

Report to / Rapport au:

Policy and Governance Committee
Comité des politiques et de la gouvernance

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Submitted by / Soumis par:
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SUBJECT: NEW BOARD POLICY – DISCONNECTING FROM WORK

**OBJET: NOUVELLE POLITIQUE DE LA COMMISSION – SE DÉCONNECTER
DU TRAVAIL**

REPORT RECOMMENDATIONS

That the Policy and Governance Committee recommend that the Ottawa Police Services Board approve the new proposed Board Policy, “Disconnecting from Work”, attached to this report.

RECOMMANDATIONS DU RAPPORT

Que le Comité des politiques et de la gouvernance recommande à la Commission de services policiers d'Ottawa d'approuver la nouvelle proposition de Politique de la Commission, intitulée Se déconnecter du travail.

BACKGROUND

On October 25, 2021, the Ontario Government introduced Bill 27, the Working for Workers Act, 2021 (the “Act”), in the Ontario Legislature. The Act subsequently received Royal Assent and came into force on December 2, 2021. The purpose of the Act was to

introduce new employee protections and improvements to employee experiences, through changes to various pieces of employment-related legislation.

Among these changes, the Act made significant amendments to the Employment Standards Act, 2000 (the “ESA”), including the introduction of a new requirement for employers in Ontario with 25 or more employees to have a written policy on disconnecting from work for all employees covered by the ESA. The intention behind this amendment is to help protect employee mental health and family time.

The amended ESA provides for a transition period of six months from the date the Act received Royal Assent for employers to comply with the relevant requirements regarding the written policy on disconnecting from work, meaning that employers are required to have a compliant policy in place by June 2, 2022.

As the Board is the statutory employer of all Members of the Ottawa Police Service and Board Staff, including those to whom the ESA generally applies, the proposed Disconnecting from Work Policy, seeks to ensure that the Board complies with its statutory obligations under the ESA. The proposed Policy also demonstrates the Board’s commitment to the health and wellbeing of its members through its support of disconnecting from work where appropriate

DISCUSSION

Context for the new legislative requirement that the Board have a Policy

With advancements in communication technology, the labour market has shifted to create the expectation that employees are reachable at any hour of the day. Maintaining a proper work-life balance has been a challenge for many people and the ongoing pandemic amplified the seriousness of this issue. The rise of remote and hybrid working models resulted in the removal of physical separation between work and home, blurring the lines separating work from personal time. This problem can further be compounded by supervisors who expect answers to work-related questions at all times of the day.

Research and alignment with best practice

The proposed Disconnecting from Work Policy has been adopted in part from the Toronto Police Services Board which created their policy in alignment with Human Resources Professional Association (HRPA) recommendations and in consultation with Hicks Morley Hamilton Stewart Storie LLP. The policy is similar to others in the public sector.

The proposed policy also includes input from Policy and Labour Relations staff at the Ottawa Police Service in order to ensure alignment with the Service's policy, which is currently being finalized.

Policy approach, scope, and ESA compliance

The employment relationship between the Board and Members of the Service is governed by a constellation of statutes, regulations, collective agreements, procedures, and practices.

In particular, the unique rights, responsibilities, and obligations of police officers employed by the Board, as recognized in the Police Services Act and reflected through the general non-application of the ESA, guided a balanced policy approach which recognizes the importance of Member wellbeing and work-life integration in the context of the individual roles and responsibilities of uniform and civilian Members of the Service.

The proposed Policy, therefore, applies exclusively to civilian Members of the Service and Board Staff in disconnecting from work outside of their normal working hours, where appropriate.

The purpose of the Policy is to set out the parameters of disconnecting from work for civilian Members and Board Staff in accordance with the ESA, the collective agreements in force between the Board and the Ottawa Police Association (OPA) and Senior Officers' Association (SOA) and any other terms and conditions of employment with the Board.

Overarching general principles

The Policy aligns with the Board and the Service's commitment to promoting a culture of wellness, by outlining how the Board, Service and Members will work together to assist Members in disconnecting from work outside of their normal working hours, as appropriate. The Policy recognizes that a Member's or Board Staff's ability to disconnect from work depends on the Board's or Service's operational needs and the duties and obligations of the individual's position. Further, the Policy confirms that all Members and Board Staff should recognize that there are situations when it is necessary for them to perform work or communicate with another Member outside of their normal hours of work.

CONSULTATION

Board staff consulted with the Big 12 Police Services Boards. At the time of writing, only the Toronto Police Services Board had confirmed the creation of a draft policy.

Board staff also worked closely with Policy and Labour Relations staff at the Ottawa Police Service in order to ensure alignment with the Service's policy.

FINANCIAL IMPLICATIONS

There are no financial implications related to the recommendations contained within this report.

SUPPORTING DOCUMENTATION

Document 1 - Draft Policy CR-19: Disconnecting from Work

CONCLUSION

The proposed Policy was adopted in part from the Toronto Police Services Board (TPSB), with input from Policy and Labour Relations staff at the Ottawa Police Service.

