

Classification **PUBLIC**

Meeting **May 14, 2007**

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



Recommended Motion:

THAT the Board find that all provisions of the Treatment of Members 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.

Signed: _____ Date: _____
Chief of Police

BROADEST POLICY PROVISION:

"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."

Interpretation of the Chief of Police:

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

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

Policy Provision #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.”*

Interpretation of the Chief of Police:

It is my interpretation of this policy that it applies to the documentation of all policies and procedures relating to race relations, diversity, human rights, career development, and human resource management.

Data Support:

Policy provision 1 a)- *Clarifying rules for members:*

Clear rules governing personnel administration have been published in Service Directives, which are available to all members online at every Police Service computer, including patrol vehicles equipped with mobile reporting terminals. All 189 Service Directives have been re-formatted to conform to a uniform standard.

I therefore report compliance with this provision.

Policy provision 1b) *Effective handling of Grievances:*

A detailed, step-by-step, procedure for handling grievances is clearly described in the *Senior Officer Collective Agreement*, the *Uniform Collective Agreement* and the *Civilian Collective Agreement*, both of which are available to all members online and in printed versions available in all Service facilities. The Director, Human Resources is tasked with tracking and recording all grievances and arbitrations to ensure they are being responded to and acted on appropriately.

I therefore report compliance with this provision.

Policy provision 1 c) i) *Protect against preferential or prejudicial treatment of members:*

Associated Directive(s)

HR-04-004 Constable Recruitment and Selection Process

LT-05-001 Career and Skills Development

LT-05-007, Skills Augmentation Program

HR-04-002 Job Postings

LT-03-001 through LT-03-003 Promotional Process

LT-05-003 Educational Assistance Program

HR-02-009 Workplace Discrimination and Harassment

Detailed standard operating procedures for the effective management of human resources including recruitment, selection, career development, promotion and separation have been compiled in a Human Resources Unit Manual. That we are an equal opportunity employer is embodied in the manual and stated explicitly on the *Careers* page of our external website located at www.drps.ca.

The Service has designated a Staff Sergeant to champion the Service's Diversity Strategy. A significant component of that job focuses on recruiting, and ensuring that the Durham Regional Police Service embraces equality of opportunity in employment. Our recruiting efforts in 2006 continued to demonstrate our commitment to be reflective of the communities that we serve. It is recognized within the diversity strategy that our outreach efforts may take some time to show rewards and 2006 was proof that our initiatives have yet to provide significant changes in the demographic of our recruit classes. Our selection practices have followed the Ontario Association of Chiefs of Police recruitment guidelines.

In 2006 sixty-three (63) sworn officers and sixty-nine (69) civilian employees were hired. Of the sworn new hires, twelve (19%) were female, and three (5%) were visible minorities. Of the civilian new hires, forty-seven (68%) were female, and nine (13%) were visible minorities.

There were no formal complaints regarding preferential treatment as result of our hiring practices.

There has been one complaint regarding prejudicial treatment as result of our hiring practices and Human Resources is currently addressing this issue.

I therefore report compliance with this provision.

Career Development

The Career Development program is established and readily accessible to all members within the organization through the Human Resources website. The directive has been revised to preclude education focused on secondary employment, post retirement, or post separation employment. In 2006 forty-seven (47) candidates from both sworn and civilian staff made application for Educational Assistance. All requests that qualified were approved, and those who satisfactorily completed their courses received remuneration in accordance with the Directive. The budget allocation was within target. There were no complaints of preferential or prejudicial treatment as it pertained to career development or educational assistance.

I therefore report compliance with this provision.

Promotion

I can report that in 2006 there were three (3) instances where uniform members requested preferential consideration in the current promotional process. In all three (3) instances the officers requested specific consideration that could be perceived as providing preferential treatment to them. In one (1) other instance, an officer requested an extension of his qualifications (expiry dates) for the entire group of candidates. In order to maintain a system based on fairness and consistency between candidates, and groups of candidates, all of their requests were declined.

In one other instance, as the final arbiter, the Chief granted a member's request on procedural grounds (the instance related to the acceptance of an application into the process).

I can report compliance in that the Service has a policy regarding equality of treatment in the area of promotion.

