

Report to / Rapport au:

**OTTAWA POLICE SERVICE BOARD
LA COMMISSION DE SERVICE DE POLICE D'OTTAWA**

28 October 2024 / 28 octobre 2024

Submitted by / Soumis par:

**Acting Executive Director, Ottawa Police Service Board / Directeur exécutif par
intérim, Commission de service de police d'Ottawa**

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**SUBJECT: REVIEW OF BOARD POLICY BC-4 RESTRICTION ON MEMBERSHIP
IN POLICE ASSOCIATION**

**OBJET: EXAMEN DE LA POLITIQUE DE LA COMMISSION BC-4
RESTRICTION DE L'ADHÉSION À UNE ASSOCIATION DE POLICIERS**

REPORT RECOMMENDATIONS

**That the Ottawa Police Service Board approve the amended policy attached with
this report, as recommended by the Board's Human Resources Committee.**

RECOMMANDATIONS DU RAPPORT

**Que la Commission de service de police d'Ottawa approuve la politique jointe au
présent rapport, tel que recommandé par le Comité des ressources humaines de la
Commission.**

BACKGROUND

The *Community Safety and Policing Act* (CSPA) came into force on April 1, 2024. section 220 of the Act excludes four positions from membership in a police association if their position is likely to give rise to a conflict of interest in engaging in or assisting with collective bargaining:

- The chief financial officer;
- The chief administrative officer;

- The chief human resources executive; and
- The general counsel.

On March 25, 2024, the Ottawa Police Service Board (the “Board”) adopted Policy Number BC-4 – Restriction on Membership in Police Association (the “Policy”). The Policy governs the exclusions of the designated positions from membership in a police association and has yet to be implemented.

At its August 8, 2024 meeting the Board’s Human Resources Committee considered the implementation of section 220 and directed the Acting Executive Director to draft a report recommending that (i) Policy No. BC-4 be amended to reflect the current wording of section 220 of the CSPA; and, (ii) the CAO, CFO, and CHRO be designated as ex officio members of the bargaining committee and that their respective roles and responsibilities in bargaining processes be clearly defined, and that they be formally excluded from membership in a police association and coverage under a collective agreement.

DISCUSSION

The proposed policy reflects the recommendations made by the Human Resources Committee at its August 8, 2024 meeting..

Amendment of section 220

In Policy BC-4, the criterion for excluding an individual from membership in a police association is inconsistent with current section 220 wording.

Paragraph 1 of the Policy states:

“The following individuals shall not become or remain a member of a police association if his or her position would likely give rise to a conflict of interest in respect of labour relations matters” [Emphasis added]

While this was consistent with the original wording of section 220 of the CSPA, the scope of the exclusion is narrower in the current version of the Act:

“A member of a police service described in subsection (1) shall not become or remain a member of a police association if his or her position would likely give rise to a conflict of interest in engaging or assisting with collective bargaining.”
[Emphasis added]

It is recommended that Policy BC-4 be amended to align with the current version of section 220.

Exclusion of designated individuals

Section 220 excludes individuals occupying certain roles from membership in a police association if they are in a position that is likely to give rise to a conflict of interest in engaging in or assisting with collective bargaining. The Human Resources Committee has determined that the Chief Administrative Officer, Chief Financial Officer, and Chief Human Resources Officer positions are critical to the Board's bargaining efforts. These individuals are required to handle and be exposed to confidential labour relations materials and provide sensitive labour relations information, analysis and input into the Board's collective bargaining strategies. The proposed policy would exclude these individuals from membership in a police association to ensure that the Board's strategies and communications are handled by individuals with undivided loyalty and that confidential labour relations information is managed appropriately.

This exclusion also applies to coverage under any collective bargaining agreement. This is aligned with the Board's objective of ensuring that those involved in bargaining remain impartial and unaffected by the outcome of collective agreements.

The Service's general counsel is not expected to play an active role in collective bargaining negotiations, but this determination should be made carefully as they might play a role in subsequent interest arbitrations which may be viewed as an extension or part of the overall bargaining process. The revised policy would not exclude this individual automatically but confirms the Board's ability to mobilize the general counsel to assist in collective bargaining and provides the Board with the option to exclude them from membership in a police association.

In consultation with the Chief of Police, the Board would establish written terms and conditions of employment for all members excluded from membership in a police association.

CONSULTATION

This policy was developed with input from external legal counsel and from the Human Resources Committee.

The Senior Officers' Association (SOA) was invited to make a written submission to the Human Resources Committee with regard to the implementation of s. 220, and then to the Board. The SOA declined to provide a written submission, urging the Board to abstain from considering this matter.

FINANCIAL IMPLICATIONS

N/A

SUPPORTING DOCUMENTATION

Document 1: Board Policy BC-4 Restriction on Membership in Police Association, *no tracked changes*

Document 2: Board Policy BC-4 Restriction on Membership in Police Association, *tracked changes*

CONCLUSION

The Board is being asked to approve the updated Policy BC-4 Restriction on Membership in Police Association.