

MEMORANDUM OF UNDERSTANDING BETWEEN

**The Solicitor General,
Ministry of the Solicitor General**

(hereinafter called the "Ministry")

AND

**The Chair of
The Ontario Police Arbitration Commission**
(hereinafter called the "Commission")

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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 Solicitor General and the Chair of the Ontario Police Arbitration Commission.
 - Clarify the roles and responsibilities of the Solicitor General, the Deputy Solicitor General, Community Safety, 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 *Police Services Act, RSO 1990* (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 June 27, 2019.

2. Definitions

In this MOU:

- a. “AAD” means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive;
- b. “Act” or “PSA” means [Police Services Act, RSO 1990](#), as amended, that governs the Commission;
- c. “Commission” or “OPAC” means the Ontario Police Arbitration Commission;
- d. “Annual Business Plan” or “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;
- g. “Chair” means the Chair of the Commission;

- h. “Constituting instrument” means the PSA that established the Commission;
- i. “Deputy Solicitor General” means the Deputy Solicitor General, Community Safety, Ministry of the Solicitor General;
- 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. “Solicitor General” means the Solicitor General 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 the Solicitor General or any successor to the Ministry;
- s. “MOU” means this Memorandum of Understanding signed by the Solicitor General 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, 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 Act.
- b. The Commission’s mandate is set out in the Act which states that the Commission’s objects are to:

- i. Maintain a register of arbitrators who are available for appointment under section 124 of the Act.
 - ii. Assist arbitrators by making administrative arrangements in connection with arbitrations.
 - iii. Fix the fees of arbitrators appointed by the Solicitor General under section 124 of the Act.
 - iv. Sponsor the publication and distribution of information about agreements, arbitrations and awards.
 - v. Sponsor research on the subject of agreements, arbitrations and awards.
 - vi. Maintain a file of agreements, decisions and awards made under this Part. R.S.O. 1990, c. P.15, s. 131 (5); 1997, c. 21, Sched. A, s. 5 (8).
 - vii. Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations:
 - governing the conduct of arbitrations and prescribing procedures for them; and
 - prescribing forms and providing for their use. R.S.O. 1990, c. P.15, s. 131 (6) of the Act.
- c. The foregoing are in the furtherance of promoting harmonious labour relations in the police community

4. Commission Type and Public Body Status

- a. The Commission is designated as a non-board governed provincial agency under the Agencies and Appointments Directive.
- b. 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 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 and is 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 following principles:

- a. The Solicitor General recognizes that the Commission exercises powers and performs duties in accordance with its legal mandate under the PSA;
- b. The Solicitor General 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 Solicitor General, 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 Solicitor General 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 Solicitor General

The Solicitor General 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 Solicitor General 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 Solicitor General, as requested, on the Commission's activities.
- c. For ensuring timely communications with the Solicitor General regarding any issue that affects, or can reasonably be expected to affect, the Solicitor General'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 Solicitor General.

7.3 Deputy Solicitor General, Community Safety

The Deputy Solicitor General is accountable to the Secretary of the Cabinet and the Solicitor General 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 Solicitor General, this MOU, and applicable TB/MBC, PSC and government directives.

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

8. Roles and Responsibilities

8.1 Solicitor General

The Solicitor General 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.
- 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 the Commission's annual report, approving the report within 60 days of receiving it, tabling the annual report in the legislature within 30 days of approving it and ensuring that the annual report is made available to the public after it is tabled in the legislature and within 30 days of approving it.
- k. Informing the Chair of the government's priorities and broad policy directions for the Commission.

