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c 164 Fire Departments Act

Ontario

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CHAPTER 164

Fire Departments Act

1. In this Act,

Interpre-
tation

- (a) "deputy chief" means the one person who has been appointed by the council of the municipality to act in the place of the chief of the fire department in his absence or in the case of a vacancy in the office;
- (b) "fire department" means a fire department organized under the *Municipal Act* and equipped with one or more motorized fire pumpers meeting the prescribed standards; R.S.O. 1980, c. 302
- (c) "Fire Marshal" means the Fire Marshal of Ontario;
- (d) "full-time fire fighter" means a person regularly employed in the fire department on a full-time salaried basis and assigned exclusively to fire protection or fire prevention duties, and includes officers and technicians;
- (e) "population" means the population ascertained from the last revised assessment roll;
- (f) "prescribed standards" means the standards prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act;
- (h) "volunteer fire fighter" means a person who voluntarily acts as a fire fighter for a nominal consideration or honorarium. R.S.O. 1970, c. 169, s. 1.

PART I

2.—(1) In every municipality having a population of not less than 10,000, the full-time fire fighters assigned to fire-fighting duties shall work according to, Hours of work

- (a) the two-platoon system where the full-time fire fighters are divided into two platoons, the hours of work of which shall be, two-platoon system

- (i) for each platoon twenty-four consecutive hours on duty followed immediately by twenty-four consecutive hours off duty, or
- (ii) for one platoon in day-time ten consecutive hours on duty followed immediately by fourteen consecutive hours off duty and for the other platoon in night-time fourteen consecutive hours on duty followed immediately by ten consecutive hours off duty,

and the platoons shall alternate at least every two weeks from night work to day work and vice versa;

three-platoon system

- (b) the three-platoon system where the full-time fire fighters are divided into three platoons, the hours of work of which shall be eight consecutive hours on duty followed immediately by sixteen consecutive hours off duty, and the platoons shall rotate in their periods of duty and time off as may be arranged for the purpose of changing shifts at least every two weeks; or

alternative systems

- (c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty on the average in any work week are not more than forty-eight hours.

Other personnel

- (2) Full-time fire fighters assigned to other than fire-fighting duties shall work such hours as are determined, but in no case shall such hours of work exceed the average work week of the other full-time fire fighters.

Maximum hours

- (3) No full-time fire fighter shall be required to be on duty on the average in any work week more than forty-eight hours.

Weekly day off duty

- (4) Every full-time fire fighter shall be off duty for one full day of twenty-four hours in every calendar week, but where a two-platoon system or a three-platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section.

Time off duty

- (5) Nothing in this Act prohibits any municipality from granting the full-time fire fighters more than one day off duty in every calendar week.

Free from calls

- (6) The hours off duty of full-time fire fighters shall be free from fire department duties or calls.

(7) Notwithstanding this section, where a fire, flood or other disaster occurs that requires the services of every full-time fire fighter, the chief or other officer in charge of the fire department may recall to duty any full-time fire fighter who is not on duty. R.S.O. 1970, c. 169, s. 2. Recall in emergency

3. No deduction shall be made from the pay or the holidays of the full-time fire fighters by reason of this Act. R.S.O. 1970, c. 169, s. 3. Act not to affect pay or holidays

4.—(1) A full-time fire fighter shall not be discharged without being given at least seven days notice in writing of the proposed discharge and the reasons therefor, and may, before the expiry of the notice, require a hearing by delivering a notice in writing to that effect to the clerk of the municipality. Discharge

(2) Where a notice requiring a hearing is delivered under subsection (1), the council or a committee thereof shall hold a hearing and the fire fighter may be represented at the hearing by counsel. Hearing

(3) Where a fire fighter requires a hearing under subsection (2), the discharge shall not take effect before the hearing is disposed of. R.S.O. 1970, c. 169, s. 4. When discharge effective

5.—(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall within sixty days after receipt of the request bargain in good faith with a bargaining committee of the full-time fire fighters, and shall make every reasonable effort to come to an agreement, for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief and the deputy chief of the fire department. Bargaining

(2) In subsection (1), “pensions” includes any pension plan or payment authorized by paragraph 46 of section 208 of the *Municipal Act*. Interpretation
R.S.O. 1980,
c. 302

(3) Where not less than 50 per cent of the full-time fire fighters belong to a trade union, any request under subsection (1) shall be made by the union. Trade union

(4) The members of the bargaining committee shall be full-time fire fighters, but, where not less than 50 per cent of the full-time fire fighters belong to a trade union, the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by, Affiliated bodies

- (a) where the trade union is affiliated with a provincial body, one member of the provincial body; and
- (b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only. R.S.O. 1970, c. 169, s. 5 (1-4).

Pension plans under R.S.O. 1980, c. 302

(5) When the request involves pensions under a pension plan established or to be established under the *Municipal Act*, notice of such request shall be given to the Ministry of Intergovernmental Affairs which may determine the maximum pension benefits that may be included in any agreement, decision or award with respect to such pension plan. R.S.O. 1970, c. 169, s. 5 (5); 1972, c. 3, s. 17 (2).

