

Classification **PUBLIC**

Meeting **April 2011**

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: _____
Chief of Police

Date: _____

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 nine 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 human resources management 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 207 Service Directives conform to a uniform standard.

I therefore report compliance with this provision.

Policy provision 1b) Effective handling of Grievances:

Detailed, step-by-step, procedures for handling grievances are clearly described in the *Senior Officer Collective Agreement*; the *Uniform Collective Agreement* and the *Civilian Collective Agreement*, all of which are available to all members online and in print versions available in all Service facilities. The directive “Grievance Process – DRPA Members” AO-09-008 was published in June 2009 and made available online to outline the 5-step process of grievance management for both civilian and sworn members.

In 2010 the Service received 14 new grievances; nine of which were policy grievances. Two were resolved; five were withdrawn or abandoned; and seven were carried over into 2011. One grievance from 2008 was unresolved despite ongoing effort and will carry forward into 2011. Historical grievance activity is as follows:

Grievance Activity

YEAR	NEW GRIEVANCES
2008	8
2009	14
2010	14

Note: In the first two months of 2011, four new grievances have been received.

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 and LT-04-001 Promotional Process
LT-05-003 Educational Assistance Program
HR-02-011 Respect in the Workplace (Anti-harassment and Violence Policy)

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.

Awareness & Outreach

Emphasis was placed on community outreach and awareness through 2010. For example, our Diversity Coordinator distributed language identification cards to front-line members, and posted the same information in large boards in public areas of our buildings. With 150 languages referenced on these resources, individuals requiring assistance can point to their language group and front-line/Communications staff can follow-up with a translator from Language Line. This both provides a valuable operational tool for our front-line officers, and demonstrates inclusion to our community.

Other outreach initiatives in 2010 included; participation in the Toronto Pride Events, the First Nations Literary Partnership Program (FNLPP), Places of Worship Tour, and Custom Pocket Calendars. The annual Pride Parade celebrates the Lesbian, Gay, Bisexual and Transgender community, and 43 DRP members from across the organization participated in the 2010 parade, including Senior Leadership, NCO's, and a vibrant core of civilian members.

DRPS, in partnership with the Durham District School Board, the North-South Partnership for Children, the Baagwating community and other agencies, has launched a program that connects people through reading and learning about First Nations history, culture and contributions to Canada through books written by Aboriginal authors.

2010 marked the first year of our multi-faith based tour, providing DRPS and Region of Durham members to introductory information on various Christian denominations, and a bus tour travelling to Islamic, Hindu, and Jewish places of worship.

Members were equipped with customized pocket calendars for 2011 containing tailored diversity information suited to the demographic make-up of Durham Region and additional at-a-glance information relating to recruiting, WSIB, crime prevention, and a contact listing of our organization.

Recruiting

In 2010, the Service hired five full-time and 12 part-time civilian members to replace departing members. In this total group of 17, there are 16 females and one male. There were 70 student hires (34 female: 36 male). Civilian hires noted represent members who were new to the Service or were successful in part-time to full-time promotions in 2010; they do not include part-time members who resigned existing contracts.

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

I therefore report compliance with this provision.

Career Development

In 2010, 73 sworn and civilian staff made application for Educational Assistance. There were 22 denied, resulting in a total of 51 applications being processed. This represents a decrease of 45% in total applications from 2009. Those who satisfactorily completed their courses received reimbursement in accordance with the Directive. In 2010, the total payout for approved and completed requests for learning opportunity was \$35,962.80. We are anticipating a further \$5,902.75 in pre-approved payouts, pending proof of successful completion, which will be applied to the 2011 Education Assistance budget.

Of significance, the Career Development Program was launched in the fall of 2010. Its design ensures that all members are developing themselves in ways that link individual effectiveness and satisfaction with the achievement of the Service's strategic objectives. To achieve this goal, we are promoting two programs: one-on-one support through Career Coaching and an online resource, the Career Development E-Manual.

