

Classification **PUBLIC**

Meeting **June 2012**

Agenda Item **Monitoring Report:  
Treatment of Members**



Recommended Motion:

**THAT the Board finds that all provisions of the *Treatment of Members Executive Limitations Policy* have been complied with.**

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I hereby submit my monitoring report on your Executive Limitations Policy “Treatment of Members” according to the schedule set out. I certify that the information contained in this report is true.

I report compliance to all provisions of this policy.

Signed: \_\_\_\_\_  
Chief of Police

Date: \_\_\_\_\_

**Board Policy Statement:**

*With respect to the treatment of paid and auxiliary members of the Durham Regional Police Service, the Chief of Police will not cause or allow conditions that are unfair, undignified, disorganized or unclear.*

*Further, without limiting the scope of the foregoing by the enumeration, the Chief of Police will not:*

*1. Operate without written personnel directives which:*

- a) clarify rules for members;*
- b) provide for effective handling of grievances; and,*
- c) protect against prejudicial or preferential treatment of members including as follows:*
  - i) establish procedures on equal opportunity including, but not restricted to, recruitment, selection, career development, promotion and separation;*
  - ii) establish procedures on responding to and preventing discrimination and harassment in the workplace, including stereotyping;*
  - iii) establish procedures on employment accommodation;*

- iv) *ensure that no sexist, racist or other offensive or derogatory material is displayed in the workplace; and,*
  - v) *ensure that all officers receive training on race relations, diversity and human rights.*
2. *Fail to present for Board consent, with supporting data where warranted, all member hires, separations and Board-level responses to grievances.*
  3. *Fail to acquaint members with the written directives set out above in item 1 of this policy.*
  4. *Allow members to be unprepared to perform their duties effectively and safely in accordance with legislated and/or commonly accepted performance standards.*
  5. *Fail to present, for Board information, disclosures and decisions under section 49 of the Police Services Act (secondary activities).*
  6. *Fail to implement and maintain a performance appraisal system for all members.*
  7. *Fail to establish procedures regarding the legal indemnification of members who are either subject or witness officers, acting in good faith in the performance of their duties, as related to criminal, civil and other tribunals constituted under federal or provincial statute. Such procedures shall:*
    - a) *ensure that legal indemnification procedures and practices are consistent with the Police Services Act, the coverage provided by the Region's insurer, and the legal indemnification provisions of the collective agreements, as each may be amended from time to time;*
    - b) *compel members and administrators to comply with published legal indemnification procedures; and,*
    - c) *ensure that indemnification is not extended to subject officers/members for legal costs arising from:*
      - i) *grievances or complaints either under Collective Agreement;*
      - ii) *the actions or omissions of members acting in their capacity as private citizens;*
      - iii) *proceedings and discipline charges under the Police Services Act and regulations (except where specifically provided for in the Senior Officers' Association Collective Agreement); or,*
      - iv) *criminal charges for which the member is found guilty (which shall be deemed to have occurred where the member is given an absolute or conditional discharge or where, if as a result of charges laid he/she is subsequently found guilty of, or pleads guilty to, other charges arising out of the same incident or incidents).*
  8. *Fail to assess the risk of workplace violence and develop and communicate policies and programs on workplace violence and workplace harassment, as prescribed by law.*
  9. *Fail to ensure measures are in place to address the risk of domestic violence in the workplace.*

### **Interpretation of the Chief of Police:**

It is my interpretation that compliance with the nine policy provision statements fulfills the total requirements of this policy.

