointments Directive (AAD).

## Reporting Requirements

The Commission is accountable for the following reporting requirements:

- Memorandum of Understanding – The MOU is signed by the Chair of the Commission and the Minister of Community Safety and Correctional Services. This agreement serves as an important tool to promote mutual understanding of the roles and responsibilities of each party (Minister, Deputy Minister, Board, Chair, and Executive Officer.)
- Business Plan – Each year, the Commission submits a business plan to the Minister of Community Safety and Correctional Services for approval, which covers a three-year period. This plan is a key requirement for accountability under the Agencies and Appointees Directive (AAD) and an important tool for maximizing an organization's likelihood of success in meeting its goals and objectives.
- Annual Report – Each year, the Commission prepares an Annual Report documenting how the agency fulfilled its mandate during the preceding fiscal year. It provides a retrospective look at the fiscal year and it includes performance targets, performance, accomplishments, financial statements and appointees.
- Compliance Attestation – Each year, the Chair of the Commission must send a letter to the Minister of Community Safety and Correctional Services confirming compliance with legislation, directives, and accounting and financial policies
- Risk Assessment Evaluation – Quarterly reporting is made to Treasury Board/MBC on each high risk the Commission faces including a description of the risk, the reasons it is a high risk, and what management plan is in place to manage the risk. This reporting requirement ensures effective management of risks for the Commission and Ministry.
- Public Posting – To fulfil the government's objective to increase transparency, the Memorandum of Understanding, Business Plan, Annual Report and expense information for appointees and senior executives are posted on the Commission website.
- Mandate Review – The Commission's mandate sets out the parameters within which it may perform its responsibilities or provide services, and Ministries must complete reviews of the mandate once every seven years.

## STRATEGIC DIRECTIONS

The Commission is committed to providing accessible, reliable and efficient conciliation and mediation-arbitration services to police associations and police services boards across the province. Some of the operational processes in place have proven to be successful over the years and will therefore remain unchanged. However, there are opportunities to modernize and

improve other areas of operation. Small scale changes can result in substantial improvements. The overall direction for the next three years focuses on maintaining timely service delivery and adjusting operational practices in support of saving costs and reducing environmental impact. The three focused strategies are listed below:

- **Ensuring the timely delivery of service by qualified professional conciliators and mediator-arbitrators;**

Efficient service delivery is crucial. Stakeholders expect results within short timeframes when requested. Commission staff is responsible for contacting applicants within the same business day the application for service was received, where possible. Staff are expected to arrange hearing dates at the parties' earliest convenience – within 14 days of receipt of request for conciliator and within 30 days for a mediator-arbitrator, as outlined in the *Police Services Act*. The Commission's roster of five conciliators and approximately thirty arbitrators ensures that there is always a professional available to attend a hearing on any date requested by the parties. The Commission strives to accommodate all dates requested by the parties in order to ensure the most efficient process possible.

- **Improving accessibility to Commission research materials and application processes;**

The Commission launched a new website in December, 2015, which is compliant with the Accessibility for Ontarians with Disabilities Act (AODA), Integrated Accessibility Standards Regulations (IASR), and Web Content Accessibility Guidelines 2.0 at level AA. The website is the most effective tool to share research materials with stakeholders and the public, which include arbitral decisions and awards with summaries, municipal police services collective agreements on record, information on Commission services, governance documents and application processes including the required application forms. New awards are also distributed to a list of stakeholders via email. The website is maintained by Commission staff and it is expected that any new or revised information is updated online within one week. The Commission will be seeking feedback from stakeholders and the public regarding potential improvements to the functionality, user friendliness, and accessibility of the website.

- **Implementation of cost saving, environmentally friendly alternatives for business practices;**

This is a long-term strategy as it will take time, research, and cooperation from stakeholders to implement certain changes to existing practices. It is also an area for continuous improvement as new policies, technologies, and products become available to support these initiatives. The Commission strives to reduce paper and printing usage and increase the acceptance of electronic documents within the Commission as well as from stakeholders, where possible, by encouraging applicants to submit online applications, collective agreements, and supporting materials with applications. The Commission will switch to online subscriptions for law books, newsletters, and bulletins where possible, and participate in soft-copy file sharing to edit documents rather than editing printed hard copies. This will result in great savings in the Commission's supplies budget and the modernization will encourage transformation in other areas.

These strategies align the Commission with the Ontario Government and the Ministry of Community Safety and Correctional Services mandate to provide an accessible, accountable and innovative justice system, and support and deliver quality services by ensuring service

continuity and improvement. Under the Performance Measures section, the business plan outlines how the Commission measures the success of these strategic objectives.

## **OVERVIEW OF PROGRAMS AND ACTIVITIES**

### **Conciliation Services**

Conciliation is an extension of the collective bargaining and grievance process whereby an acceptable independent third party provides assistance to municipal police associations and police services boards to help them reach a voluntary settlement of their differences. A settlement is never imposed on the parties at the conciliation stage. The Commission utilizes the services of five highly experienced, private-sector conciliators who are paid a per diem per case. The capability to draw on a greater number of meeting dates within any given timeframe and hold multiple hearings on the same day in various locations throughout the Province ensures the provision of an efficient service to stakeholders.