There are 20 established Career Coaches who represent the Service at all ranks and were selected based on their experiences, career paths, and successes. Training was provided in two progressive sessions (a three-day workshop and a subsequent two-day workshop) in order that the coaches were well-equipped to provide guidance to other members in working towards their career goals. To date, there have been eight contacts / assessments with Career Coaches. The Steering Committee is actively promoting the program throughout the organization.

The E-Manual was designed to assist members in researching DRPS positions, exploring educational and developmental opportunities, as well as enhancing their cover letter, résumé writing, and interview skills.

The Service also introduced E-mail alerts to all members which provide instant notification of internal job postings as the opportunities become available. At the time of this report 12 notifications have been issued, some advising multiple vacancies.

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

2010 marked the first year that DRPS members were provided with a choice to complete the OPC examination or participate in the Leadership Development Program. The Leadership Development Program, developed in partnership with UOIT / Durham College, is an intensive one-week course designed for participants in the Constable to Sergeant (Step 1) and Sergeant to Staff Sergeant (Step 2) promotional processes to enhance promotional capabilities. This program was a success with plans to continue for the promotional process for 2011.

There were no instances of preferential / prejudicial treatment towards any members in the 2010/2011 promotional process.

I therefore report compliance with this provision.

Retirements & Resignations

The employment separation process is administered by the Total Compensation team. All separations were objective and non-discriminatory. We did not receive any complaints from these members with respect to the separation process. The table below notes that there was increased activity in the number of retirements (43%) and resignations / end of contracts (34%) from 2009 to 2010.

Separation Activity

	2009	2010
RESIGNATIONS		
SOA		3
Uniform	23	13
Civilian FT / PT	4 / 1	2 / 29
Students	55	64
Subtotal	83	111
RETIREMENTS		
SOA		2
Uniform	9	17
Civilian FT / PT	5 / 0	1 / 0
Students		
Subtotal	14	20
TOTAL	97	131

Separations and retirements were regularly reported to the Board during 2010 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.

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

Associated Directive(s)

HR-02-011 Respect in the Workplace (Anti-Harassment and Violence Policy)

Bill 168

Effective June 15, 2010, the Occupational Health and Safety Act was amended to include workplace harassment and violence. Bill 168 holds great significance to employers in the province and compliance represented another significant portion of this year's efforts. The Service amalgamated the Respect in the Workplace and Harassment directives and implemented a mandatory e-learning module in direct response to this legislation.

Respect in the Workplace

Employee Relations was made aware of nine Respect in the Workplace matters in 2010. Of these, two were resolved with formal outcomes, six were remedied by informal resolution and one was carried forward into 2011. The table below illustrates the number of Respect in the Workplace complaints

brought to Human Resources over the last three years; noting a slight decrease in complaints in 2010 compared to 2009.

Respect in the Workplace Activity

YEAR	NEW COMPLAINTS
2008	7
2009	10
2010	9

Note: Human Resources has not been made aware of any Respect in the Workplace complaints for 2011 as of the date of this report.

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*.

Return to work plans completed in 2010 to provide medical management and graduated return to work included 41 modified work assignments. Twenty five resulted in a return to full duties; the remaining 16 assignments are ongoing.

In 2010, 20 Sworn members were accommodated with permanent medical restrictions. Six Civilian members were accommodated. Every permanent accommodation is reviewed on an annual basis and updated medical is required for both Sworn and Civilian members.

I therefore report compliance with this provision.

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

Associated Directive
HR-02-011 Respect in the Workplace (Anti-Harassment and Violence Policy)

There were no reports of sexist or derogatory materials in the workplace in 2010.

I therefore report compliance with this provision.

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

Data Support:
Associated Directive(s) - N/A

One component of our Diversity Strategic Plan has been to incorporate Diversity Training as part of all new recruit training.

The Police Learning Centre instructional staff has reviewed all of the courses delivered by our staff, and sought out specific opportunities to incorporate diversity components into each program of study. These courses include Recruit Orientation, a component of which now includes field studies of diverse cultures in the communities of Durham. The Supervisor and Patrol Training Officer Courses include an element of cultural competency and awareness for the Supervisor or Patrol Training Officer as they deal with new, and more frequently, diverse recruits. Also reinforced in the patrol training course is a problem based learning exercise which focuses on racial tensions.

