

Classification **PUBLIC**

Meeting **May 26, 2015**

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 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. The DRPS Directive System (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.

Clarifying Rules for Members (Provision 1.a)

There are currently 220 directives, accessible by all members through the intranet, that help members carry out their job by clarifying the rules of the Service. Last year the directives were prioritized into four levels to assist in the management and navigation of the system. This year the Service is undertaking a fulsome review, starting with the highest priority directives, to ensure that the directive content is current and relevant and that the directives themselves are comprehensible.

Effective Handling of Grievances (Provision 1.b)

The Service’s Grievance Process – DRPA Members (AO-09-008) directive, together with Article 6 of the current collective agreements, sets out the process for the effective handling of grievances. The Service received 12 new grievances in 2014 of which:

- 6 are settled
- 5 are active (pending arbitration)
- 1 is being held in abeyance pending the outcome of a PSA matter

Historical grievance activity is as follows:

YEAR	NEW GRIEVANCES
2009	14
2010	14
2011	7
2012	5
2013	16
2014	12
2015 (as of May 22)	1

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

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

RECRUITMENT AND SELECTION

The year 2014 was an active year for new recruit hires, as this was the first time in over 5 years we have hired new recruits. DRPS attended approximately 51 community events in 2014 to support future recruitment. As of May 25, 2015 representatives from the Service have attended approximately 11 events. 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. This process is supported by the Service’s Constable Recruitment and Selection (HR-04-004) directive.

From January 1 to December 31st 2014, the Service hired a total of 15 Constables (4 females and 11 Males) and 20 part-time civilian members (16 females and 4 males.) There were 153 student hires (70 female and 83 male) in 2014 which includes the Youth in Policing program. From Jan 1, 2015 1

Deputy (male), 1 SOA Manager (female), 13 constables (4 females and 9 males), and 5 part time members (3 females and 2 males) have been hired.

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, Educational Assistance Program (LE-05-003), 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. Specifically, upon successful completion of a pre-approved learning opportunity, members will be reimbursed 75% of the cost to a maximum of \$1,500.00 per member per calendar year.

In 2014, 13 members made application for Educational Assistance. Twelve of the 13 applications were processed and those who satisfactorily completed their courses received reimbursement in accordance with the Directive. The total payout for approved and completed requests for learning opportunities was \$9,742.44. As well in the spring of 2014 the Under Graduate/Graduate (UGG) program was approved offering support for undergraduate and graduate programming, 17 members utilized the funds, and a total of \$11,689.48 dollars was distributed. The budget for the Educational Assistance Program remains at \$30,000.00. There were no complaints of preferential or prejudicial treatment as it pertained to career development or the educational assistance program.

In 2013 the Service offered a new Leadership Development Program accessible to all members. Areas of study include: emotional intelligence; leadership management; conflict management; team building; strategic planning and the like. The program continues today and consists of 34 in class hours. In 2014 23 participants in various ranks and roles across the Service completed the program. The PEIC will be running a Leadership Development course in the Fall of 2015. Although we anticipate full enrollment, numbers cannot be confirmed at this time.

PROMOTION

Two directives, Promotional Process (LT-03-001) and Promotional Process Inspector – Superintendent (LT-04-001), set out the process for sworn members interested in rank promotion. No permanent promotions were made in 2013 or 2014 to date; temporary supervisors were placed into acting roles where appropriate.

As part to the Continuous Improvement Program and as noted in KPMG's review of the Service's people processes, the promotional process was refreshed to ensure optimum effectiveness. The Service released the refreshed promotional process in the first quarter of 2015 and is currently using the new program for the Superintendent and Inspector postings.

SEPARATION

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

Separation Activity

	2010	2011	2012	2013	2014	2015 (April 30)
RESIGNATIONS						
SOA	3	3	1			
Uniform	13	10	9	3	4	5
Civilian FT / PT	2 / 29	1/6	2 / 10	4 / 17	17	1 / 4
Students	64	73	81	209	168	74
Subtotal	111	93	103	233	185	84
RETIREMENTS						
Chief					1	
Deputy Chief			1			
SOA	2	2	6		2	3
Uniform	17	13	12	13	17	6
Civilian FT / PT	1 / 0	3	3 / 0	5 / 0	3 / 0	6/0
Students						
Deceased					1	
Subtotal	20	18	22	18	23	15
TOTAL	131	111	125	251	208	99

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. Human Resources was made aware of nine respect in the workplace matters in 2014 alleging personal harassment or bullying (Bill 168). Of the nine:

- Five were addressed formally by way of investigation and four were addressed informally by way of mediation, discussion, etc.

One workplace matter has been reported as of May 22, 2015 and the allegations are currently under investigation. The following table illustrates the number of workplace matters brought to Human Resources since 2010.

Respect in the Workplace Activity

YEAR	NEW COMPLAINTS
2010	9
2011	7
2012	2
2013	9
2014	9
2015 (as of May 22)	1

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 and is designed to assist members who have a medical condition and are temporarily or permanently disabled.

In 2014, there were 71 modified work assignments completed to provide temporary disability management and a graduated return to work. The number of temporary work assignments from January 2015 to April 30, 2015 is 25. The number of permanently accommodated sworn members rose from 30 in 2013 to 31 in 2014 and the total number of permanently accommodated civilian members decreased by 17 to 15 due to retirements. 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 2014, nor have any been received this year as of May 15.

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

As noted in November 2013's "Community Diversity Monitoring Report to the Board", the Service's Anti-Racial Profiling electronic learning module (ELM) was launched on September 5th, 2012 to educate members on the value and importance of diversity related matters. Compliance as of March 31, 2015 was 96.7%.

