

Table BC:4 – Policy Number BC:4– Restriction on Membership in Police Association

<b>BC:4 RESTRICTION ON MEMBERSHIP IN POLICE ASSOCIATION</b>	
LEGISLATIVE REFERENCE / AUTHORITY	<i>Community Safety and Policing Act, 2019, section 220-222</i>
DATE APPROVED	25 March 2024
DATE REVIEWED	N/A
DATES AMENDED	N/A
DATE TO BE REVIEWED	2027
REPORTING REQUIREMENT	N/A

**LEGISLATIVE REFERENCE / AUTHORITY**

Section 220 of the *Community Safety and Police Act, 2019*, restricts membership in police associations by outlining positions which are excluded.

Section 222 of the *Community Safety and Police Act, 2019*, addresses how related disputes shall be handled.

**BOARD POLICY**

Certain members of the police service are prohibited from becoming or remaining members of a police association pursuant to the *Community Safety and Policing Act, 2019*.

This exclusion is meant to address the inherent conflict of interest in the obligation of these members to assist the Board in labour relations matters, particularly collective bargaining, where the police associations are the opposite parties.

1. **Not members.** 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 engaging or assisting with collective bargaining:
  - (a) The chief financial officer, however that person is described;
  - (b) The chief administrative officer, however that person is described;

(c) The chief human resources executive, however that person is described; and

(d) The general counsel, however that person is described.

2. **Ex officio assistance with collective bargaining.** The individuals in positions (a) to (c) shall, by virtue of their office, assist the Board in collective bargaining and shall serve as members of the Board's bargaining committee.

To prevent conflicts of interest and ensure undivided loyalty to the Board throughout the collective bargaining process, these individuals are excluded from membership in a police association and from coverage under any bargaining agreement.

3. **Role of general counsel.** While the general counsel is not automatically required to participate in collective bargaining, the Board reserves the right to call upon their assistance as needed. Should the general counsel be required to assist in bargaining, they shall be excluded from membership in a police association and from coverage under any collective bargaining agreement.

4. **Temporary Acting Assignments.** Individuals temporarily acting in any of the positions listed in paragraph 1 shall be subject to the same exclusions from police association membership and coverage under collective bargaining agreements for the duration of their acting assignment, where the nature of the assignment would give rise to a conflict of interest in respect of labour relations matters.

The Chief of Police shall provide notice to the Board when an individual is temporarily assigned to one of these positions.

The Board may exercise discretion in determining whether the temporary assignment necessitates exclusion, considering the scope and duration of the acting assignment.

5. **Terms and conditions of employment.** The Board will establish written terms and conditions of employment with any member captured in paragraph 1. The Board will consult with the Chief of Police with respect to establishing terms and conditions of employment.

The members captured in paragraph 1 are members of the service who are under the direction of the Chief of Police, although they are appointed by the Board. The recruitment of any new member who would be captured in paragraph 1 remains the responsibility of the Chief of Police.

Prior to an offer of employment being made to a person (or an existing member currently in another role) who would be captured in paragraph 1, the Chief of Police will notify the Board of the proposed hiring and the Board will establish the terms and conditions of employment, in consultation with the Chief of Police.

Under no circumstances will a person (or an existing member currently in another role) who would be captured in paragraph 1 commence employment in their role prior to the Board approving their appointment and the person having a written agreement with the Board regarding the terms and conditions of their employment.

**6. Dispute resolution.**

- (a) The following disputes shall be referred to arbitration:
  - (i) As to whether a person is subject to Part XIII of the *Community Safety and Policing Act, 2019* by virtue of being a member of a police service who is an employee of a police service board.
  - (ii) As to whether a person is a senior officer.
  - (iii) As to whether a person is prohibited from being a member of a police association as a result of section 220 of the *Community Safety and Policing Act, 2019*.
- (b) The parties to the arbitration include the police service board and any affected police associations.