Further it is my interpretation for provision:

1. That it applies to the documentation of all policies and procedures relating to race relations, diversity, human rights, career development, and human resource management.
2. That I shall submit for Board approval, information and recommendations about retirements, resignations, terminations, and the engagement of new employees as well as responses to employee grievances that have not been resolved before reaching the Board.
3. That I shall ensure that all members are acquainted with Service policies and procedures relating to race relations, diversity, human rights, career development, and human resource management.
4. That I shall ensure that members are trained, certified, equipped, and supervised to safely perform the duties assigned to them and further that their training, certification, equipment and supervision shall conform to legislation and commonly accepted performance standards.
5. That the Service shall have a system monitoring and reporting information infractions regarding secondary activities of members.
6. That the Service shall have a system for evaluating the performance of all police and civilian employees.
7. That the Service shall have written procedures for granting coverage or reimbursement to members for reasonable legal costs arising out of the performance of their duties subject to the limitations set out in sub-paragraph (c) above. Further, that I shall ensure compliance with these procedures.
8. That the Service shall have written procedures, assessment of risk related to workplace violence and workplace harassment, and communication to members on this. Further, that I shall ensure compliance with these procedures.
9. That the Service shall have written procedures, and ensure that assessment(s) occur and that safety measures are in place to address the risk of domestic violence in the workplace. Further, that I shall ensure compliance with these procedures.

### **Data Support:**

#### **1. PERSONNEL DIRECTIVES**

The Durham Regional Police Service (DRPS) directives are the written orders of the Chief of Police for all members outlining processes, procedures, roles and responsibilities.

#### **Clarifying Rules for Members (Provision 1.a)**

Clear rules governing human resources management have been published in Service Directives, which are available to all members through our intranet. The 217 Service Directives conform to a uniform standard and are in accordance with Adequacy Standards.

Effective Handling of Grievances (Provision 1.b)

Detailed procedures for handling grievances are clearly described in the related directive and collective agreements.

In 2011 the Service received seven new grievances; three of which were policy grievances. Of the seven, six were resolved and one carried into 2012 with conciliation scheduled for July. At the time of this report, there are three other active grievances including one from 2007 for which the arbitrator’s award is pending; one from 2010 which is in the final day of arbitration; and, one policy grievance received early this year. Historical grievance activity is as follows:

Grievance Activity

<b>YEAR</b>	<b>NEW GRIEVANCES</b>
<b>2008</b>	8
<b>2009</b>	14
<b>2010</b>	14
<b>2011</b>	7
<b>2012 (to May 30)</b>	1

Protection Against Preferential or Prejudicial Treatment of Members (Provision 1.c)

Procedures on Equal Opportunity (Provision 1.c.i)

The Service currently has eight directives which relate to this provision.

**AWARENESS & OUTREACH**

Emphasis continues to be placed on community outreach and awareness with the Service participating in over 14 committees and partnering with more than 30 diverse groups. Language identification cards continue to be used by front-line members and complimentary language boards are posted in public areas of our buildings. With 150 languages referenced on these resources, individuals requiring assistance can point to their language group and front-line/Communications staff can follow-up with a translator from Language Line. Members were issued updated pocket calendars containing helpful guides including the appropriate protocol when interacting with members of our diverse community and phonetically spelled greetings in several languages.

DRPS was pleased to participate in the Region’s inaugural Durham Pride Parade held in June 2011. Forty-eight members across the Service participated in Toronto’s Pride events throughout the month of July.

2011 marked the second year of our multi-faith based tour, providing DRPS and Region of Durham members introductory information on various Christian denominations, and a bus tour travelling to Islamic, Hindu, and Jewish places of worship.

**RECRUITING**

From January 1<sup>st</sup> 2011 to December 31<sup>st</sup> 2011, the Service hired 12 full-time and 21 part-time civilian members. Of this group of 33 hires, 29 were female and 4 were male. There were 72 student hires (37 female and 35 male). The noted civilian hires represent members who were new to the Service or were successful in part-time to full-time promotions in 2010; exclusive of part-time members who re-

signed existing contracts. As of May 30<sup>th</sup>, 2012 eight part-time civilian members have been hired to replace outgoing staff (seven female and one male).

