

1950

c 138 Fire Departments Act

Ontario

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Bibliographic Citation

Fire Departments Act, RSO 1950, c 138

Repository Citation

Ontario (1950) "c 138 Fire Departments Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 2, Article 17.

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CHAPTER 138

The Fire Departments Act

1. In this Act,

Interpre-
tation.

- (a) "fire department" means fire department organized under *The Municipal Act* and equipped with one or more motorized fire pumpers meeting the prescribed standards; Rev. Stat., c. 243.
- (b) "Fire Marshal" means Fire Marshal of Ontario;
- (c) "full-time fire fighter" means 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;
- (d) "population" means population ascertained from the last revised assessment roll;
- (e) "prescribed standards" means standards prescribed by the regulations;
- (f) "regulations" means regulations made under this Act;
- (g) "volunteer fire fighter" means person who voluntarily acts as a fire fighter for a nominal consideration or honorarium. 1949, c. 33, 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 are not more than seventy-two hours on the average in any work week.

Other personnel.

(2) Full-time fire fighters assigned to other than fire-fighting duties shall work such hours as may be 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 more than seventy-two hours on the average in any work week.

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 shall prohibit 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.

Recall in emergency.

(7) Notwithstanding this section, in the case of a serious emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his

discretion may recall to duty the full-time fire fighters who are not on duty. 1949, c. 33, s. 2.

3. No deduction shall be made from the pay or the holidays of the full-time fire fighters by reason of this Act. 1949, c. 33, s. 3. Act not to affect salaries or holidays of employees.

4.—(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration, pensions or working conditions of the full-time fire fighters other than the chief of the fire department. 1949, c. 33, s. 4 (1); 1950, c. 21, s. 1 (1). Bargaining.

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

(3) In every case the members of the bargaining committee shall be full-time fire fighters, but where not less than fifty 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. 1949, c. 33, s. 4 (2, 3).

(4) 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 Department of Municipal Affairs which may determine the maximum pension benefits which may be included in any agreement, decision or award with respect to such pension plan. 1950, c. 21, s. 1 (2). Pension plans under Rev. Stat., c. 243.

5.—(1) Where, after bargaining under section 4, 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.

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 a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney-General may, upon the written request of the other party, appoint a member in lieu thereof.

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 Attorney-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.

Decision.

(4) 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.

Costs.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1949, c. 33, s. 5.

Effect of
agreement
or award.

6.—(1) Every agreement made under section 4 and every decision or award of a majority of the members of the board of arbitration under section 5 shall be binding upon the council of the municipality and the full-time fire fighters. 1949, c. 33, s. 6 (1).

Duration of
agreements,
etc.

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

New agree-
ments, etc.

(3) Either party to collective bargaining which has resulted in an agreement, decision or award may proceed under sections 4 and 5 at any time for a new agreement, decision or award. 1950, c. 21, s. 2.

Agreement,
decision or
award,
when to
have effect.

7.—(1) An agreement, decision or award shall have 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.

(2) Where, pursuant to subsection 1, another day is named ^{idem.} in an agreement, decision or award, as the day upon which the agreement, decision or award shall 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 shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period. 1949, c. 33, s. 7.

8. Where a request in writing is made under subsection 1 ^{payment of expenditures.} of section 4 after the 30th day of November in any year and before the 1st day of December in the year next following 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 last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. 1949, c. 33, s. 8 (1).

9. This Act shall have effect notwithstanding any by-law ^{Act to prevail over municipal by-laws.} or regulation of a municipality relating to the fire department. 1949, c. 33, s. 9.

10. Every person who requires or requests a full-time fire ^{Offence.} fighter to be on duty in violation of this Act shall be guilty of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100. 1949, c. 33, s. 10.

PART II

11.—(1) The Treasurer of Ontario may make an annual ^{Grants in aid.} grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the cost of the fire department for the year preceding the year in which the grant is made,

- (a) where the population of the municipality is less than 10,000, twenty-five per cent;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per cent;

(c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per cent; and

(d) where the population of the municipality is 70,000 or more, ten per cent.

