

**THE THUNDER BAY POLICE SERVICES BOARD
LABOUR RELATIONS COMMITTEE**

DATE: AUGUST 29, 2023

TIME: 5:10 P.M.

PLACE: POLICE HEADQUARTERS – SENIOR OFFICERS BOARDROOM
1200 BALMORAL STREET, THUNDER BAY, ON

VICE CHAIR: MR. J. GILBERT

PRESENT:

Mr. J. Gilbert
Ms. K. Machado
Ms. D. Marsh

OFFICIALS:

Mr. R. Hughes, Deputy Chief of Police
Mr. J. S. Hannam, Secretary - Thunder Bay Police Services
Board
Ms. L. Douglas, Assistant to the Secretary

ATTENDING BY TELECONFERENCE:

Mr. M. Mercer, Administrator
Ms. S. Vita, Human Resources Manager – Thunder Bay
Police Service
Mr. D. Jarvis, 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: Ms. K. Machado

SECONDED BY: Ms. D. Marsh

With respect to the meeting of the Labour Relations Committee being held on August 29, 2023, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES

The Minutes of the meetings of the Labour Relations Committee held on July 21, 2023 and July 25, 2023, to be confirmed.

Mr. J. Gilbert noted two corrections.

MOVED BY: Ms. D. Marsh
SECONDED BY: Ms. K. Machado

THAT the Minutes of the meetings of the Labour Relations Committee held on July 21, 2023 be confirmed, as amended.

CARRIED

MOVED BY: Ms. D. Marsh
SECONDED BY: Ms. K. Machado

THAT the Minutes of the meetings of the Labour Relations Committee held on July 25, 2023 be confirmed, as amended.

CARRIED

4. TERMS OF REFERENCE

At the July 18, 2023 Regular Session of the Thunder Bay Police Services Board, the Terms of Reference for the Labour Relations Committee were presented. The Board requested notification of grievances for their information. Contingent upon the revisions discussed at the meeting, the Terms of Reference were approved as amended.

Memorandum to the Labour Relations Committee from John S. Hannam, Secretary – TBPSB, dated August 25, 2023, was provided for the Committee’s information.

Copies of the Committee’s Terms of Reference, with revisions pursuant to discussions at the July 25, 2023 Committee meeting, were distributed separately with the meeting agenda for the Committee’s information.

Mr. J. Gilbert provided an overview of suggested changes to the Committee’s Terms of Reference, particularly in the areas of Delegation of Authority and the Committee’s Mandate.

A lengthy discussion followed about the suggested changes, as well as on the topic of consensus by the majority of members on the Committee.

An additional change in language was agreed upon, as follows:

On Page 3 of 4 of the Terms of Reference presented at this meeting, under **Delegated Authority & Its Application**, the last sentence will be changed to:

“Should the board members disagree, or if there is a failure to achieve majority support of the Committee on the resolution of any grievance, then that matter will be referred to the Board for its decision.”

MOVED BY: Ms. D. Marsch
SECONDED BY: Ms. K. Machado

THAT the Terms of Reference for the Labour Relations Committee be approved as amended at the August 29, 2023 meeting of the Committee.

CARRIED

5. BARGAINING TEAM COMPOSITION

Mr. Don Jarvis, Filion Wakely Thorup Angeletti LLP, attended via Teams and provided the following information on the Bargaining Team that will represent the Board at the upcoming negotiations.

Members of the Bargaining Team

Based on s34 of the *Police Services Act*, the Board can delegate authority. The Bargaining Team should be comprised of one or more members of the Board. The Board can have legal counsel present at negotiating meetings. The Board can also have at least one advisor (and this could be a member of the Labour Relations Committee). The Chief of Police can participate, or delegate authority to the Deputy Chief of Police or another designate.

Role of Legal Counsel: Mr. Jarvis suggested that the Board should consider having legal counsel at the negotiating table, as the Association will have their legal counsel present. He emphasized the value of having legal counsel participate and what their participation can bring to the bargaining process.

Discussion followed about the 2020 round of bargaining and the problems that arose from those negotiations.

Current High Level Trends: Mr. Jarvis provided an overview of recent arbitration awards in other police services in Ontario, including:

- enhanced benefit coverage for mental health issues/psychological issues & treatment;
- there is a movement towards 100% Employer-paid LTD coverage;
- the level of benefits on LTD has been increasing;
- premium and specialty pay (e.g. civilian experience pay);
- patrol premium pay. It has started to expand from the big 3 services to smaller services; some are being phased in.
- increasing the cap on legal indemnification; and
- wage trends will be a big issue.

Grievance Procedure and Steps:

- Step 1: grievance goes to the supervisor;
- Step 2: the grievance goes to the Chief of Police;
- Step 3, if the Association is not satisfied with the decision of the Chief, the grievance goes to Board.

After Step 3, if the Association is not satisfied with the Board' decision, the grievance can get referred to arbitration. If both parties can agree on an arbitrator; both parties will share the costs.

The TBPA usually apply for conciliation with OPAC (at no cost to the Association). A success or non-success letter is then issued; and the Association can decide if they want to go any further, possibly to arbitration. The Board has no choice in the matter if OPAC picks the arbitrator.

6. STATUS OF GRIEVANCES

Mr. D. Jarvis provided an overview of the current work he is doing on the WSIB – Annual Leave grievance.

Other outstanding grievances include:

- Jason Firth – this case is scheduled for mediation on Friday, October 6, 2023.
- Discharge grievance for Allison Scott. There is no interest by the Association for a buyout, as she wants her job back. She has a clean disciplinary record; she was a part of the Bernardi investigation with Sgt. M. Dimini. There was a finding by Bernardi that she attempted to interfere in the investigation, and tried to influence a witness. There currently is no referral to arbitration.

At 6:48 p.m., Mr. Jarvis left the meeting.

7. CORRESPONDENCE

Correspondence to OAPSB Chairs and Ontario Association Presidents from the Ontario Police Arbitration Commission (OPAC), dated August 11, 2023, was provided for the Committee's information.

Mr. J. Hannam provided an overview relative of the correspondence from OPAC, and noted that they're prepared to come in and help foster better relationships between the two sides. They can facilitate a meeting to establish areas of mutual agreement.

The LRC was asked to consider if they would like to take advantage of this offer. The Committee agreed that this was a positive opportunity and will consider it further as next steps with the Associations are reviewed at the next meeting.

8. COLLECTIVE AGREEMENT ISSUES

Copies of Collective Agreement Issues for the 2023 negotiations, as well as copies of Negotiation Timeframes for other Police Services, were distributed separately at the July 4, 2023 Committee meeting.

Due to time constraints, discussion on the collective agreements was deferred to the next meeting.

9. NEW BUSINESS

There was no New Business presented.

10. NEXT MEETING

The next meeting was scheduled for Tuesday, September 26, 2023 at 5:00 p.m. at Police Headquarters.

11. ADJOURNMENT

The meeting was adjourned at 7:05 p.m.