The Service welcomed a full time sworn resource into the role of Diversity Coordinator in January 2014. Part of this position's mandate includes educational support to members regarding inclusivity and diversity related matters. A "Diversity Resource Group" was implemented under the tutelage of the Coordinator consisting of representatives across the Service. This group aims to increase diversity and inclusivity awareness within the Service together with increased exposure at external community events.

Our most recent and future sworn recruits will undergo race relations, diversity and inclusivity 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 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 were held in 2014 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 2014

The Service continues to promote the Healthy Apples Program aimed at improving the physical and mental health of members who voluntarily enroll in the program. 2014 was the most successful year since the program's inception; 344 members enrolled and of those, 237 completed the program. In 2015, **339** members have enrolled in this beneficial program.

In the spring of 2014, "Mental Health for Leaders", a Morneau Shepell facilitated and Queen's University Certified course for supervisors, was launched. The course is a three part module and was offered to all supervisors and senior officers. To date, there is a 92% completion rate for Module 1, 64% for Module 2 and 46% for Module 3. Module 2 is being offered again this spring and Module 3 is completed on members own time.

The peer support program PILLAR, complements DRPS's wellness programs offering a peer-to-peer interpersonal relationship and continues to be member driven with 22 peer supporters. This program builds a supportive community at work and recognizes and values the potential for broader change by championing mental health peer support in our workplace.

The Service continued the partnership with Centennial College and their Postgraduate Certificate Program in Workplace Wellness and Health Promotion. For the second year in a row, the student worked in the Communications unit on wellness initiatives that included both physical and mental health.

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

2014 Occupational Injuries

There were 282 occupational injuries reported in 2014; a 19% increase from 2013's incidents which totaled 237. It is important to note that this increase can be directly attributed to 1 incident (Fire at a Whitby retirement/Long term care facility) which resulted in 74 claims. In 2014, the most frequent

injury on duty reported was ‘Exposure.’ Out of the 127 Exposures reported, 53 members lost time from work, and 77 sought medical attention. Again the majority of these claims were a result of one major incident involving the evacuation of a burning building.

The following table details all 10 categories of occupational injuries reported over the past two years together with this year’s incidents as of the end of April.

Historical Occupation Injuries

Category	2012	2013	2014	2015 (at April 30)
Slip Trip or Fall	42 (16.87%)	43 (18.22%)	38 (13.5%)	23 (25%)
Over Exertion	39 (15.66%)	32 (13.5%)	24 (8.5%)	9 (9.8%)
Exposure	27 (10.84%)	44 (18.64%)	127 (45%)	33 (35.9%)
Struck By	33 (13.25%)	34 (14.41%)	4 (8.33%)	6 (6.5%)
Struck Against or Contact With	43 (17.27%)	40 (16.95%)	41 (14.5%)	14 (15.2%)
Training	36 (14.46%)	23 (9.75%)	17 (6.0%)	3 (3.3%)
Motor Vehicle Collision	18 (7.23%)	11 (4.66%)	14 (5.0%)	2 (2.2%)
Caught in Under or Between	7 (2.81%)	3 (1.27%)	1 (.3%)	0
No Injury	0	2 (0.85%)	3 (1.1%)	0
Repetitive Strain	4 (1.61%)	5 (2.12%)	11 (3.9%)	2 (2.2%)
Total Incidents Reported	249	237	282	92

Legend

- 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 bite
- Struck By includes altercation with accused (i.e. a direct hit by accused)
- Caught in, Under or Between includes caught in doors, fences, handcuffs
- Exposure includes loud noise, fumes, blood contaminations, smoke inhalation, stress
- No Injury means Non-WSIB compensable
- Training includes PLC, OPC, work outs in on site gym

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. 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 106 applications to engage in secondary activity since 1998. Given the change in reporting requirements, it is difficult to determine the precise number of members actually engaging in secondary activity at this time.

The Service has declined approximately 16 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 to engage in secondary activities in 2014 and 3 requests as of April 30, 2015.

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.

As of May 21, 2015, 1306 performance appraisals ought to have been completed for 2014. Of the 1306, 950 have been received resulting in a compliance rate of 78%. A further breakdown is attached at Appendix A.

As part of the Continuous Improvement Program, and more specifically the recommendations contained within the KPMG report, the appraisal process has been reviewed and amended to increase both quantitative and qualitative measures and compliance to same. The new process was developed in the fourth quarter of 2014 and the new process was rolled out the first quarter of 2015. Currently Human Resources is engaging in an auditing process to insure compliance and quality expectations are being met.

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.

2014 Activity

In 2014, Legal Services received five (5) formal requests for legal indemnification under article 7.01(criminal/statutory offence) of which:

- Two were denied
- Two claims were approved
- One is pending

In 2014, legal indemnification totaled \$84, 614 the breakdown is as follows:

- \$ 51, 481 under section 7.01 (criminal/statutory offence)
- \$ 33, 133 under section 7.02 (SIU)

Legal Services has not received any new requests for legal indemnification in 2015 under section 7.01. To-date \$4, 073 has been paid in legal indemnification for section 7.02 (SIU).

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 Ministry of Labour complaints in 2014. In January 2015, the Service had an announced inspection of the Property unit. Three orders were issued and complied with on the same day. In April 2015, the Ministry of Labour responded to a concern at the Courts building, 150 Bond Street, regarding Durham Police using OPP Special Constables and the level of training the OPP Special Constables had. The Ministry did not issue an order to the Service regarding this incident and any further discussion will take place at the Joint Health and Safety Committee meetings.

There were no reports of workplace violence received in 2014, and no reports have been received as of May 25, 2015.

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 2014.

ATTACHMENTS

Appendix "A" Performance Appraisals – Compliance Details