

Classification **PUBLIC**

Meeting **June 12, 2017**

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, including the requirement to:*
 - i) *Develop and maintain a workplace harassment program in consultation with the joint health and safety committee or health and safety representative;*
 - ii) *Establish a complaint mechanism for reporting complaints or incidents of workplace harassment and an investigation procedure to deal with such complaints or incidents;*

- iii) Provide members with appropriate information and instruction on the contents of its program and review the program annually.*
- iv) 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 grievance administration, race relations, diversity, human rights, career development, and human resource management.
2. That I shall submit for Board approval, information and recommendations about new hires, retirements, resignations, and terminations, as well as responses to employee grievances reaching Board level.
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 and 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. 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. There are currently 219 directives, accessible by all members through the intranet, that help members carry out their job by clarifying the rules of the Service. The DRPS Quality Assurance – Directives Forms and Audits (AO-01-001) directive sets out the procedures to be followed for effective policy management including the creation of new directives, revisions, deletions and the like.

Effective Handling of Grievances (Provision 1.b)

Article 6 of the current collective agreements sets out the process for the effective handling of complaints and grievances. The Uniform and Civilian collective bargaining agreement provisions are further supported by the Service’s directive “Grievance Process-DRPA Members” AO-09-008.

The Service received eight new grievances from the Durham Regional Police Association in 2016, of which:

- One was settled
- one was dismissed at arbitration
- six are active

Historical grievance activity is as follows:

YEAR	NEW GRIEVANCES
2012	5
2013	16
2014	12
2015	13
2016	8
2017 (as of May 16)	8

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

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

RECRUITMENT AND SELECTION

The Service continues to subscribe to the Ontario Association of Chiefs of Police (OACP) Constable Selection System ensuring an efficient and equitable selection process. This process is supported by the Service’s Constable Recruitment and Selection (HR-04-004) directive. In 2016, the Service

continued to attract both new and experienced constable candidates and we were successful in hiring 31 Recruits and 8 Experienced Constables. DRPS attended approximately 48 community events in 2016 to support future recruitment. Representatives of the service attended 24 events in the first quarter of 2017. Attendance at these various events supports community partners and develops relationships, strengthening the candidate pool and the attraction of solid candidates for future hiring.

CAREER DEVELOPMENT

The Service supports and promotes self-directed skills development and learning to enhance current job performance, and the pursuit of future aspirations. The directive, Career and Skills Development (LT-05-001), sets out the components of the skills and development plan.

The Service's directive LE-05-003 Educational Assistance Program / Undergraduate & Graduate Program (Referred to as EdAP and UGG), sets out the procedures required for those sworn and civilian members interested enhancing their knowledge, skills and abilities through various educational endeavours. The program offers financial support to members engaging in off duty studies and is managed by the Police Education and Innovation Centre. EdAP provides, upon successful completion of a pre-approved learning opportunity, member reimbursement of 75% of the cost to a maximum of \$1,500.00 per member per calendar year. In 2015 the Service also introduced the Under Graduate/Graduate (UGG) program to provide financial assistance for members involved in these courses of study.

In 2016, nine (9) members made application for the EdAP, all of which were approved. All of the applicants who were approved and satisfactorily completed their courses received reimbursement in accordance with the Directive. The total payout for approved and completed request for learning opportunities was \$6,312.82.

The Under Graduate/Graduate program is currently being reviewed to ensure equity and accessibility for all members. The revised version has been approved in principal by the ELT and the details are being fleshed out. It is anticipated the revised program will be ready for member use in January 2018. However, members previously approved for the program are continuing their studies. There were 17 members that utilized the Under Graduate/Graduate program in 2016. The total investment in learning opportunities for these members was \$17,796.41.

Beginning in 2013, the Service offered a new Leadership Development Program accessible to all members. Areas of study include emotional intelligence, leadership principles, change management, conflict management, team building, strategic planning, and development of a viable innovation to be implemented within the Service. The program continues today and consists of 34 in class hours. In 2016, 32 participants in various ranks and roles across the Service completed the program. The PEIC has facilitated two Leadership Development Courses in the spring of 2017 and had 14 members per course. We are expecting to run at least one course in the fall of 2017; full enrollment of 16 members per course is expected.

