

Classification **PUBLIC**

Meeting **June 2013**

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.

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 directions, instructions, roles, responsibilities and processes to be followed.

Clarifying Rules for Members (Provision 1.a)

At the time of this report the Service had 216 directives which conform to a uniform standard, are in accordance with Adequacy Standards and are accessible by all members via the Service's Intranet. Of the 216, 25 relate to the provisions of this Policy. In 2013 the Service will streamline the directive system to improve access and effectiveness including assigning priority levels to each directive.

Effective Handling of Grievances (Provision 1.b)

One related directive together with Article 6 of the current collective agreements sets out the process for effective handling of grievances. The Service received five new grievances in 2012 of which:

- Two were settled; and,
- Two have progressed to arbitration; and,
- One is being held in abeyance pending resolution during bargaining.

Historical grievance activity is as follows:

Grievance Activity

YEAR	NEW GRIEVANCES
2009	14
2010	14
2011	7
2012	5
2013 (as of May 15)	5

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

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

RECRUITMENT AND SELECTION

Although not an active year for new recruit hires, DRPS attended approximately 60 community events in 2012 to support future recruitment. Attendance at these various events supports community partners and develops relationships, strengthening the candidate pool and the attraction of solid candidates for future hiring. The Service continues to subscribe to the Ontario Association of Chiefs of Police (OACP) Constable Selection System ensuring an efficient and equitable selection process.

From January 1st 2012 to December 31st 2012, the Service hired a total of 25 civilian members: two full-time members to replace outgoing incumbents holding critical roles of nurse and forensic audio/video analyst as well as 23 part-time civilian members. Of this group of 25 hires, 17 were female and 8 were male. Six part time members (five female and one male) successfully posted from part time to full time status. There were 139 student hires (63 female and 76 male) in 2012 to staff Youth in Policing programs as well as the Canada Summer Jobs program.

CAREER DEVELOPMENT

In 2012, 56 sworn and civilian staff made application for Educational Assistance. Thirty-three applications were processed and those who satisfactorily completed their courses received reimbursement in accordance with the Directive. In 2012, the total payout for approved and completed requests for learning opportunity was \$26,792.92 and under the \$30, 000.00 program budget. There were no complaints of preferential or prejudicial treatment as it pertained to career development or the educational assistance program.

In 2013 the Service will offer a new Leadership Development Series designed to promote such topics as emotional intelligence, conflict resolution, critical decision making, and communication to name a

few. This educational opportunity will be open to all members of the Service whether engaged in the promotional process or not.

PROMOTION

In the second quarter of 2012 the Service released amendments of its promotional process to increase efficiency and accountability across the various stages for all stakeholders, including:

- A shift to a biennial timeline with selection panels and interviews scheduled every other year; and,
- The addition of a Superintendent/Director Panel to review and validate candidates’ readiness for promotion; and,
- Removal of the research paper/presentation components.

At the time of this report there were 99 candidates in the promotional process, having progressed past the Superintendent/Director Panel. 140 members participated in the 2011/2012 promotional process prior to the implementation of the streamlined components and timelines.

SEPARATION

Separations and retirements are regularly reported to the Board through the monthly Human Resources Update reports. Historical activity is as follows:

Separation Activity

	2009	2010	2011	2012
RESIGNATIONS				
SOA		3	3	1
Uniform	23	13	10	9
Civilian FT / PT	4 / 1	2 / 29	1/6	2 / 10
Students	55	64	73	81
Subtotal	83	111	93	103
RETIREMENTS				
Deputy Chief				1
SOA		2	2	6
Uniform	9	17	13	12
Civilian FT / PT	5 / 0	1 / 0	3	3 / 0
Students				
Subtotal	14	20	18	22
TOTAL	97	131	111	125

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

Human Resources was made aware of two formal complaints in 2012; neither of which resulted in formal discipline for the respondents. The table below illustrates the number of complaints brought to Human Resources since 2010; noting complaints as of May 15th, 2013 have surpassed last year’s total. Of the five complaints received since January 1st of this year, two were informal and the remaining three are in the formal investigative stage.

Respect in the Workplace Activity

YEAR	NEW COMPLAINTS
2010	9
2011	7
2012	2
2013 (as of May 15)	5

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

As referenced in the "Operational Statistics Report: Follow up to questions raised at December 2012 Board meeting", dated January 30, 2013, the Service has modified its disability management processes moving to a comprehensive five-standard approach that is:

1. Multidisciplinary – in that the roles and responsibilities of the employee, employer, treating practitioner and human resources are clearly defined; and,
2. Evidence based – in that Presley Reed Medical Disability Guidelines are referenced to confirm appropriate treatment, prognosis, return to work restrictions, accommodations and failure to recover regarding individual illness and injuries; and,
3. Rights based – in that the law, human resources polices and collective bargaining agreement are consulted as to how each affects disability claims; and,
4. Functionally based – in that member's restrictions and capacity are assessed while protecting their privacy allowing supervisors to better understand what the employee is capable of performing; and,
5. Timely – in that timeliness is a focus and timelines are imposed and adhered to.

In 2012, there were 53 modified work assignments completed to provide temporary disability management and a graduated return to work. One sworn member was confirmed as permanently disabled from their full duties in 2012 and as such required permanent accommodation in suitable position within the organization. This addition increased the total number of permanently accommodated sworn members to 27. The total number of permanently accommodated civilian members is 18. Each permanent accommodation is reviewed on an annual basis and updated medical is required for both sworn and civilian members.

To further support its disability management and wellness initiatives, the Service was pleased to welcome a new health nurse in 2012 holding extensive knowledge and experience in occupational health and disability management, a BScN from Ryerson Polytechnic University, COHN(C) Certified Occupational Health Nurse certification and membership in the Canadian Nurses Association.

