



Ontario Police Arbitration Commission

Annual Report
Fiscal Year 2023-24

Ontario Police Arbitration Commission

Annual Report

Fiscal Year 2023-24

Table of Contents

Table of Contents.....	1
Ontario Police Arbitration Commission.....	1
Message from the Chair.....	1
Executive Summary.....	2
Legislative Authority.....	3
Mandate.....	3
Role of the Arbitration Commission.....	4
Composition.....	4
2023-24 Commission Member Appointment Terms.....	4
Adjudication Committee.....	5
Arbitration Committee.....	5
Staff.....	5
List of Conciliators and Registers of Arbitrators.....	6
Organization.....	6
Ministry of the Solicitor General.....	6
Arbitration Commission.....	6
OPAAC.....	7
Financial Report.....	7
Fiscal Year 2023-24 Budget: \$452,100.....	7
Services Breakdown:.....	7
Appointee Remuneration.....	8
Overview of Programs and Activities.....	8
Conciliation Services.....	8
Mediation-Arbitration Services.....	9
Mitigation of Undue Labour Relations Strife - Strategic Direction.....	9
Distribution of Labour Relations Information.....	9
Performance Measures – Fiscal Year 2023-24.....	10
1. Core Business Function: Conciliation.....	10
2. Core Business Function: Mediation/Arbitration.....	10

3. Core Business Function: Maintain and Distribute Information & Research Materials	10
Appendix 1	12
Activity Summary: Fiscal Year 2023-24	12
Conciliation Activity Summary	12
Conciliation File Outcomes in 2023-24	12
Arbitration Activity Summary	13
Arbitration File Outcomes in 2023-24	13
Appendix 2	14
Activity Summary – 10 Year Overview:	14
Conciliation Files	14
Arbitration Files	15
Total Files	16

Ontario Police Arbitration Commission

Annual Report

Fiscal Year 2023-24

Message from the Chair

The Ontario Police Arbitration Commission (the Arbitration Commission) again fulfilled all legislated obligations pursuant to Part VIII of the [Police Services Act](#) and all requirements set out in the Memorandum of Understanding between the Solicitor General and the chair of the Arbitration Commission. A list of competent conciliators, and a register of professional arbitrators have been maintained to ensure adequate conciliation and arbitration services were provided to Ontario police services and police associations.

All mandatory reporting requirements were satisfactorily completed. Specifically, the Arbitration Commission fulfilled its obligations to complete its annual report, business plan, compliance of attestation documentation, quarterly risk assessments, all financial reports, public information/website postings, and performance measures. All required service delivery timelines were met or exceeded.

During the 2023-24 fiscal year, the Arbitration Commission continued to provide timely and effective conciliation and arbitration services to Ontario police services boards and police associations.

The *Community Safety and Policing Act, 2019* came into force on April 1, 2024, and the Ontario Police Arbitration Commission was renamed as the Ontario Police Arbitration and Adjudication Commission (OPAAC). In 2023-24, considerable effort was dedicated to the design and implementation of an appropriate operational framework to ready OPAAC for its expanded mandate. In the last quarter of the 2023-24 fiscal year, the chair, vice chair, Adjudication Committee, and Arbitration Committee members were appointed, and interim changes were made to staffing to support the operational readiness of OPAAC.

As in all previous years, I thank all Arbitration Commission members appointed from the Ontario Association of Police Services Boards (OAPSB) and the Police Association of Ontario (PAO), for their contributions to the Arbitration Commission. I also thank ministry staff for their diligent work, loyalty, and professionalism and for providing administrative and strategic support which helped the Arbitration Commission effectively meet its legislative mandate.

Sig M. Walter
Chair

Executive Summary

During the 2023-24 fiscal year, the Arbitration Commission met or exceeded all mandated requirements set out under Part VIII of the *Police Services Act*.

The Arbitration Commission handled a total of 89 conciliation and 53 arbitration cases (refer to Appendix 1 for an activity summary for conciliations and arbitrations which occurred in 2023-24). The total number of conciliation and arbitration files, including carryover from earlier years, reached 142 compared to the 10-year average of approximately 207 files. The 10-year activity summary is provided in Appendix 2.