#### CAREER DEVELOPMENT

In 2011, 50 sworn and civilian staff made application for Educational Assistance. Forty-two applications were processed and those who satisfactorily completed their courses received reimbursement in accordance with the Directive. In 2011, the total payout for approved and completed requests for learning opportunity was \$20,523.26. There were no complaints of preferential or prejudicial treatment as it pertained to career development or educational assistance.

#### PROMOTION

The Promotional Process experienced an unprecedented 140 candidates participating in 2011/2012. Each candidate was given an equal opportunity to receive feedback in a promotional debrief session. Conclusion of the 2011/2012 promotional process resulted in 23 promotions including:

- 10 Constable to Sergeant promotions
- 7 Sergeant to Staff Sergeant promotions
- 6 Staff Sergeant to Inspector promotions

Two Superintendent promotions were also announced this year.

Upon completion of the promotional process, a comprehensive review was conducted identifying recommendations to improve the process for all stakeholders. The refreshed process will result in greater efficiency and accountability across the various stages including comprehensive candidate assessments and streamlined timelines for required components.

#### RETIREMENTS & RESIGNATIONS

Separations and retirements are regularly reported to the Board through the monthly Human Resources Update reports.

#### Separation Activity

	2009	2010	2011	2012 (as of May 30)
<b>RESIGNATIONS</b>				
SOA		3	3	
Uniform	23	13	10	4
Civilian FT / PT	4 / 1	2 / 29	1/6	3/2
Students	55	64	73	2
<b>Subtotal</b>	<b>83</b>	<b>111</b>	<b>93</b>	<b>11</b>
<b>RETIREMENTS</b>				
SOA		2	2	6
Uniform	9	17	13	9
Civilian FT / PT	5 / 0	1 / 0	3	3/0
Students				
<b>Subtotal</b>	<b>14</b>	<b>20</b>	<b>18</b>	<b>18</b>
<b>TOTAL</b>	<b>97</b>	<b>131</b>	<b>111</b>	<b>29</b>

There were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*, as result of any separations.

*Procedures on Responding To and Preventing Discrimination and Harassment in the Workplace* (Provision 1.c.ii)

There are two directives which relate to this provision.

Human Resources was made aware of seven respect in the workplace matters in 2011. Of these, three were resolved with formal outcomes, two were remedied by informal resolution, and two carried forward into 2012. The table below illustrates the number of complaints brought to Human Resources over the last three years; noting a slight decrease in complaints in 2011 compared to 2010. This decrease may be attributed to the increased support provided at the onset of several conflicts through Human Resources and the Service's employee and family assistance program.

Respect in the Workplace Activity

<b>YEAR</b>	<b>NEW COMPLAINTS</b>
<b>2008</b>	7
<b>2009</b>	10
<b>2010</b>	9
<b>2011</b>	7
<b>2012 (as of May 30)</b>	1

Note: The one complaint raised to date has been investigated and was deemed unfounded.

*Procedures on Employment Accommodation* (Provision 1.c.iii)

There is one directive which relates to this provision.

In 2011, there were 66 modified work assignments completed to provide temporary disability management and a graduated return to work. 56 temporary accommodations resulted in a return to full duties; the remaining 10 assignments continued to be monitored and managed into 2012.

Each permanent accommodation is reviewed on an annual basis and updated medical is required for both sworn and civilian members. In 2011, 3 sworn members were confirmed as permanently disabled from their full duties and required permanent accommodation in suitable position within the organization; the total number of permanently accommodated sworn members is 26. There were no new permanent accommodations confirmed for civilian members in 2011 and the total number of permanently accommodated civilian members is 19.

*Sexist, Racist, or Derogatory Material in the Workplace* (Provision 1.c.iv)

There is one directive which relates to this provision.

The service was not made aware of sexist or derogatory materials posted in the workplace in 2011, nor have any been received this year as of the date of this report.

### Training on Race Relations and Diversity (Provision 1.c.v)

There is one directive which relates to this provision.