- l. 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.
- m. 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.
- n. Reviewing and approving the Commission's annual business plan.
- o. Recommending to TB/MBC any provincial funding to be allocated for the Commission.
- p. 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 Commission.
- 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 Solicitor General.
- d. Ensuring timely communications with the Solicitor General regarding any issues or events that may concern or can reasonably be expected to concern the Solicitor General in the exercise of the Chair's responsibilities relating to the Commission.
- e. Consulting with the Solicitor General 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 Commission members and providing recommendations to the Solicitor General on appointments and reappointments, as applicable, that respect and promote the principles of equity, diversity, quality, merit, and regional representation.
- h. Reporting to the Solicitor General 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 Solicitor General 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 Solicitor General in accordance with the timelines specified in the applicable TB/MBC and government directives, and this MOU.
- l. Providing both the Solicitor General 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 Solicitor General annually on any outstanding audit recommendations.
- n. Ensuring that members are informed of their responsibilities under the PSOA regarding 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 Solicitor General, 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.

8.3 Deputy Solicitor General

The Deputy Solicitor General is responsible for:

- a. Advising and assisting the Solicitor General regarding the Solicitor General's responsibilities for the Commission, including informing the Solicitor General of policy direction, policies and priorities of relevance to the Commission's mandate.
- b. Advising the Solicitor General on the requirements of the AAD, and other directives that apply to the Commission.
- c. Recommending to the Solicitor General, 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 Solicitor General, and between the Ministry staff and the Commission staff as needed.
- e. Attesting to TB/MBC on the 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 Solicitor General.
- 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 Solicitor General or TB/MBC.
- i. Establishing a framework for reviewing and assessing the Commission's business plans and other reports.
- j. Supporting the Solicitor General in reviewing the performance targets, measures and results of the Commission.
- k. Advising the Solicitor General on documents submitted by the Commission to the Solicitor General for review or approval, or both.
- l. Submitting to the Solicitor General, 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 Solicitor General.

- n. Cooperating with any review of the Commission as directed by the Solicitor General or TB/MBC.
- o. Monitoring the Commission on behalf of the Solicitor General while respecting the Commission's authority, identifying needs for corrective action where warranted, and recommending to the Solicitor General 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 Solicitor General.
- 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 Solicitor General, 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 members, 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 Solicitor General is provided annually with the Commission's business plan covering a minimum of three (3) years from the upcoming fiscal year that includes a financial budget, for approval by the Solicitor

General. 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 Commission in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the Commission.
- e. The Solicitor General 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 Solicitor General may advise the Chair where and in what manner the Commission's business plan varies from government or Ministry policy or priorities as may be required, and the Chair will revise the Commission's business plan accordingly.
- f. In addition, TB/MBC may require the Solicitor General 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 Solicitor General's approval of the business plan.

10.2 Annual Reports

- a. The Chair is responsible for ensuring that the Commission's annual report is prepared and submitted to the Solicitor General 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 Commission in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the Commission.

- c. The Solicitor General will receive, review and approve the Commission's annual report to confirm compliance with legislative and policy requirements and will approve the report within 60 days after the date of receipt. The Solicitor General will, within 30 days of approving the report, table the Commission's annual report in the Legislative Assembly.
- d. The Chair will ensure that the Commission's annual report is publicly posted in an accessible format, in both official languages, on the Commission or Ministry website after the report has been tabled in the Legislative Assembly and within 30 days of approval by the Solicitor General.

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 Solicitor General in accordance with the prescribed timelines.
- b. Supplying specific data and other information, at the request of the Solicitor General or the Deputy Solicitor General, that may be required from time-to-time for the purpose of the Ministry's administration.

11. Public Posting Requirements

- a. The 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 Solicitor General's approval
 - Annual Report – 30 days of Solicitor General's approval (the report must first be tabled in the Legislature).
- 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 Commission in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the 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 Solicitor General to meet his 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 Solicitor General and the Chair, therefore, agree that:

- a. The Chair will keep the Solicitor General advised, in a timely manner, of all planned events or issues, including contentious matters, concerning, or can be reasonably expected to concern the Solicitor General in the exercise of his responsibilities.
- b. The Solicitor General 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 Solicitor General 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 Solicitor General 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 Solicitor General and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the delivery of the Commission's mandate and the efficient operation of the Commission [and the provision of services by the Ministry to the Commission]. The Deputy Solicitor General and the Chair 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 Solicitor General 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 Solicitor General 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.