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 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 provide information at the time of a new member’s enrolment to DRPS payroll and benefits. In 2010, all new members attended a personalized orientation session with a member of Human Resources.

The Police Learning Centre continues to provide electronic learning opportunities specifically designed to deliver content of Service directives in accordance with self-directed adult learning principles for our members. Currently modules are in place for workplace violence, discrimination and harassment, accessibility, health & safety orientation, First Aid/CPR, communicable diseases, domestic violence situations, methadone labs: detection and response, and several other policing-specific modules.

As stated previously, classroom instruction in relation to our diversity strategy, policies and procedures is also included in most Service training programs including recruit training, supervisor training, and annual mandatory training for all sworn members.

In partnership with Graybridge Malkham, organization-wide planning occurred in 2010, towards conducting a member survey in 2011 for self-identification of diversity, assessing the cultural competency of DRPS and increasing diversity competency for all members. The Diversity Strategy has been brought into harmony with the Strategic Business Plan for 2011– 2013.

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 Joint Health & Safety Committee (JHSC), constituted under the Occupational Health and Safety Act is comprised of a core committee consisting of four certified management and four certified association representatives who meet monthly to discuss health and safety concerns within the organization. This core committee is responsible to make recommendations to the Chief when warranted. There is also a JHSC representative committee consisting of 21 members from across the Service who meet with the core committee on a quarterly basis. They are also responsible for completing a monthly health and safety inspection of their workplace. Our health and safety manual, policies, procedures, committee structure, recommendations and monthly minutes are all made available to members as well as online reference tools for the program. All minutes are posted as required by the Occupational Health and Safety Act and are also available on the Health, Safety and Wellness intranet website.

The Designated Officer program ensures that there are identified sworn members available across the Service who are trained and certified. Training and certification courses are regularly conducted by our Service and a variety of external agencies. Specific health and safety awareness and obligations as well as process for responding to exposures in the line of duty are included in 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 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.

Highlights of 2010

1. Our team developed a separate MediaOne homepage; located under Employee Services. The Health, Safety and Wellness homepage provides a quick link to all aspects of occupational health and safety and employee health and wellness at DRPS, including: Designated Officer Program information, emergency resources, Employee Family Assistance Program contact information and provided services, JHSC membership and meeting information, injured on duty and WBIS information along with topics of interest and highlights of other initiatives on a monthly basis. Available to all members in all work locations, this ensures our membership is equipped with the knowledge and tools to keep themselves healthy, safe and well.
2. A process was reviewed and approved for use in responding to requests for changes in non-standard equipment for front line officers (load bearing vests, drop holsters, etc.). This process is to provide criteria for medical information, training for new equipment, information to physicians in an effort to understand the rationale for review prior to equipment change. Final approval of equipment is to be made in conjunction with the chief and applicable medical officer. This process is under further review to ensure that officers are provided with safe equipment especially when working on the front line.
3. The Mental Health Committee was created to look into training programs and assistance for members dealing with mental health issues. Additional training was provided to front line officers and other members in regards to resources for psychological issues and awareness of benefit and EFAP resources.
4. Through partnership with UOIT, we have hosted four-month placements of Registered Nursing students as part of their community nursing experience. In 2010, two successful learning initiatives occurred with active membership participation: Heart Health Promotion and Infection Control and Prevention.

In 2010, there were a total of 229 occupational injuries reported in the DRPS, with the top three occurring accidents:

- Struck By - 55 incidents (24% of total)
- Slip / Trip / Fall - 42 incidents (18% of total)
- Struck Against / Contact With – 38 incidents (17 % of total)

I therefore report compliance with this provision.

Policy Provision #5:

“Fail to present, for Board information, disclosures, and decisions under section 49 of the Police Services Act (secondary activities).”