In order to ensure that the Board has a Policy in place regarding disconnecting from work before June 2, 2022, in compliance with the amended ESA, it is recommended that the Policy and Governance Committee recommend that the Board approve the proposed Policy, attached as Document 1, at its next regular meeting on May 30, 2022.

Document 1**CR-19 Disconnecting from Work**

LEGISLATIVE REFERENCE / AUTHORITY	<i>Police Services Act, R.S.O. 1990, c.P.15, as amended, s. 31(1)(c).</i> <i>Employment Standards Act, 2000, S.O. 2000, c. 41, Part VII.0.1</i>
DATE APPROVED	
DATE REVIEWED	
DATES AMENDED	
DATE TO BE REVIEWED	
REPORTING REQUIREMENT	Annual compliance reporting

LEGISLATIVE REFERENCE / AUTHORITY

The following is the policy of the Ottawa Police Services Board with respect to *Employment Standards Act, 2000* (the “ESA”), specifically Bill 27, the *Working for Workers Act, 2021* (the “Act”). This *Act* introduced a new requirement for employers in Ontario to have a written policy on disconnecting from work for all employees covered by the ESA.

This Policy supports civilian Members of the Ottawa Police Service (the “Service”) and Board Staff (collectively, “Member” or “Members”) in disconnecting from work outside of their normal working hours where appropriate. In recognition of the distinct statutory and common law duties of Police Officers employed by the Board, this Policy applies only to civilian Members to whom Part VII.0.1 of the *Employment Standards Act, 2000* (the “ESA”) applies.

DEFINITIONS

For the purpose of this Policy, the following definitions apply:

Standard Hours of Work: The schedule or start and end time for a unit/division as set by senior management, based on operational requirements and in accordance with a

member's terms and conditions of employment, applicable collective agreements and/or their minimum statutory entitlements under the ESA.

Disconnecting from Work: Not engaging in work-related communications, including emails, telephone calls, video calls or the sending or reviewing of other messages, so as to be free from the performance of work.

GUIDING PRINCIPLES

The Board commits to promote and support efforts to maintain the health and wellbeing of Members through the provision of relevant programs, information and/or training with respect to Disconnecting from Work when appropriate.

A Member's ability to disconnect from work depends on the Board's or Service's operational needs, and the Board's legal responsibility for the provision of adequate and effective policing, as well as the duties and obligations of a Member's position, subject to the terms and conditions of the Member's employment with the Board, applicable collective agreements, and/or their minimum statutory entitlements under the ESA.

This Policy does not preclude any Member from contacting another Member outside of what may be considered normal working hours or standard business hours, subject to any rights or entitlements the receiving Member may have under the terms and conditions of their employment, applicable collective agreements, and/or their minimum statutory entitlements under the ESA. The Board recognizes that there are situations when it is necessary for Members to perform work or communicate with another Member outside of their Standard Hours of Work.

Members are expected to:

- Take all reasonable steps to ensure that they effectively manage their work and work-related communications during their Standard Hours of Work;
- Fully cooperate with any time recording methods which the Service uses to track hours of work;
- Be mindful of other Members' Standard Hours of Work by not routinely expecting work-related contact outside of hours of work; and,
- Notify their direct supervisor or another supervisor if they feel undue pressure to work or respond to work-related communications outside of their normal working hours, or if they are otherwise unable to comply with this Policy.

This Policy does not afford Members a "right to disconnect" or a "greater right or benefit" beyond what is contained within the terms and conditions of their employment,

applicable collective agreements, and/or their minimum statutory entitlements under the ESA.

The Board, Service and Service Members will work together to assist Members in disconnecting from work outside of their Standard Hours of Work as appropriate and in accordance with this Policy.

POLICY OF THE BOARD

Enabling Disconnecting from Work

It is, therefore, the policy of the Board that the Chief of Police, in regards to Service Members, will:

1. Develop a Service Policy about disconnecting from work in accordance with Part VII.0.1 of the *ESA, as amended by the Working for Workers Act, 2021*.
2. Ensure that Management:
 - a. Take all reasonable steps to assist Service Members under their management to disconnect from work outside of their normal hours of work where appropriate in the circumstances and in accordance with applicable policies; and
 - b. Reasonably attempt to resolve any Member concerns about this Policy.

Communication of Policy and Related Information

3. Ensure that:
 - a. All new Members are provided with a copy of this Policy within 30 days of a Member's hire date;
 - b. All existing Members are provided with a copy of this Policy, and any amended versions of this Policy, within 30 days of approval or amendment; and,
 - c. All Members are provided with information regarding their Standard Hours of Work given the nature of their work, and any other information required to assist Members with complying with this Policy.

In regards to Board Staff, the Board's Executive Director will be responsible for ensuring Board Staff are able to disconnect from the workplace at appropriate times in accordance with this Policy.

MONITORING REQUIREMENTS:

The Chief of Police shall ensure measures are in place to ensure compliance with this Policy.