

**MEETING: THE TWENTY-FIRST MEETING OF THE FIFTY-FOURTH THUNDER BAY
POLICE SERVICES BOARD (SPECIAL CLOSED SESSION)**

DATE: NOVEMBER 7, 2023

TIME: 4:03 P.M.

PLACE: VIRTUAL VIA ZOOM

CHAIR: MS. K. MACHADO

PRESENT:

Mr. W. Bahlieda
Councillor K. Etrene
Ms. K. Machado
Mr. M. Mercer

REGRETS:

Mayor K. Boshcoff
Ms. D. Baxter

OFFICIALS:

Mr. D. Fleury, Chief of Police
Mr. J. Hannam, Secretary – Thunder Bay Police
Services Board
Ms. L. Douglas, Assistant to the Secretary - Thunder
Bay Police Services Board

ATTENDING BY ZOOM:

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP
Mr. M. Van Ginkel, Filion Wakely Thorup Angeletti
LLP

1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

MOVED BY: Councillor K. Etrene
SECONDED BY: Mr. W. Bahlieda

With respect to the Twenty-First Session (Special Closed) of the Fifty-Fourth Thunder Bay Police Services Board held on November 7, 2023, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. ORGANIZATION AND PERSONNEL

a) Firth Grievance

On November 7, 2023, prior to the Special Closed Session, a draft Memorandum of Settlement was circulated to Members of the Police Services Board, for their consideration.

Discussion was held relative to settlement of the Firth grievance prior to the matter proceeding to a Workplace Safety and Insurance Appeals Tribunal (WSIAT) hearing. The grievance is heading to

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arbitration, and there is also an appeal scheduled at the WSIAT on December 13, 2023.

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided a comprehensive overview relative to the above noted grievance, and was seeking direction on a possible settlement.

Mr. Firth started with the Service in 2010. He went off active duty in 2015 and has not been actively working since then. The Service has made several accommodation efforts to find suitable employment for him.

Workers Compensation has determined that he is entitled to full benefits for a psychological impairment since 2018. After an appeal, Mr. Firth was also granted full loss of earnings benefits to age 65.

Mr. Jarvis provided an overview of grievance the Association filed related to the way Mr. Firth alleged lack of workplace accommodation, as well as alleged harassment. This grievance has gone to conciliation.

Mr. Firth has also filed a Human Rights application, relative to the grievance filed. Neither have advanced over the last 7 years.

A 2nd grievance was filed in October 2020, which alleges that Mr. Firth has not been paid the proper after tax net pay since October 2015. That grievance was also sent to arbitration, and did go to a hearing in October 6, 2023.

An overview of the amounts currently owing to Mr. Firth from the Police Service was provided by Mr. Jarvis, with about \$1,700 being added to the current amount owing every two weeks. Mr. Firth needs to be properly topped up. It was noted that the Board will have to continue to top him up another 12 or 13 years until he reaches age 65, with benefit costs until then and then retiree benefits until potentially age 75.

The Service is prepared to offer him about \$85,000. The Association was tentatively in agreement to give him a lump sum payout of \$41,000 without deductions.

After the October 6, 2023 mediation, the Association's counsel sent a revised draft to Mr. Jarvis, whereby \$41,000 became \$52,000 in general damages and \$32,723.76 for legal costs and investigation services.

Mr. Jarvis recommended that the Board offer \$41,000 or 6 months in pay to bring the employment to an end, and that the WSIAT appeal be withdrawn.

A brief discussion followed about the recommendation and other accommodations. It was noted that current rulings are based on Mr. Firth's psychological impairment. He cannot do any work with any employer because of this impairment.

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MOVED BY: Councillor K. Etrene

SECONDED BY: Mr. W. Bahlieda

With respect to the grievance on behalf of Jason Firth and the WSIAT appeal filed by the Board, we recommend that Thunder Bay Police Services Board authorize an offer of settlement of all matters in an amount no greater than \$85,000;

AND THAT, in exchange for the settlement amount, Jason Firth's employment be terminated and all proceedings against the Board and the Thunder Bay Police Service be withdrawn;

AND THAT the Chair and Secretary be authorized to execute any memorandum of settlement consistent with these conditions.

CARRIED

b) Allison Scott

Further to discussion with Colin Woods, President of the Police Association, Chief D. Fleury and Mr. D. Jarvis provided an overview of the Allison Scott matter.

The Association has been advised that Ms. Scott will not be reinstated as a communication operator. As a result, the Association has applied to OPAC, and they are looking at dates in December 2023 and January 2024.

Mr. Jarvis provided an overview of Ms. Scott's involvement with the Dimini complaint.

Discussion was held relative to a potential offer. Mr. Jarvis noted that this matter may be going to arbitration in February 2024.

There was no decision or consensus for any amount at this time; Mr. Jarvis to report further to the Board following discussions with Police Association counsel.

At 5:16 p.m., Mr. D. Jarvis, Mr. M. Van Ginkel and Mr. M. Mercer left the meeting.

c) HRTO File No. 2022-49890-I George-Morrison - Mediation

Background Information

A mediation relative to the above noted HRTO file occurred on October 31, 2023. Through discussions between representative legal counsels, an offer of settlement in the amount of \$5,000 is recommended to the Board.

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Copies of draft proposed Minutes of Settlement, proposed Appendix “A”, and proposed Appendix “B” – Full and Final Release, between Dawna George-Morrison and the Thunder Bay Police Services Board, were provided for the Board’s information.

Chief of Police D. Fleury provided an overview, seeking support of the Board for a \$5,000.00 settlement.

MOVED BY: Councillor K. Etreni

SECONDED BY: Mr. W. Bahlieda

THAT the Minutes of Settlement, as presented at the November 7, 2023 Special Closed Session of the Board, be approved.

CARRIED

Chief D. Fleury will advise Ms. Walbourne, and Ms. Walbourne will arrange to have Ms. George-Morrison sign the Minutes of Settlement and the Release.

4. NEW BUSINESS - None

5. CONFIRMING BY-LAW

MOVED BY: Councillor K. Etreni

SECONDED BY: Mr. W. Bahlieda

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Chair and Secretary to the Thunder Bay Police Services Board, sealed and numbered:

1. A By-law to confirm the proceedings of a Special Closed Session of The Thunder Bay Police Services Board, this 7th day of November, 2023.

Explanation: Confirmation of the proceedings and each motion, resolution and other action passed or taken by the Thunder Bay Police Services Board at this meeting is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

BY-LAW NUMBER: PC23– 2023

CARRIED

6. ADJOURNMENT

The meeting adjourned at 5:23 p.m.