1972

c 103 The Police Amendment Act, 1972

Ontario
CHAPTER 103

An Act to amend The Police Act

Assented to June 30th, 1972
Session Prorogued December 15th, 1972

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 1 of The Police Act, being chapter 351 of the
amended Revised Statutes of Ontario, 1970, as amended by the Statutes
of Ontario, 1972, chapter 1, section 97, is further amended by
relettering clause a as clause aa and by adding thereto the
following clause:

(a) "Arbitration Commission" means the Ontario Police
Arbitration Commission established under section 39.

2. Sections 29 and 30, sections 31 and 32 as amended by
the Statutes of Ontario, 1972, chapter 1, section 97, sections
33 and 34, and section 35 as amended by the Statutes of
Ontario, 1972, chapter 1, section 97, of the said Act are
repealed and the following substituted therefor:

29.—(1) A majority of the members of the police force
may, where no agreement exists or at any time after
ninety days before an agreement would expire but
for section 36, give notice in writing to the council
of the municipality or, where there is a board, the
board, of its desire to bargain with a view to making
an agreement or to the renewal, with or without
modifications, of the agreement then in operation or
to the making of a new agreement.

(2) Where notice has been given under subsection 1, the council
of the municipality or, where there is a
board, shall meet with a bargaining com-
mittee of the members of the police force within
fifteen days from the giving of the notice or within
such further period as the parties agree upon and the
parties shall bargain in good faith and make every
reasonable effort to come to an agreement for the
purpose of making an agreement in writing defining,
determining and providing for remuneration, pen-
sions, sick leave credit gratuities, grievance pro-
cedures or working conditions of the members of the
police force, other than the chief of police and any
deputy chief of police, except such working con-
ditions as are governed by a regulation made by the
Lieutenant Governor in Council under this Act.

(3) Where not less than 50 per cent of the members of the
police force belong to an association, any notice under
subsection 1 shall be given by the association.

(4) In every case under this section, the members of a
bargaining committee shall be members of the police
force, but, where,

(a) the association is affiliated with a police organ-
ization; or

(b) not less than 50 per cent of the members of the
police force belong to a police organization,
at all meetings of the parties held for the purpose of
bargaining, the bargaining committee may be accom-
panied by one member of such organization who is
actively engaged in the occupation of a police officer
and who shall attend in an advisory capacity only.

(5) In addition to the person mentioned in subsection 4,
a bargaining committee may be accompanied by
one legal counsel and one other adviser and the
council or the board, as the case may be, or bargaining
committee thereof, may be accompanied by one legal
counsel and one other adviser.

(6) The council or, where there is a board, the board may
designate one or more of its members as a bargaining
committee to bargain on its behalf.

(7) Where a notice under subsection 1 involves pensions
under a pension plan established or to be established
under The Municipal Act, the notice shall also be
given to the Ministry of Treasury, Economics and
Intergovernmental Affairs, which may determine
the maximum pension benefits that may be included
in any agreement or award with respect to such
pension plan.

30.—(1) In this section, "senior officer" means a member
of a police force of the rank of inspector or higher or
a civilian employee employed in a supervisory or
confidential capacity, but does not include a chief of police or deputy chief of police.

(2) Where not fewer than 50 per cent of the senior officers of a police force are members of an association composed only of senior officers, sections 29, 31 and 32 apply to the senior officers of the police force and to the association in the same manner as to the members of the police force and their association and the senior officers shall not be included as members of the police force for the purposes of bargaining, conciliation and arbitration.

31.—(1) Where notice has been given under subsection Conciliation officer of section 29, the Solicitor General, upon the request of either party, may appoint a conciliation officer.

(2) The conciliation officer shall confer with the parties Duties and endeavour to effect an agreement and he shall, within fourteen days from his appointment, report the result of his endeavour to the Solicitor General.

(3) The period mentioned in subsection 2 may be extended by agreement of the parties or by the Solicitor General upon the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended.

(4) Where the conciliation officer reports to the Solicitor General that the differences between the parties concerning the terms of an agreement have been settled or that an agreement cannot be reached, the Solicitor General shall forthwith by notice in writing inform the parties of the report.

(5) Where the appointment of a conciliation officer has been requested under subsection 1, neither party shall give notice pursuant to section 32 requiring all matters in dispute to be referred to an arbitrator, until the Solicitor General has informed the parties of the report of the conciliation officer in accordance with subsection 4 or of his determination that a conciliation officer should not be appointed.