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

The Service was not made aware of sexist or derogatory materials posted in the workplace in 2012, nor have any been received this year as of the date of this report.

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

As noted in November 2012's "Community Diversity Monitoring Report to the Board", the Service's Anti-Racial Profiling electronic learning module (ELM) was launched on September 25th, 2012 to educate members on the value and importance of diversity related matters. Compliance as of March 31st, 2013 was 83.4%.

In partnership with Graybridge Malkham, 25 members participated in "Valuing Diversity and Inclusion", a pilot workshop aimed at acknowledging and valuing differences and building an inclusive workplace. The Service will look to offer this important opportunity to all members in future.

Future sworn recruits will undergo race relations and diversity education through the Service's Police Education and Innovation Centre including Recruit Orientation, a component of which continues to feature field studies of diverse cultures in the communities of Durham.

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 review, consent and/or direction as appropriate.

3. ACQUAINTANCE WITH WRITTEN DIRECTIVES

As noted in section 1. a above, 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 payroll and benefits packages where applicable.

4. PREPARATION TO PERFORM DUTIES EFFECTIVELY AND SAFELY

The Service continues to promote safe and effective performance of duties through the following core initiatives:

- 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 2012

In the spring of 2012, the service expanded their Health and Wellness initiatives by creating a Wellness Committee which meets quarterly to discuss cost effective ways of promoting health and wellness. Representatives promote service and unit level programs to help maximize program participation and collaborate with other locations. The Committee also assisted in promoting the Health Risk Assessment Survey in May 2012 which yielded 30% response rate.

The Service's "Healthy Apples" self care program, initially launched in 2007, continues to promote the overall health and wellbeing of members. Participants receive guidance, motivation and support throughout the duration of the program. Proof of attendance to both medical and psychological appointments, and participation in a physical or wellness activity of their choice are required for membership.

The partnership with UOIT RN students continues with health and wellness related projects. In 2012, third year nursing students performed 83 ergonomic assessments on workstations for members and educated them on effective ergonomics in the workplace.

To support the mental health of its members, the Service initiated two key opportunities:

- a one-day seminar featuring guest speaker, Lt. Col. Dave Grossman, a leading expert in Critical Incident Stress and its effects on mental health. 132 members attended the seminar in November 2012 to learn coping strategies for dealing with the physiological and psychological effects of violence and the emotional aftermath of a deadly force encounter; and,
- PILLAR (Peer, Information, Learning, Liaison and Response); a valuable peer support program that provides emotional support during and after times of personal or professional crisis to members who express a need for assistance. The program is voluntary and 17 members underwent education and learning in March 2013 to better support them in the role of peer supporters. PILLAR is another valuable coordinated resource for members, by members.

The Joint Health and Safety Committee utilized free Employee Family Assistance Plan (EFAP) seminars to help expand their knowledge including the "Healthy Sleep Habits Workshop" and "Stress Busters" which were presented to 20 JHSC members.

There were 249 occupational injuries reported in the DRPS in 2012; a 26% increase from 2011's incidents which totaled 197. While there was no change to the ranking of the first two accident types, *Over Exertion* replaced *Exposure* as the third most frequent type in 2012. The occurrence rates for 2012 are as follows:

1. Struck Against / Contact With – 43 incidents (17% of total)
2. Slip/Trip/Fall – 42 incidents each (16% of total)
3. Over Exertion – 39 incidents (15% of total)

5. SECONDARY ACTIVITIES

The Police Services Act does not prohibit secondary activities, however, it places limited 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

Last year marked the sixth 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 (PDRs) conducted in 2012 (and received in 2013) was 58% at this time of this report, an 11% decrease in compliance from the previous year. Human Resources has analyzed the issues and indentified that the primary barrier for compliance was the timeline in which reviews were required to be completed. The October to December timeframe has been amended; effective January 2013, reviews are due during the month in which the member's anniversary date of hire falls. This approach complements other business cycles such as the annual posting, mass transfer and the promotional process and engrains it as a year round practice rather a once yearly event.

Human Resources continues to explore on line performance reporting tools understanding the current financial constraints and that of future budgets. In the interim, the PDR form has been refreshed to capture performance during the 12 month period, focus on goals that support community safety and identify each member's contribution to positive workplace culture.

7. PROCEDURES ON THE LEGAL INDEMNIFICATION OF MEMBERS

In 2012, Legal Services received six applications for legal indemnification, of which:

- two claims were denied (both PSA matters); and,
- two claims are pending (one criminal appeal, and one HTA); and,
- two claims were approved (one for the law society of Canada and one HTA claim).

Legal indemnification totaled \$22, 702.22 in 2012 exclusive of \$77, 252.39 which was paid for SIU investigations. As the Board is aware, two grievances (one received in each of 2012 and 2013) related to the Service's denial of legal indemnification have progressed to arbitration and such hearings are ongoing.

8. WORKPLACE VIOLENCE AND HARASSMENT

The Ministry of Labour visited the Service twice in 2012 in response to two complaints laid regarding compliance to the Occupational Health and Safety Act. The first complaint was filed by an officer regarding a workplace violence complaint which was investigated by the Service and deemed unfounded. The second by an officer who suffered a critical injury during a training exercise. Both complaints were reviewed by the Ministry and no orders were issued as the Service's response in both matters was deemed appropriate.

9. DOMESTIC VIOLENCE IN THE WORKPLACE

No complaints of domestic violence in the workplace were received in 2012. The Service continues to ensure compliance with Bill 168 addressing the potential risk of domestic violence in the workplace including performing threat assessments where appropriate.