The Commission continues to look at ways to address conflict in workplace relationships before the conflicts escalate into grievances. The Commission offers a voluntary Workplace Relationship Improvement Program (WRIP) to assist police associations and police services boards to develop good working labour relations. The WRIP is used, where appropriate, by the Chair and Commission conciliators to identify and discuss with police services boards and police associations the ways in which they can improve their day-to-day working relationship.

### **Mediation-Arbitration Services**

Where the parties are unable to resolve their differences through conciliation and cannot agree on the joint appointment of an arbitrator, either party representing a police association or police services board may request the appointment of an arbitrator by applying to the Commission. The outcome of a dispute is determined by the arbitrator based on evidence presented at a hearing. In October 1997, the *Police Services Act* was amended to make provision for an assisted dispute resolution (ADR) mechanism to deal with all police contract bargaining disputes. As a result, the emphasis on mediation prior to arbitration has increased the rate of settlement between police services boards and associations in both interest and rights disputes.

### **Appointment of Mediators/Arbitrators**

Section 131(6.2) of the *Police Services Act* requires the Chair of the Commission to establish and maintain a roster of mediator/arbitrators. The Commission utilizes five private-sector conciliators and approximately thirty private-sector mediator/arbitrators to deliver legislated programs and services. Per diem rates are much lower than those in the private sector for these services which can pose challenges in attracting and retaining experienced conciliators and mediator/arbitrators for the Commission's roster. An aging roster will soon encounter retirements, which can create opportunities to attract new mediator/arbitrators. The roster is reviewed periodically by the Chair and Board.

### **Distribution of Labour Relations Information and Research Materials**

The Commission is committed to providing information on the Commission and its services to stakeholders and the public in a transparent and accessible manner. The Commission website ([www.policearbitration.on.ca](http://www.policearbitration.on.ca)) provides stakeholders and their representatives, legal counsel,

labour relations personnel in the broader public sector and the general public, access to a database of rights and interest arbitration awards for police in Ontario. The Commission also maintains an archive of collective agreements between police services boards and associations.

## HUMAN RESOURCES

Staff members are an integral part of the Commission meeting its mandate. A full staff complement comprised of an Executive Officer and two Conciliation Services Assistants is required in order to operate proficiently and to process requests from stakeholders in an expedited manner.

Currently, one of the two Conciliation Services Assistant positions is held by a fixed-term contract member. A priority for the Commission in the next fiscal year is to hire a permanent employee for this position to ensure consistency, reliability and accountability. In a role that often deals with contentious issues, having a knowledgeable employee who has built rapport and positive stakeholder relationships is necessary.

With three full time employees, the Commission will be able to reach performance targets and successfully facilitate reliable programs and services. An increase in applications for business activities can drastically impact the quantity of work and efficiency of the Commission's performance. Having a full staff complement will ensure the Commission has the human resources in place to handle any potential increase in activities, cover vacation and sick time requests, and operate as efficiently as possible over the next three-year planning period.

The Chair of the Commission, Mr. Paul Gardner, has submitted application for a one year reappointment. During this extension, the Commission will work on a succession plan to recruit the Commission's next Chair for 2017. The remaining four board positions have been filled.

## PERFORMANCE MEASURES

The following performance measures outline desired results for meeting the Commission's business objectives and key strategies. Results are reported each year in the Commission's Annual Report:

### 1. Core Business Function: Conciliation

| Objective  | Measures   |
|--|--|
| Ensure timely delivery of conciliation services by qualified professionals | <ul style="list-style-type: none"><li>Maintaining the response time from receipt of application to first contact (Ministry standard is 5 days)</li></ul> |

## 2. Core Business Function: Mediation-Arbitration

| Objective   | Measures   |
|---|--|
| Ensure timely delivery of mediation-arbitration services by qualified professionals | <ul style="list-style-type: none"><li>Maintaining the response time from receipt of application to first contact (Ministry Standard is 5 days)</li></ul> |

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

| Objective   | Measures   |
|---|--|
| Improve stakeholder accessibility to the application process and research materials | <ul style="list-style-type: none"><li>Updating list of Collective Agreements on the Commission Website within 1 week of their release</li><li>New awards to be entered on website within 1 day of receipt of summary</li></ul> |

## 4. Core Business Function: Deliver Services, Reduce Environmental Impact

| Objective   | Measures   |
|---|--|
| Exploration of cost saving initiatives and implementation of environmentally friendly alternatives for business practices | <ul style="list-style-type: none"><li>Reduce office supply budget to \$60/month, not including requirements for special projects (i.e. Annual Report binding and distribution)</li><li>Reduce periodicals and subscriptions budget to \$4,000/year</li></ul> |

## FINANCIAL BUDGET AND STAFFING

Although much of the Commission's expenditures are mandated by legislation and the level of demand is beyond its control, the Commission consistently meets its key objectives and operates within its budget allocation. The Commission's budget supports three full-time staff. The remaining budget is allocated to the provision of conciliation and mediation-arbitration services to police across Ontario, board appointees, and other direct operating expenses.