The Police Learning Centre instructional staff has reviewed all of the courses delivered by our staff, and sought out specific opportunities to incorporate diversity components into each program of study. These courses include Recruit Orientation, a component of which continues to feature field studies of diverse cultures in the communities of Durham. The Supervisor and Patrol Training Officer Courses continue to include an element of cultural competency and awareness aimed at supporting members with diverse backgrounds. Also reinforced in the patrol training course is a problem based learning exercise which focuses on racial tensions.

In partnership with Graybridge Malkham, a member survey was completed which focused on self-identification of diversity, assessing the cultural competency of DRPS and increasing diversity competency for all members was. This information together with previously held focus groups drove the Service's current diversity plan, to be launched June 15th, 2012. Training to support this important initiative will be a key priority in last half of 2012.

## **2. MEMBER HIRES, SEPARATIONS, AND BOARD-LEVEL RESPONSES TO GRIEVANCES**

The current system for monthly reporting to the Board, with supporting data where warranted, ensures that all member hires, separations and Board-level responses to grievances are presented for Board consent. There were no allegations of wrongful dismissal filed under *The Employment Standards Act* as a result of these separations.

## **3. ACQUAINTANCE WITH WRITTEN DIRECTIVES**

Written Service Directives are available to all members through the DRPS intranet. The Human Resources Unit continues to provide information at the time of a new member's enrolment to DRPS payroll and benefits. In 2011, all new members attended a personalized orientation session with a member of Human Resources.

The Police Learning Centre continues to provide electronic learning opportunities specifically designed to deliver content of Service directives in accordance with self-directed adult learning principles for our members.

## **4. PREPARATION TO PERFORM DUTIES EFFECTIVELY AND SAFELY**

There are four directives which relate to this provision.

Support programs for focusing on the mental and physical health of the Service's members include:

- The Joint Health & Safety Committee (JHSC), constituted under the Occupational Health and Safety Act;
- The Designated Officer program, ensuring that there are identified sworn members available across the Service who are trained and certified;

- Mandatory training and re-certification regarding Use of Force and officer safety, conducted annually for all sworn members to ensure they remain qualified under Reg. 926, sec 14.2 of the Police Services Act.

### Program Highlights of 2011

Formed in the first half of 2011, the Mental Health Steering Committee worked to rebuild the Service's Critical Incident Stress Support Team directive to address recommendations resulting from the Petralia Coroner's Inquest. Pamphlets together with videos and presentations focused on mental health awareness were also provided to further educate and support members on the importance of preserving mental health. An online educational resource entitled "Mindsight" was launched as a resource for members with questions or concerns regarding mental health. Specific issues such as depression, trauma, anxiety, bipolar and eating disorders are addressed and supplemented with testimonials from people sharing their mental health issues and the positive outcomes experienced as result of treatment programs.

The voluntary CSA Standard Z1003/BNQ 9700: 1<sup>st</sup> National Standard on Psychological Health and Safety in the Workplace will be published in September 2012. In anticipation of this new standard and recognizing its duty of care, the Service has expanded their peer support resources to include a coordinated response to wellness and health. PILLAR (Peer, Information, Learning, Liaison and Response) is a peer support program designed to provide emotional support during and after times of personal or professional crisis to members who express a need for assistance or, for those whom supervisory staff feel could benefit from such program involvement.

The Service continues to support its members' health and wellness with the Healthy Apples program which has recently expanded to include both a Core Wellness Committee and a Divisional Representative Committee. The Core Group is responsible for monitoring the ongoing progress of the Healthy Apples program and various other wellness initiatives throughout the Service. The Divisional Representatives are responsible for promoting and coordinating programs to maximize staff participation and benefits.

The Service continues to partner with UOIT; three successful health and wellness projects were completed by university placement nursing students. 230 members participated in "Heart Health", a screening program for high blood pressure and cholesterol. Communicable disease awareness was offered and a handbook of community resources for wellness in Durham Region for members was also developed.