13.3 Legal Services

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

13.4 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 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.
- f. The Chair is responsible for ensuring that the Commission complies with the TB/MBC Management and Use of Information and Information Technology (I&IT) Directive, in conjunction with the Corporate Policy on Recordkeeping, as applicable.

13.5 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.

13.6 Freedom of Information and Protection of Privacy

- a. The Chair and the Solicitor General 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 Solicitor General is the institution head for the purposes of the FIPPA.

13.7 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 Chair will ensure that 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 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 Manager and Executive Advisor, will provide to the Solicitor General 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*.

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 Solicitor General 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 Solicitor General 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 Solicitor General 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 Solicitor General. The review may cover such matters relating to the Commission that are determined by TB/MBC or the Solicitor General, and may include the mandate, powers, governance structure and/or operations of the Commission.
- b. In requiring a periodic review, the Solicitor General or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Chair and the Solicitor General, and how any other parties are involved.
- c. A mandate review of the Commission will be conducted at least once every six years. The date of the next review will be 2026-27.
- d. The Solicitor General 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 Solicitor General, the Solicitor General 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 Solicitor General, 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.

16.3 Appointments

- a. The composition of the members of the Commission is as set out in the [Police Services Act, RSO 1990, C. P.15, PART VIII, S. 131](#).
- b. The Chair is appointed by the Lieutenant Governor in Council on the recommendation of the Solicitor General pursuant to [Police Services Act, RSO 1990, C. P.15, PART VIII, S. 131](#) for a term of up to ten years.
- c. The members of the Commission are appointed by the Lieutenant Governor in Council on the recommendation of the Solicitor General pursuant to [Police Services Act, RSO 1990, C. P.15, PART VIII, S. 131](#) for a term of up to ten years.

16.4 Remuneration

- a. Remuneration for appointees is set by the Lieutenant Governor in Council as per [Order in Council 2311/2017](#), amended by [Order in Council 894/2018](#) and further amended by [Order in Council 1052/2020](#).
- b. Travel expenses of appointees must comply with the MBC Travel, Meal and Hospitality Expenses Directives. Reasonable expenses shall be reimbursed.

17. 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 Solicitor General 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 Solicitor General 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 Solicitor General 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 Solicitor General 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 five years to ensure it is current and consistent with government expectations.

Signatures



Sig Walter
Chair
Ontario Police Arbitration Commission

December 21, 2022

Date



Hon. Michael Kerzner
Solicitor General
Ministry of the Solicitor General

December 20, 2022

Date

Appendix 1: Summary of Commission Reporting Requirements

- a) The Commission will prepare estimates of its expenditures for inclusion in the Ministry's business plan.
 - Responsible officials: Manager and Executive Advisor (Prepares in consultation with the Chair) and Chair (Approves)
- b) Commission Business Plan
 - Responsible officials: Manager and Executive Advisor (Prepares in consultation with the Chair) and Chair (Approves and provides to Solicitor General)
 - Due date: **Submitted annually within three (3) months prior to the Commission's fiscal year end**
- c) Annual Report
 - Responsible officials: Manager and Executive Advisor (Prepares in consultation with the Chair) and Chair (Approves and provides to Solicitor General)
 - Due date: **Submitted annually within 90 days after the Commission's fiscal year end**
- d) Auditing
 - Responsible official: Ministry
 - Due date: **Annually (administratively part of the Ministry and not audited as a separate entity unless specifically required)**
- e) Financial Statements and Financial Reports
 - Responsible official: Ministry
 - Due date: **Annually**
- f) Memorandum of Understanding
 - Responsible official: Chair
 - Due date: **Reviewed at least once every five years**
- g) Mandate Review
 - Responsible official: Chair and Ministry
 - Due Date: **At least once every six years**

All reports and communications are to be prepared to meet the relevant requirements for accessible documents under i) O. REG. 191/11 "Integrated Accessibility Standards" pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005*, and ii) TBS/MBC policy.

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 are 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;
- j) 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:

- 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, public appointments coordination and agency compliance advisory services.
- 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, digital/information technology 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) **Director, Communications:** for communications services