PROMOTION

The Job Postings and Selection Process (HR-04-002) directive—indicates the process for sworn members interested in rank promotion. In 2016, thirteen sworn members were promoted from Sergeant to Staff Sergeant. Twenty-nine sworn members were promoted from Constable to Sergeant. As of Jan 2017 through April 30, 2017, 4 sworn members were promoted from Constable to Sergeant.

SEPARATION

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

Separation Activity

	2012	2013	2014	2015	2016	2017 (April 30)
RESIGNATIONS						
SOA – Civilian						
SOA - Sworn	1			1		
Uniform	9	3	4	9	10	9
Civilian FT / PT	2 / 10	4 / 17	17	2/12	5/8	1/2
Students	81	209	168	137	129	65
Subtotal	103	233	185	161	152	77
RETIREMENTS						
Chief			1			
Deputy Chief	1				1	
SOA – Civilian						
SOA - Sworn	6		2	5	9	2
Uniform	12	13	17	24	27	25
Civilian FT / PT	3 / 0	5 / 0	3 / 0	12 FT	10/1	5 FT
Students						
Deceased			*1	*1		
Subtotal	22	18	23	42	48	32
TOTAL	125	251	208	203	200	109

**In 2017; the dates utilized are Jan 1, 2017 through April 30, 2017. Procedures on Responding To and Preventing Discrimination and Harassment in the Workplace (Provision 1.c.ii)

The Service’s directive, “Respect in the Workplace [Anti-Harassment and Violence Policy] (HR-02-011)”, sets out roles and responsibilities for all members in providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It further notes procedures to be followed where allegations of harassment and violence occur. Members also receive training on respect in the workplace.

The results of respect in the workplace investigations are reported as they arise to the full Board during monthly in camera sessions, as well as the Board’s Human Resources sub-committee.

In 2016, two formal respect in the workplace complaints alleging harassment were received by Human Resources. Professional Standards and Human Resources commenced investigations into both matters. Both complaints were subsequently withdrawn by the complainants, prior to the completion of the investigation.

As of May 16, 2017, three formal respect in the workplace complaints alleging harassment were laid. Of the three:

- Two are currently under investigation
- One investigation is complete

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

As per the board policy statement, 1 (c) (iii), *establish procedures on employment accommodation*; the Service has a Disability Management Directive, HR-03-007 which is designed to assist members who have a medical condition and are temporarily or permanently disabled.

In 2016, there were 70 modified work assignments completed to provide temporary disability management and a graduated return to work. The number of temporary work assignments from January 2017 to April 30, 2017 was 25. The number of permanently accommodated sworn members remained at 34 from 2015 to 2016 and the total number of permanently accommodated civilian members rose from 15 to 20 in 2016. Each permanent accommodation continues to be reviewed on an annual basis and updated medical is required.

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 2016, nor have any complaints been received this year as of April 30.

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

The Service provides training on race relations, diversity and human rights through the Anti-Racial Profiling electronic learning module (ELM) and compliance is monitored through the Police Education and Innovation Centre. Additionally, Fair and Impartial Policing training was instituted across the Service by the Diversity, Equity and Inclusion Unit for every member.

The recently launched 2017-2019 Diversity, Equity and Inclusion (DEI) Strategic Plan encompasses the goal of fostering trust and confidence of diverse communities through training.

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 Service's intranet. The Human Resources Unit continues to provide relevant information to new members at the time of hire including the review of key directives. Specifically, On-boarding sessions continue and are aimed at providing new members and students with relevant information as they commence their positions with the Service.

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 2016

The Healthy Apples Program remains popular with members with a completion rate of 292 members in 2016 and over 350 registered for 2017. The program continues to aim at improving the physical and mental health of members who voluntarily enroll in the program.