There were 197 occupational injuries reported in the DRPS in 2011; a 14% decrease from 2010's incidents which totaled 230. The three most frequent accident types last year were:

1. Struck Against / Contact With – 39 incidents (20% of total)
2. Slip/Trip/Fall – 37 incidents each (19% of total)
3. Exposure – 36 incidents (18% of total)



## **5. SECONDARY ACTIVITIES**

There is one directive related to this provision.

The Police Services Act does not prohibit secondary activities, however, it places some reasonable restrictions on police service members to ensure that their activities conducted outside of regular duty time do not negatively interfere or influence their on-duty performance, or place them in a conflict of interest. In certain circumstances, the Act requires members to disclose their activities to the Chief.

There have been no circumstances of misconduct noted at the time of this report, where a sworn or civilian member engaged in an activity that contravenes section 49 (1) (secondary activities). Human Resources has not received any requests for secondary activities contravening section 49(1) of the Act.

## **6. PERFORMANCE APPRAISAL SYSTEM**

There is one directive related to this provision.

2011 marks the fifth year of the Service's competency-based performance management system designed to document the performance of all members. Service-wide compliance for performance and development reviews conducted in 2011 (and received in 2012) was 65% at this time of this report.

As part of continuous improvement, the performance management process will be refreshed in 2012 to meet the changing needs of all users while increasing compliance to this policy and relevant practices. Specifically, we will look to change the timeline for conducting reviews from the October to January period to the month of each member's hire date. This approach complements other business cycles such as the annual posting, mass transfer and the promotional process engraining it as a year round practice rather a once yearly event. The competencies will also be refreshed to recognize the importance of emotional intelligence, diversity and inclusivity in building healthy workplaces.

## **7. PROCEDURES ON THE LEGAL INDEMNIFICATION OF MEMBERS**

Service Directive AO-05-004 *Risk Management and Legal Indemnification* establishes clear policies and procedures for the legal indemnification of members that are consistent with the terms and conditions of collective agreements, the *Police Services Act*, and the Regional Municipality of Durham Municipal Insurance Pool.

In 2011, Legal Services received 13 applications for legal indemnification, of which:

- two claims were denied (one civil matter and one PSA matter);
- three claims are pending (one criminal appeal, one PSA and one HTA); and,
- six HTA claims were approved.

Invoices are yet to be received for any of the approved matters. There were seven approved applications for legal indemnification in 2010 totaling \$52, 889.93.

## **8. WORKPLACE VIOLENCE AND HARASSMENT**

Associated Directive(s):

HR-02-011 RESPECT IN THE WORKPLACE (ANTI-HARASSMENT AND VIOLENCE POLICY)

The Ministry of Labour visited the service twice in 2011 in response to two complaints laid regarding compliance to the Occupational Health and Safety Act. One complaint was made by a sworn member involved as the complainant in a member-on-member workplace violence complaint which was investigated and deemed unfounded. The Ministry reviewed the service's investigation and subsequent outcomes and was sufficiently satisfied with the response that no orders were issued. The other complaint was laid by the association and pertained to the safety of the public counters at Central East and West divisions. After inspection of the area at West division, the Ministry ordered that risk assessments be conducted by the Service and shared with the Joint Health and Safety Committee. These orders were complied with without further incident.

## **9. DOMESTIC VIOLENCE IN THE WORKPLACE**

Associated Directive(s):

HR-02-011 RESPECT IN THE WORKPLACE (ANTI-HARASSMENT AND VIOLENCE POLICY)

As part of the active ongoing efforts to ensure compliance with Bill 168, partnership continues with members of the Domestic Violence unit, and the Respect in the Workplace Committee to address the potential risk of domestic violence in the workplace.

While the service was made aware of domestic violence incidents amongst intimate partners employed by the DRPS, the incidents did not occur on duty. The matters were subsequently investigated by Professional Standards and addressed accordingly.