Fire areas in townshps.

(2) Where there is one or more fire areas within a township; the population of the fire area or areas shall be deemed to be the population of the municipality for the purposes of this section. 1949, c. 33, s. 11.

Cost, how determined.

12.—(1) For the purposes of this Part the cost of the fire department shall be the total of the amounts paid during the year by the municipality in respect of,

- (a) the services of full-time and volunteer fire fighters;
- (b) uniforms, clothing allowances and personal equipment for full-time and volunteer fire fighters;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for full-time fire fighters;
- (g) membership in and expenses of representatives attending meetings of associations of fire marshals, fire chiefs or fire fighters or any fire college or fire school established under this Act;
- (h) fire apparatus and fire-fighting equipment meeting the prescribed standards and fire alarm and communication systems and equipment and the normal operation, maintenance and repair thereof;
- (i) the normal operation and maintenance of premises or portions thereof used for fire department purposes; and
- (j) such matters and things as the Lieutenant-Governor in Council may prescribe. 1949, c. 33, s. 12 (1); 1950, c. 21, s. 4.

Rev. Stat., c. 430.

(2) Where payment of any portion of the cost of the fire department has been deferred to any subsequent year or where the money required to pay any portion of the cost of the fire department has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid.

Interpretation of "paid".

(3) Where any municipality has an agreement under *The Municipal Act* for fire protection services to be furnished to it by any other municipality,

Fire protection agreements. Rev. Stat., c. 243.

- (a) it shall be deemed to have a fire department, and the payments made during the year under such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality or fire area or areas therein receiving the fire protection services; and
- (c) the municipality receiving payment for fire protection services furnished shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part. 1949, c. 33, s. 12 (2, 3).

13. No grant under section 11 shall be made,

Conditions precedent to grants.

- (a) unless all full-time and volunteer fire fighters are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) where the municipality is in default under Part I or under any agreement, decision or award made under the collective bargaining provisions of Part I; and
- (c) in the case of a municipality employing any full-time fire fighters, unless there is in force for the full-time fire fighters a pension plan established under any Act under which the municipality contributes an amount that is not less than five per cent of the salaries of the members participating in the plan. 1949, c. 33, s. 13 (1); 1950, c. 21, s. 5.

Rev. Stat., c. 430.

14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Department

Claims for grants.

of Municipal Affairs a statement in the form furnished by the Department showing,

- (a) that the requirements of section 13 have been met; and
- (b) the cost of the fire department for the preceding year together with such particulars thereof as the Department may request.

Certification of statement.

(2) The Department of Municipal Affairs shall examine the statement and if it is satisfied as to the correctness thereof it shall so certify to the Treasurer of Ontario. 1950, c. 21, s. 6, *part*.

Fire pumper grants.

15.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per cent of the purchase price of such pumper.

Statement of purchase.

(2) The treasurer of the municipality shall send a statement of such purchase to the Fire Marshal in the form furnished by him.

Certification of statement.

(3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Department of Municipal Affairs.

Idem.

(4) If the Department of Municipal Affairs is satisfied as to the correctness thereof, it shall so certify to the Treasurer of Ontario. 1950, c. 21, s. 6, *part*.

Reference to Ontario Municipal Board, fire department costs;

16.—(1) Where the Department of Municipal Affairs notifies the treasurer of the municipality that it is not satisfied as to the correctness of the statement mentioned in section 14, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Department.

fire apparatus.

(2) Where the certificate of the Fire Marshal is required as to whether fire apparatus or fire-fighting equipment has met the prescribed standards, the council of the municipality, within fourteen days of the receipt by the treasurer of the municipality of notice of the certificate of the Fire Marshal,

if it is not satisfied with such certificate it may refer any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal. 1950, c. 21, s. 6, *part.*

17. 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 shall be payable out of such moneys as may be appropriated by the Legislature for the purpose. 1949, c. 33, s. 17.

18. The Lieutenant-Governor in Council may make Regulations, regulations,

- (a) prescribing standards for fire apparatus and fire-fighting equipment;
 - (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1949, c. 33, s. 18.
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