Mental health program remains a priority with the continuation of "Mental Health for Leaders", a Morneau Shepell facilitated and Queen's University Certified course for supervisors as well as resilience training with new recruits.

The Service trained additional peer supporters in March 2017 for the peer support program PILLAR. It offers non-clinical mental health support for all members. The program has 27 members from across the Service that support members.

The LIFE (Learning Interface For Experience) program, designed specifically for 911 Communicators, continues to be supported. One-month rotations from Communications to Receptionist at Regional Headquarters will reach its second year this fall.

Additionally, the recently submitted Post Traumatic Stress Disorder Plan to the Ministry of Labour from the Service outlines goals and objectives that promote overall health and wellness of members.

The Joint Health and Safety Committee meets monthly to discuss relevant issues and the divisional representatives meet quarterly.

2016 OCCUPATIONAL INJURIES

One way to monitor the effectiveness of safety training is through the occurrence of occupational injuries. There were 228 occupational injuries reported in 2016. The most frequent injury on duty

reported was ‘Struck Against or Contact with’, which includes being struck by an accused with an object; struck against walls, desks, doors etc, or contact with substances, sharp objects, dog bites.

Out of the 63 Struck Against or Contact with reported, 12 members lost time from work, and 23 sought medical attention.

The following table details the categories of occupational injuries reported over the past four years together with this year’s incidents as of the end of April.

Historical Occupation Injuries

Category	2013	2014	2015	2016	2017 (as of April 30)
Slip Trip or Fall	43 (18.22%)	38 (13.5%)	19 (7.95%)	27 (11.8%)	21 (28.8%)
Over Exertion	32 (13.5%)	24 (8.5%)	34 (14.23%)	17 (7.5%)	4 (5.5%)
Exposure	44 (18.64%)	127 (45%)	68 (28.45%)	51 (22.4%)	7 (9.5%)
Operational Stress Injury	Previously included in exposure	Previously included in exposure	17 (7.11%)	18(7.9%)	11 (15%)
Struck By	34 (14.41%)	6 (2.10%)	12 (5.02%)	4 (1.8%)	0 (0%)
Struck Against or Contact With	40 (16.95%)	41 (14.5%)	52 (21.76%)	63 (27.6%)	12 (16.4%)
Training	23 (9.75%)	17 (6.0%)	18 (7.53%)	11 (4.8%)	5 (6.85%)
Motor Vehicle Collision	11 (4.66%)	14 (5.0%)	10 (4.18%)	9 (3.9%)	8 (10.95%)
Caught in Under or Between	3 (1.27%)	1 (.4%)	1 (0.42%)	3 (1.3%)	0 (0%)
No Injury	2 (0.85%)	3 (1.1%)	1 (0.42%)	13 (5.7%)	3 (4%)
Repetitive Strain	5 (2.12%)	11 (3.9%)	7(2.93%)	12 (5.3%)	2 (3%)
Total Incidents Reported	237	282*	239	228	73

*increase can be directly attributed to 1 incident (Fire at a Whitby retirement/Long term care facility) which resulted in 74 claims

Legend

- Exposure includes loud noise, fumes, blood contaminations, smoke inhalation
- Operational Stress Injury includes Post-Traumatic Stress Disorder, stress, mental health related claims
- Struck By includes altercation with accused (i.e. a direct hit by accused)
- Struck Against or Contact with includes being struck by an accused with an object; struck against walls, desks, doors etc, or contact with substances, sharp objects, dog bites
- Training includes PEIC, OPC, work outs in on site gym
- Caught in, Under or Between includes caught in doors, fences, handcuffs
- No Injury means Non-WSIB compensable

5. SECONDARY ACTIVITIES

The Service's directive, Secondary Activities (HR-02-001), together with the *Police Services Act* sets out the procedures to be followed should members wish to engage in same. The policy is also informed by relevant case law which sets the landscape for the management of secondary activity requests. It is important to note that as a result of case law in 2004, the application and notification processes to engage in secondary activities have changed. Specifically, as of 2004, members are not required to disclose secondary activity unless it appears to, or may, conflict with the four restrictions referenced below.