32.—(1) Where after bargaining under section 29, the council of the municipality or, where there is a board, the board, or the members of the police force or, where there is a bargaining committee, the bargaining committee is satisfied that an agreement cannot be
reached, it may by notice in writing to the Solicitor General and to the other party require all matters in dispute to be referred to an arbitrator designated by the Solicitor General.

(2) The arbitrator shall commence the arbitration proceedings within thirty days after he is designated and shall deliver the decision or award within sixty days after the commencement of the arbitration proceedings.

(3) Where a board or a bargaining committee of the board is a party to proceedings before an arbitrator, the council may, when authorized by resolution thereof, make or have made on its behalf representations before the arbitrator.

(4) The Arbitration Commission shall pay the fees of the arbitrator and each party to the arbitration shall bear its own costs incurred in the proceedings except for those costs and expenses of the arbitration for matters shared in common, which shall be borne equally by the parties.

(5) The Arbitrations Act does not apply to an arbitration under this section.

33.—(1) Where,

(a) a difference arises between the parties relating to the interpretation, application or administration of an agreement made under section 29, 30 or 31, or of a decision or award of an arbitrator made under section 32; or

(b) an allegation is made that the agreement or award has been violated,

either of the parties may, notwithstanding any grievance or arbitration procedure established by the agreement, notify the other party in writing of its desire to submit the difference or allegation to an arbitrator 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 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.
(2) Each party to an arbitration under subsection 1 shall share equally the cost of the arbitration proceedings and the cost of the arbitrator.

(3) The arbitrator may, and, at the request of either of the parties, shall, after the expiration of thirty days from the date of the delivery of the decision, or of the date provided in the decision for compliance, whichever is the 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.

34. Any period mentioned in section 29, 31, 32 or 33 may be extended by agreement of the parties.

3. Subsection 1 of section 36 of the said Act is repealed and the following substituted therefor:

(1) Every agreement made under section 29 or 30 and every decision or award of an arbitrator is binding upon the council of the municipality, the board, where there is a board, and the members of the police force, other than the chief of police and any deputy chief of police.

4. Section 39 of the said Act is repealed and the following substituted therefor:

39.—(1) There shall be a commission to be known as the Ontario Police Arbitration Commission consisting of five members appointed by the Lieutenant Governor in Council, of whom one shall be designated as chairman to hold office during the pleasure of the Lieutenant Governor in Council.

(2) Two members of the Arbitration Commission, other than the chairman, shall be representative of police governing bodies and two members, other than the chairman, shall be representative of members of police forces.

(3) The first appointments of representatives of police governing bodies and members of police forces shall be for terms of one and two years in each case and thereafter for terms of two years, and representatives are eligible for reappointment.
(4) There shall be a full-time arbitrator on the staff of the Arbitration Commission who shall be appointed by the Solicitor General upon the recommendation of the Arbitration Commission.

(5) Such other officers and employees as are considered necessary shall be appointed to the staff of the Arbitration Commission under The Public Service Act.

(6) The duties and functions of the Arbitration Commission are to,

(a) maintain a register of arbitrators available for designation by the Solicitor General under this Act;

(b) assist arbitrators by making the administrative arrangements required for the conduct of arbitrations;

(c) sponsor the publication and distribution of information in respect of arbitration processes and awards;

(d) sponsor research in respect of arbitration processes and awards;

(e) fix the fees of arbitrators for the purposes of section 33 and determine the amount that shall be deemed to be the fees of the full-time arbitrator on the staff of the Arbitration Commission where he acts under the said section, which amount shall be paid to the Arbitration Commission.

39a.-(1) Where a council or board enters into an agreement in respect of matters referred to in subsection 2 of section 29, the council or board shall file a copy of the agreement with the Arbitration Commission.

(2) An arbitrator who makes an award or decision under section 32 or 33 shall file a copy of the award with the Arbitration Commission.

39b. Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations,

(a) governing the conduct of arbitration proceedings and prescribing procedures therefor;
(b) prescribing forms and providing for their use.

5. This Act does not apply in respect of bargaining in respect of which notice has been given before this Act comes into force, or in respect of arbitration resulting therefrom.

6. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

7. This Act may be cited as The Police Amendment Act, 1972. Short title