The following strategic objectives, outlined in the 2023-24 Business Plan, were successfully met:

- Ensure effective and timely delivery of professional conciliation and arbitration services
- Inform the Deputy Solicitor General and Solicitor General about important emerging labour relations issues in policing or within the Arbitration Commission
- Evaluate the potential implications of the *Community Safety and Policing Act*, 2019 and consequential impacts on the Arbitration Commission's strategic objectives and operations
- Continue to implement the strategy to mitigate policing labour relations discord, with the agreement of the OAPSB, the PAO and the Ontario Association of Chiefs of Police.
- Continue to review arbitrator and conciliator registers as required in accordance with the *Police Services Act*.

The Arbitration Commission ensured the maintenance of high-quality conciliation and arbitration services. The Arbitration Commission added four new arbitrators and retired 10 arbitrators from its registers of arbitrators. The Arbitration Commission's budget for fiscal year 2023-24 was \$452,100, and the Arbitration Commission operated over budget with a total expenditure of \$523,904. Please see the Financial Report section for additional information.

Legislative Authority

The Arbitration Commission's legislative authority is set out under section 131 (1) of the *Police Services Act*, R.S.O. 1990, c.P. 15 as amended and statutory responsibilities are specifically set out in subsection 131 (5):

131 (5) The Arbitration Commission has the following responsibilities:

1. Maintaining a register of arbitrators who are available for appointment under section 124.
2. Assisting arbitrators by making administrative arrangements in connection with arbitrations.
3. Fixing the fees of arbitrators appointed by the Solicitor General under section 124.
4. Sponsoring the publication and distribution of information about agreements, arbitrations and awards.
5. Sponsoring research on the subject of agreements, arbitrations and awards.
6. Maintaining a file of agreements, decisions and awards made under this Part.

Mandate

The Arbitration Commission is an independent adjudicative agency whose mission is to provide for the neutral administration of the Labour Relations, Part VIII, of the *Police Services Act* in an effective and timely manner.

The Arbitration Commission's key responsibilities, as outlined in the Memorandum of Understanding between the Arbitration Commission and the Ministry of the Solicitor General, are to:

- Promote harmonious labour relations in the police community
- Administer the mediation/arbitration process for police contract bargaining disputes and rights grievances
- Provide conciliation services prior to arbitration
- Assist parties in negotiating a voluntary collective agreement
- Sponsor research with respect to police arbitration processes and awards.

Role of the Arbitration Commission

The Arbitration Commission was established in 1972 to facilitate effective and efficient processes to assist Ontario police associations and police services boards in resolving labour and contract bargaining disputes. There are four dispute categories:

1. “Rights” disputes involve the interpretation, application, administration or alleged violation of an existing collective agreement or arbitral award
2. “Interest” disputes involve amendments to an existing collective agreement, or establishing terms for a new collective agreement
3. “Duty of Fair Representation” or “DFR” grievances by individual officers may not be filed against a police services board. However, arbitral jurisprudence has allowed individual officers to bring a DFR grievance against a police association
4. “Section 40” of the *Police Services Act* deals with severance issues arising from the abolition or reduction of a police force.

In accordance with Labour Relations Part VIII of the *Police Services Act*, the Solicitor General, or their designate, appoints conciliators and mediator/arbitrators to resolve rights disputes. The Arbitration Commission chair appoints interest arbitrators only, and the Solicitor General appoints conciliators to interest disputes.

The Arbitration Commission does not influence nor interfere in the conciliation or mediation/arbitration process. The Arbitration Commission promotes harmonious labour relations to improve the effectiveness of policing in Ontario.

Composition

Section 131(2) of the *Police Services Act* sets out the composition of the Arbitration Commission. It consists of a chair and two representatives of police services boards, recommended for appointment by the OAPSB, and two representatives of police associations, recommended for appointment by the PAO. The Solicitor General must consult with, or attempt to consult with, the bargaining agents or employers’ organizations prior to a chair being appointed to the Arbitration Commission.

2023-24 Commission Member Appointment Terms

Ontario Police Arbitration Commission Chair

Sig Walter: November 1, 2017 to April 1, 2024

Ontario Association of Police Services Board Representatives

Patrick Weaver: January 15, 2016 to April 1, 2024

John McTaggart: May 18, 2023 to April 1, 2024

Police Association of Ontario Representatives

Mark Baxter: April 5, 2017 to April 1, 2024

Tim Reparson: September 2, 2021 to April 1, 2024

The following new appointments to OPAAC were completed in the fourth quarter of 2023-24, as enabled through section 10 (1) of the *Legislation Act, 2006*, to ensure that the OPAAC could be operationalized effective the day that the CSPA came into force, April 1, 2024.