Secondary activities are not prohibited, however, reasonable restrictions are placed on members and in certain circumstances activities must be disclosed to the Chief of Police. Members shall not engage in any activity:

- a) That interferes with or influences adversely the performance of their duties as a member of the police service, or is likely to do so;
- b) That places them in a conflict of interest, or is likely to do so;
- c) That would otherwise constitute full time employment for another person; or
- d) In which the member has an advantage derived from being a member of the Service.

Prior to the change in reporting secondary activities in 2004, members had to request approval to engage in any and all secondary activities, not solely those in conflict with the four elements aforementioned. The Human Resources Unit has received 107 applications to engage in secondary activity since 1998. The Service has declined approximately 17 requests for secondary activity pursuant to the test above, including applications to engage in activities such as bartending, instructing police related training, security, and process serving.

Human Resources has received 3 requests (including 1 denied) to engage in secondary activities in 2016 and 0 requests as of April 30, 2017.

6. PERFORMANCE APPRAISAL SYSTEM

The Service's directive, Performance Management Process (HR-03-001), sets out procedures to be followed when performance meets, exceeds or falls below acceptable standards.

The Performance Management Process sets out performance goals and expectations for all members. The Performance Management Process was audited in June of 2015 and March of 2016 for both compliance and quality. A management action plan was created in response of the audits and closed out. The process will undergo another audit in the fall of 2017 to ensure the integrity of the process and accountability of duties and responsibilities. As of April 30, 2017, the Service is at a compliance rate of 85%. The outstanding appraisal number is composed of members who have had changes in leadership due to transfers and/or promotions or prolonged absences from work.

7. PROCEDURES ON THE LEGAL INDEMNIFICATION OF MEMBERS

The Service's directive, Risk Management and Legal Indemnification (AO-05-004), sets out established procedures regarding the application of the legal indemnification as provided for in the collective agreements, the regional insurance pool and the *Police Services Act* of Ontario.

2016 Activity

In 2016, legal indemnification totaled \$102,796.00 as follows:

- \$22,133.00 under section 7.01 - Uniform CBA - for one OIPRD directed hearing
- \$15,315.00 under section 7.02 - Uniform CBA – for six SIU matters
- \$65,348.00 under section 7.04 – Senior Officer’s Association (“SOA”) CBA – for one matter

In 2016, one formal request for legal indemnification under Article 7.03 of the SOA collective agreement was denied.

2017 Activity to date

To-date \$103,071.00 has been paid in legal indemnification as follows:

- \$35,688.00 under section 7.01 - Uniform CBA - for one OIPRD directed hearing
- \$30,452.00 under section 7.02 - Uniform CBA – for seven SIU matters
- \$36, 931.00 under section 7.04 – Senior Officer’s CBA – for one matter

As of May 16, 2017, one formal request for legal indemnification under Article 7.03 of the SOA collective agreement was received. It was denied.

8. WORKPLACE VIOLENCE AND HARASSMENT

The *Occupational Health and Safety Act* of Ontario sets out roles and responsibilities for employers and employees regarding workplace violence and harassment. The Service’s directive, *Respect in the Workplace [Anti-Harassment and Violence Policy]* HR-02-011, sets out procedures to be followed where allegations of harassment and violence occur.

There were no complaints or visits with the Ministry of Labour in 2016 and none as of April 30, 2017.

There was one report of workplace violence received in 2016, and no reports have been received as of April 30, 2017. An immediate investigation began after receipt of complaint and notification of findings delivered to the Joint Health & Safety committee in April 2017.

9. DOMESTIC VIOLENCE IN THE WORKPLACE

The *Occupational Health and Safety Act* of Ontario requires employers to take every reasonable precaution to protect employees at risk of physical injury as a result of domestic violence. Together with the Respect in the Workplace directive noted above, the Domestic Violence Occurrences (LE-01-024) directive sets out procedures to address domestic violence and support for members dealing with same. No complaints of domestic violence in the workplace were received in 2016 or as of April 30, 2017.