Notwithstanding all of the proactive measures and policies regarding the effective management and equal treatment of members with regards to promotion, there was one (1) ongoing grievance challenging the promotional process.

Separation

Separations and retirements were regularly reported to the Board during 2006 through the monthly Human Resources Update reports. There were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*, as result of any separations.

I therefore report compliance with this provision.

I c) ii) Preventing discrimination and harassment in the workplace:

Associated Directive(s)
HR-02-009 Workplace Discrimination and Harassment

Detailed procedures for responding to and preventing discrimination and harassment in the workplace, including stereotyping, are found in Service Directive HR-02-009 "Workplace Discrimination and Harassment". This directive guarantees members a workplace that is free from harassment and discrimination and is available to all members online and in printed versions available in all Service facilities.

In 2006 there were two (2) formal complaints and five (5) informal complaints of workplace harassment. Following extensive reviews and Human Resources intervention efforts six (6) of the seven (7) complaints have been resolved. The one remaining issue requires administrative closure and it is expect to be resolved within the next month.

I therefore report compliance with this provision.

1 c) iii) Establish procedures on employment accommodation:

Associated Directive(s)
HR-03-007 Disability Management

Procedures relating to workplace accommodation for members who are temporarily or permanently disabled are found in Service Directive HR-03-007 *Disability Management*.

I therefore report compliance with this provision.

1 c) iv) Sexist, derogatory materials in the workplace:

Associated Directive
HR-02-009 Workplace Discrimination and Harassment

Our specialists in Human Resources have not received any complaints of inappropriate materials posted within the workplace, nor have supervisors or Unit Leaders identified any instances of inappropriate materials within our facilities.

I therefore report compliance with this provision.

1 c) v) Training on race relations and Diversity:

Associated Directive(s)- N/A

One component of implementing our Diversity Strategy has been to seek out specific training opportunities. A Diversity training module was incorporated and delivered into every mandatory training session in 2006. All civilian employees received the Diversity Training Module in June of 2006.

The Police Learning Centre instructional staff has undertaken a review of all of the courses delivered by our staff, and sought out specific opportunities to insert diversity components into each program of study. These courses include Recruit Orientation, a component of which now includes field studies of diverse cultures in the communities of Durham. The Supervisor course and Coach Officer training includes an element of cultural competence and awareness for the Supervisor or Coach officer as they deal with new, diverse recruits.

The Service has completed its first Internal Demographics Survey, to identify the strengths and potential that our current employee group has to offer.

I therefore report compliance with this provision.

Policy Provision #2:

“Fail to present for Board consent, with supporting data where warranted, all member hires, separations and Board-level responses to grievances.”

Interpretation of the Chief of Police:

It is my interpretation of this policy 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.

Data Support:

Associated directive(s)- N/A

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.

As reported to the Board during 2006, there were thirty-four (34) separations during the year: twenty-five (24) police and nine (10) civilians. Of the former separations, fourteen (14) resigned and ten (10) retired and, of the latter, 8 (8) resigned and two (2) retired. As result of these separations there were no grievances or allegations of wrongful dismissal filed under *The Employment Standards Act*.

I therefore report compliance with this provision.

Policy Provision #3:

“Fail to acquaint members with the written directives set out above in item 1 of this policy.”

Interpretation of the Chief of Police:

It is my interpretation of this policy 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.

Data Support:

Written Service Directives, are available to all members online. The Human Resources Unit continues to update and provide a computer-based information for new employee orientation which includes Directives of relevance to new members, and which is distributed in CD form at the time of the new employee's enrolment.

The Police Learning Centre has developed an enterprise learning program in cooperation with Durham College and the Region of Durham. The E-learning program was specifically designed to deliver content of Service directives in an electronic format for our members. Currently modules are in place for workplace discrimination and harassment, pursuits, and first Aid/CPR

As stated previously, classroom instruction in relation to our diversity strategy, policies and procedures are also included in most Service training programs including recruit training, supervisor training, and annual mandatory training for all sworn members. Specific modules relating to diversity and workplace harassment will also be presented to civilian and auxiliary officers.

I therefore report compliance with this provision.