The Commission employs two permanent full time staff and one temporary contract member in order to meet operational requirements. The Commission is working with the Ministry's Human Resources and Recruitment services to fill the contract position with permanent staff in 2016.

## Financial Report

The Commission's budget for the fiscal year 2015-16 was shown in the government's Printed Estimates, as four hundred and fifty-three thousand, eight hundred dollars (\$453,800). The Commission operated within budget for a total expenditure of four hundred and twenty nine thousand, nine hundred and one dollars (\$429,901).

## Financial Outlook

The Printed Estimates for fiscal year 2016-17, the first year of this plan, is four hundred and fifty-eight thousand seven hundred dollars (\$458,700). Proposed budgets for the following three years are four hundred and fifty-eight thousand seven hundred dollars (\$458,700) each year.

Expenditures are expected to slowly rise over the next three years as applications for services remain consistent and per diems for fee for service staff have increased four to six percent. Staff will merit salary increases and benefit costs will reflect these changes. Barring unforeseen pressures and assuming the level of demand for service remains within the five-year average, the Commission should operate within its proposed budgets until the final year of this plan, fiscal year 2018-19. Savings can be found in supplies and equipment accounts and steps will be taken to keep transportation costs for hearings at a minimum, although travel is inevitable.

| Fiscal Year                    | 2015-16<br>actuals | 2016-17   | 2017-18   | 2018-19   |
|--------------------------------|--------------------|-----------|-----------|-----------|
| Proposed Budget                | \$453,800          | \$458,700 | \$458,700 | \$458,700 |
| Salaries & Wages               | 172,000            | 180,000   | 184,300   | 186,900   |
| Benefits                       | 36,900             | 25,200    | 25,700    | 26,000    |
| Transportation & Communication | 41,300             | 42,000    | 41,000    | 41,000    |
| Services                       | 168,900            | 196,500   | 198,700   | 198,800   |
| Supplies & Equipment           | 10,100             | 15,000    | 9,000     | 6,000     |

## INFORMATION TECHNOLOGY AND ELECTRONIC SERVICE DELIVERY

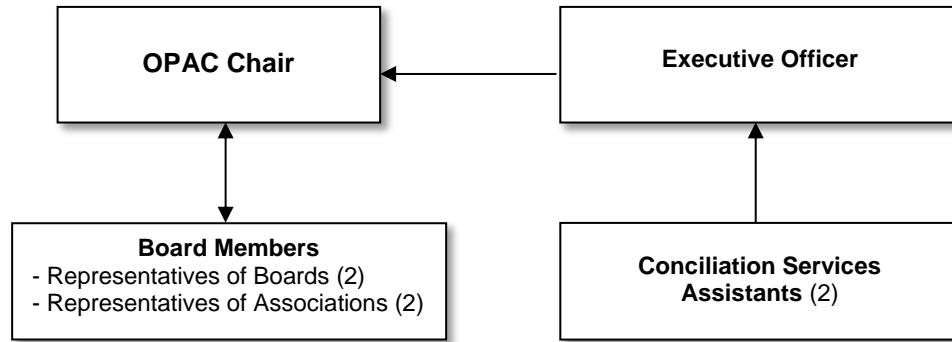
The Commission's website is an essential tool used to provide historic information on arbitration decisions to stakeholders and the public. The website is also used to communicate policies, procedures, and accountability documents.

The Commission changed its website platform last fiscal year 2015-16 following the announcement of the Government's initiative to simplify Ontario's online presence. This change in platforms has allowed for modernization of the Commission's online presence.

During the website update, a review of the accessibility and functionality to persons with disabilities was carried out. The revised site was tested for compliance with the Accessibility for Ontarians with Disabilities Act (AODA), Integrated Accessibility Standards Regulations (IASR), and Web Content Accessibility Guidelines 2.0 at level AA. The Commission is committed to supporting the Government's initiative for accessibility, diversity and inclusivity internally and as a model to businesses within the community and the public in general.

Staff will continue to look at ways to streamline the administration process and the input and posting of new data to the Commission's website. Currently, the Commission accepts application forms by mail, email and fax.

## ORGANIZATIONAL CHART



In accordance with section 131 (1) of the *Police Services Act*, the Commission is composed of a Chair, two representatives of police services boards recommended for appointment by the Ontario Association of Police Services Boards (OAPS), and two representatives of members of police associations, recommended for appointment by the Police Association of Ontario (PAO).

In accordance with section 131 (6.1) of the *Police Services Act*, the Minister must consult with or attempt to consult with the bargaining agents or employers' organizations prior to a Chair being appointed to the Commission. The terms of office for appointees are set within Government of Ontario guidelines.

Staff is comprised of an Executive Officer and two Conciliation Services Assistants.



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