Ontario Police Arbitration and Adjudication Commission

Ontario Police Arbitration and Adjudication Commission Chair

Sig Walter: January 18, 2024 to January 17, 2025

Ontario Police Arbitration and Adjudication Commission Vice Chair

Richard Stubbings: February 1, 2024 to January 31, 2025

Adjudication Committee

- **Representing Police Associations:**
 - Mark Baxter: January 31, 2024 to July 30, 2025
 - John Cerasuolo: January 31, 2024 to July 30, 2025
 - Jon Reid: January 31, 2024 to July 30, 2025
- **Representing Police Chiefs**
 - Melissa Barron: January 31, 2024 to July 30, 2025
 - James MacSween: January 31, 2024 to July 30, 2025
 - Thai Truong: January 31, 2024 to July 30, 2025

Arbitration Committee

- **Representing Police Associations:**
 - Mark Baxter: January 31, 2024 to July 30, 2025
 - Jon Reid: January 31, 2024 to July 30, 2025
 - Tim Reparson: January 31, 2024 to July 30, 2025
- **Representing Police Service Boards**
 - Alan Boughton: January 31, 2024 to July 30, 2025
 - Shawn Poland: January 31, 2024 to July 30, 2025
 - Patrick Weaver: January 31, 2024 to July 30, 2025

Staff

Employees of the Arbitration Commission are appointed under Part III of the *Public Service of Ontario Act, 2006*. The staff supporting the Arbitration Commission consisted of a manager & executive advisor, three full-time conciliation services assistants and one part-time administrative position that assisted with the ongoing maintenance of the Arbitration Commission's database. To prepare for OPAAC's expanded mandate, beginning in December

2023, interim staffing structure changes were made. See the Organization section of this Annual Report (below) for further details on staffing.

List of Conciliators and Registers of Arbitrators

There were no new additions to the List of Conciliators. The Arbitration Commission added four new arbitrators and retired 10 arbitrators from its registers of arbitrators. The Arbitration Commission currently has three conciliators and 17 arbitrators to fulfill legislated obligations and services.

Organization

Ministry of the Solicitor General

The Solicitor General

Deputy Solicitor General, Community Safety (reports to the Solicitor General)

Assistant Deputy Minister/Chief Administrative Officer (ADM/CAO), Corporate Services Division (reports to the Deputy Solicitor General, Community Safety)

Ministry Staff Reporting to the ADM/CAO Providing Support to the Arbitration Commission and OPAAC

Up to December 2023:

- Manager and Executive Advisor
 - 3 Conciliation Services Assistants
 - 1 On-Call Admin

Revised Interim Staffing to Support Transition to OPAAC's Expanded Mandate:

- Senior Manager (effective February 2024)
 - 1 Executive Officer (effective December 2023 to March 2024)
 - 1 Program Manager (effective March 2024)
 - 2 Conciliation Services Assistants (ongoing)
 - 1 On-Call Admin

Arbitration Commission

Chair of the Arbitration Commission (reports to the Solicitor General and the Deputy Solicitor General, Community Safety)

Four Members (report to the chair)

- Two representatives of police services boards (recommended by the OAPSB)
- Two representatives of members of police associations (recommended by the PAO)

OPAAC

The following new appointments to OPAAC were completed in the fourth quarter of the 2023-24 fiscal year, as enabled through section 10 (1) of the *Legislation Act, 2006*, to ensure that the OPAAC could be operationalized effective the day that the CSPA came into force, i.e., April 1, 2024.

Chair (reports to the Solicitor General and the Deputy Solicitor General, Community Safety)

Vice Chair (performs tasks as delegated by the chair and reports to the chair for these tasks)

Adjudication Committee: Six Committee Members (report to the chair)

- Three committee members representing police associations
- Three committee members representing chiefs of police

Arbitration Committee: Six Committee Members (report to the chair)

- Three committee members representing police associations
- Three committee members representing police service boards

Financial Report

Fiscal Year 2023-24 Budget: \$452,100

Fiscal Year 2023-24	Budget	Actuals	Variance
Salaries & Wages	\$182,000	\$211,219	(\$29,219)
Benefits	\$23,500	\$34,848	(\$11,348)
Transportation & Communication	\$40,000	\$8,795	\$31,205
Services	\$192,600	\$268,856	(\$76,256)
Supplies & Equipment	\$14,000	\$186	\$13,814
Total:	\$452,100	\$523,904	(\$71,804)

Services Breakdown:

Fiscal Year 2023-24	Budget	Actuals
Conciliation Services	\$58,200	\$56,397
Arbitration Services	\$41,000	\$95,349
Other Services	\$93,400	\$117,110
Total:	\$192,600	\$268,856

The Arbitration Commission's approved 2023-24 budget was \$452,100. Total expenditure for 2023-24 was \$523,904, which resulted in an over-expenditure of \$71,804 mainly due to the following:

- An increase in per diem fees for conciliators from \$625 to \$1,300, and for arbitrators from \$825 to \$2,000.
- An increase in the number of days worked by the chair to support preparation for the transition to OPAAC.
- Revised staffing structure in preparation for the transition to OPAAC.
- Requirement for new application forms and a new website in preparation for the transition to OPAAC.