Interpretation of the Chief of Police:

It is my interpretation of this policy that the Service shall have a system monitoring and reporting information infractions regarding secondary activities of members.

Data Support:

Associated Directive(s)

HR-02-001 Secondary Activities

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

In 2010, there were no circumstances of misconduct where a sworn or civilian member engaged in an activity contravening section 49 (1) (secondary activities) without the permission of the chief of police. Human Resources did not receive any requests for secondary activities contravening section 49(1) of the Act.

I therefore report compliance with this provision.

Policy Provision #6:

“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)

HR-03-001 Performance Management Process

AO- 09-004 Civilian Discipline Process

In 2010, the Performance Management Directive was updated to include a template and assistive forms for use by supervisors in conducting and documenting performance improvement plans.

Monitoring and measurement of performance following hire was modified in the first quarter of 2010. The newly defined probationary periods are three months following hire for most civilian positions, and six months following hire for Communicators. Part-time employees are measured at equivalent timing.

2010 marked the fourth year of the Service’s competency-based performance management system to document performance of job requirements by all members. Service-wide compliance for performance

and development reviews conducted in 2009 (and received in 2010) was 87.4%, the highest to date. As part of continuous improvement an audit was conducted of completed Performance Management Reviews (PDRs), which indicates that the samples audited have improved in quality over the last three years. Improvements continue to be made to this process ensuring effectiveness for all user groups.

Our competency-based performance system of core and supervisory competencies extends to the Promotional Assessments. As of January of 2010, block training of sworn members incorporated specifics on the Supervisory Competencies to develop greater understanding and to facilitate more meaningful, demonstrable examples of performance.

I therefore report compliance with this provision.

Policy Provision #7:

“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

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 2010, Legal Services received 11 applications for legal indemnification, of which two claims were denied (one civil matter and one PSA matter), three claims are pending (one criminal appeal, one PSA and one HTA) and six HTA claims were approved. Invoices are yet to be received for any of the approved matters. The total expenses for outstanding Legal Indemnification paid in 2010 were \$52,889.93. Of this, \$50,812.13 was for a criminal code charge for which the accused was acquitted.

In comparison, there were 19 approved applications for legal indemnification in 2009 totaling \$38,525.00.

I therefore report compliance with this provision.

Policy Provision #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.

Interpretation of the Chief of Police:

It is my interpretation of this policy 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.

Data Support:

Associated Directive: HR-02-011 Respect in the Workplace (Anti-Harassment and Violence Policy)

Response to Bill 168 included the creation of the Respect in the Workplace Committee comprised of HR and Professional Standards leadership. This joint approach ensures that complaints are reviewed and dealt with in a coordinated effort. Further, the Service developed mandatory training for all members to understand this legislation and the impact in our workplace; at the time of this report, the compliance rate for this e-learning was 90%.

Risk assessments are being led by DRPS's in house experts, utilizing the broader skills of crime prevention through environmental design (CPTED) officers Marten Wind and Paul Hawyrchuk. Joint Health and Safety (JHSC) members were educated on risk assessments and required components for the Ministry of Labour (MOL). Committee representatives were provided the opportunity to conduct the risk assessment for their various units of responsibility. In the first quarter of 2011 the initial risk assessments were completed and will be collated into a comprehensive report for the Chief Constable. The report will include external and internal assessments of all DRPS sites, site visits and interviews with other police agencies, consultation with crime analysis, review of the JHSC core committee minutes and inspection reports, to name a few. Information gleaned from these assessments will result in ongoing improvements to our Respect in the Workplace program.

I therefore report compliance with this provision.

Policy Provision #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 of this policy that the Service shall have written procedures, and ensures 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:

Associated Directive: HR-02-011 Respect in the Workplace (Anti-Harassment and Violence Policy)

As part of the active ongoing efforts to ensure compliance with Bill 168, partnership will continue with the CPTED officers, members of the Domestic Violence unit, and the Respect in the Workplace Committee to address the potential risk of domestic violence in the workplace. Assessments, process improvements, and education and communication will be included to address this mandate.

I therefore report compliance with this provision.

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