Board of arbitration

6.—(1) Where, after bargaining under section 5, the council of the municipality or the bargaining committee is satisfied that an agreement cannot be reached, it may by notice in writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members, in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to appoint member

(2) Where either party fails to appoint a member of the board of arbitration within thirty days, or having appointed a person who is unable or unwilling to act, fails to appoint another member within thirty days, the Solicitor General may, upon the written request of the other party, appoint a member in lieu thereof. R.S.O. 1970, c. 169, s. 6 (1, 2).

Failure to appoint chairman

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Solicitor General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. R.S.O. 1970, c. 169, s. 6 (3); 1972, c. 1, s. 95 (1).

Commencement and termination of arbitration proceedings

(4) The board of arbitration shall commence the arbitration proceedings within thirty days after it is constituted and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

(5) Any of the periods mentioned in this section may be extended at any time by agreement of the parties. Extension of periods

(6) Where upon an arbitration a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration. Decision

(7) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. R.S.O. 1970, c. 169, s. 6 (4-7). Costs

7.—(1) Every agreement under section 5 and every decision or award under section 6 shall be in writing and is binding upon the municipality and the full-time fire fighters. Agreements, etc., to be in writing and binding on the parties

(2) Every agreement, decision or award remains in effect until the end of the year in which it comes into effect and thereafter remains in effect until replaced by a new agreement, decision or award. Duration of agreements, etc.

(3) Notwithstanding subsection (2), the parties to an agreement may provide therein or at any time before a decision or award is made with respect thereto that the agreement and any such decision or award shall remain in effect until the end of the year next following the year in which it comes into effect, in which case it remains in effect for such period and thereafter remains in effect until replaced by a new agreement, decision or award. Idem

(4) Either party to collective bargaining that has resulted in an agreement, decision or award may proceed under sections 5 and 6 at any time for a new agreement, decision or award. R.S.O. 1970, c. 169, s. 7 (1-4). New agreements, etc.

(5) Where a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 5 or of a decision or award of a board of arbitration made under section 6, or where an allegation is made that the agreement or award has been violated, either of the parties may, after exhausting any grievance procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to arbitration, and, if the recipient of the notice and the party desiring the arbitration do not within ten days agree upon a single arbitrator, the appointment of a single arbitrator shall be made by the Solicitor General upon the request of either party, and the arbitrator shall commence to hear and determine the difference or alle- Single arbitrator

gation within thirty days after his appointment, and shall issue a decision within a reasonable time thereafter, and such decision is final and binding upon the parties. R.S.O. 1970, c. 169, s. 7 (5); 1972, c. 1, s. 95 (2).

Costs

(6) Each party to an arbitration under subsection (5) shall share equally the cost of the arbitration proceedings and the cost of the arbitrator.

Extension of periods

(7) Any of the periods mentioned in subsection (5) may be extended at any time by agreement of the parties.

Enforcement of decisions

(8) Where a party, municipality, trade union or full-time fire fighter has failed to comply with any of the terms of the decision of an arbitrator or arbitration board, any party, municipality, trade union or full-time fire fighter affected by the decision may, after the expiration of thirty days from the date of the delivery of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, in the form prescribed by the regulations, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such. R.S.O. 1970, c. 169, s. 7 (6-8).

R.S.O. 1980,
cc. 25, 484
not to apply

8. The *Arbitrations Act* and the *Statutory Powers Procedure Act* do not apply to an arbitration under section 6 or 7 of this Act. 1974, c. 105, s. 1.

Agreement, decision or award, when to have effect

9.—(1) An agreement, decision or award has effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

Idem

(2) Where, pursuant to subsection (1), another day is named in an agreement, decision or award as the day upon which the agreement, decision or award is to have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses, notwithstanding the naming of such day, have effect from the first day of such fiscal period. R.S.O. 1970, c. 169, s. 9.

10. Where a request in writing is made under subsection 5 (1) ^{Payment of expenditures} during a year ending with the 31st day of December and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. R.S.O. 1970, c. 169, s. 10.

11. This Act has effect notwithstanding any by-law or ^{Act to prevail over municipal by-laws} regulation of a municipality relating to its fire department. R.S.O. 1970, c. 169, s. 11.

12. Every person who requires or requests a full-time fire ^{Offence} fighter to be on duty in contravention of this Act is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100. R.S.O. 1970, c. 169, s. 12.

PART II

13. The Fire Marshal may,

^{Fire schools}

- (a) establish, maintain and operate a central fire college for the training of fire department officers;
- (b) establish and operate regional fire schools for the training of fire fighters;
- (c) provide travelling instructors for fire fighters,

and the cost thereof is payable out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 169, s. 13.

14. The Lieutenant Governor in Council may make ^{Regulations} regulations,

- (a) prescribing standards for fire apparatus and fire-fighting equipment;
- (b) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 169, s. 14.