Policy Provision #4:

“Allow members to be unprepared to perform their duties effectively and safely in accordance with legislated and/or commonly accepted performance standards including the Occupational Health and Safety Act (RSO 1990 CHAPTER 0.1.)”

Interpretation of the Chief of Police:

It is my interpretation of this policy 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.

Associated Directive(s)

LE-10-001 Suspect Apprehension Pursuits

HR-05-002 Occupational Health and Safety

LT-05-002 Police Use of Force

AO-19-003 Police Uniforms-Equipment-Dress and Appearance

Data Support:

The Policing Standards Section of the Ministry of Community Safety and Correctional Services (the Ministry), under the authority of the *Police Services Act*, conducts systematic inspections and reviews of police services to ensure compliance with legislation and policing standards such as the *Occupational Health and Safety Act*, the *Workplace Safety and Insurance Act*, and the *Police Services Act*, including its Regulation on the *Adequacy and Effectiveness of Police Services*.

A joint Health and Safety committee, constituted under the *Occupational Health and Safety Act*, and comprised of certified employee and management representatives meets monthly to discuss health and safety concerns, review progress and make recommendations to the Chief. The committee carries out regular monthly inspections of the workplace to identify hazards, working conditions, and procedures that may endanger the health and safety of employees, or visitors within our facilities. The Human Resources Unit has assigned the Manager, Employee Health, Wellness as Safety to assume the role of Committee facilitator, as well as other HR resources as required. A full review of

our health and safety policies, procedures, committee structure, the tracking of recommendations, and archiving of minutes has been completed, and significant improvements to the process have been implemented. A Service wide Health and Safety Audit was completed in 2006 and nine (9) recommendations arising from this audit are currently being implemented.

As reported in 2006 one area of specific concern being addressed by the Health and Safety Committee relates to the Service's Firearm range. By October 31, 2007, the Service had implemented a Lead Control Program that provided optimum protection for members who may be exposed to lead. On January 22, 2007, the Ministry of Labour (MOL) returned for an in depth review of the Lead Control Program. The MOL was satisfied with only minor changes recommended and no further orders were issued. On April 18, 2007, the Service sent a final report to the MOL indicating the MOL's recommended minor change had been implemented.

In 2006, the average sworn officer received twelve (12) days of training to prepare them to perform their duties safely and effectively in accordance with legislation and established standards. Training and certification courses are regularly conducted at the Police Learning Centre, the Canadian Police College, the Ontario Police College, and at other training centres to qualify members as Supervisors, Coach Officers, Homicide Investigators, Domestic Violence Investigators, Advanced Collision Investigators, and Scenes of Crime Officers to name only a few. Specific Health and Safety awareness and obligations are included in most of the curriculum.

Mandatory training and re-certification in the Use of Force and officer safety is conducted annually for all sworn members to ensure they remain qualified under *Reg 926, sec 14.2* of the *Police Services Act*. Training and procedures are in place to ensure that prescribed equipment, materials and protective devices are provided; that they are maintained in good condition; that prescribed measures and procedures are followed, and; that the equipment, materials and personal protective devices provided are used as prescribed.

I report compliance with this provision.

Policy Provision #5:

"Fail to implement and maintain a performance appraisal system for all members."

Interpretation of the Chief of Police:

It is my interpretation of this policy that the Service shall have a system for evaluating the performance of all police and civilian employees.

Data Support:

Associated Directive(s) N/A

The Service has in place a Performance Management system requiring annual assessments. This system had originally been developed primarily for front line officers. It has been modified and maintained by Unit leaders to assess the competencies consistent with specific job requirements.

The Service is currently revamping the entire system to improve its effectiveness and ease of use.

I report compliance with this provision.

Policy Provision #6:

“Fail to establish procedures for 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 under either 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, 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.)**

Interpretation of the Chief of Police:

It is my interpretation of this policy 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.

Data Support:

Associated Directive(s)
AO-05-004 Risk Management and Legal Indemnification

Published 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 2006, Legal Services approved four (4) applications for legal indemnification. All four were in compliance with the Police Services Act, applicable Collective Bargaining Agreement and the *Risk Management and Legal Indemnification Directive*. Total legal indemnification expense was \$12,360.58.

I report compliance with this provision.

Based on the above proof provided, I report overall compliance with the policy.