Appointee Remuneration

Total remuneration for all the Arbitration Commission appointees for the 2023-24 fiscal year was \$97,104.

Appointee	Total Annual Remuneration	Per Diem Remuneration
Sig Walter, Chair (Part-time)	\$90,024	\$744
Mark Baxter, Member (Part-time)	\$1,888	\$472
Patrick Weaver, Member (Part-time)	\$1,888	\$472
Tim Reparón, Member (Part-time)	\$1,888	\$472
John McTaggart, Member (Part-time)	\$1,416	\$472
Total:	\$97,104	

Overview of Programs and Activities

Conciliation Services

If parties are unable to resolve their differences through negotiation, a police association, police services board, or an individual may request the appointment of a conciliator by applying to the Arbitration Commission under sections 121 (interest disputes) or 123 (rights disputes) of the *Police Services Act*. An impartial conciliation officer is appointed to assist the parties in resolving or reducing the number of outstanding issues. Unresolved issues may be referred to arbitration at the request of either party. The purpose of conciliation is to assist parties in reaching a mutually agreeable resolution without proceeding to arbitration, thereby avoiding expensive and potentially lengthy processes for all parties involved.

The Arbitration Commission uses the services of three experienced conciliators with schedules that allow them to accommodate same day meetings for multiple conciliation cases.

2023-24 Conciliation Highlights

- 61 new applications for conciliator appointments
- 89 conciliation files were handled in total, including carryover from previous years
- 52 conciliations heard over 37 hearing days

Including carryover files, conciliation activity in fiscal year 2023-24 exceeded the Arbitration Commission's 10-year averages. New conciliation applications filed increased 17 per cent from

last fiscal year, reaching 61 new applications. However, due to a number of carryover files from previous fiscal years, the Commission handled a total of 89 conciliation files. The detailed conciliation activity report, which includes grievance types and outcomes, is available in Appendix 1 and the 10-year activity summary in Appendix 2.

Mediation-Arbitration Services

If parties are unable to resolve differences through conciliation and cannot agree on a joint appointment of an arbitrator, a police association, police services board or an individual may file an application for the appointment of an arbitrator.

2023-24 Arbitration Highlights

- 23 new applications for arbitrator appointments
- 53 arbitration files were handled in total, including carryover from previous years
- 23 arbitration files heard over 23 hearing days

Arbitration activity in fiscal year 2023-24 was at the Arbitration Commission's 10-year average. Due to the lower number of conciliation applications in 2022-23, there was an expected lower number in new arbitration applications filed in 2023-24. The detailed activity report is available in Appendix 1 and the 10-year activity summary in Appendix 2.

Mitigation of Undue Labour Relations Strife - Strategic Direction

The Arbitration Commission has and will continue to use its statistical database to identify the frequency with which police services and police associations apply to the Arbitration Commission for conciliation services or for appointment of arbitrators. Where statistical analysis indicates 'out of the ordinary' increases in the number of applications for conciliation or arbitration, the Arbitration Commission will make its observations known to the OAPSB and the PAO. Subject to the outcome of discussion with the commission members representing the OAPSB and PAO, the chair may write to a police service and police association offering the Arbitration Commission's assistance if the workplace parties mutually agree.

Distribution of Labour Relations Information

The Arbitration Commission continues to provide information about its services to stakeholders and the public in a transparent and accessible manner. The Arbitration Commission's website (www.policearbitration.gov.on.ca) provides historic information on arbitration decisions and communicates policies, procedures and accountability documents to stakeholders, legal counsel, labour relations personnel in the broader public sector and the public. Individuals can freely access this information and use the awards, summaries and agreements as research materials. The Arbitration Commission's website complies with the [Accessibility for Ontarians with Disabilities Act, 2005](#). The Arbitration Commission has taken the necessary steps for its website to be fully operative and to comply with all regulatory standards.

Performance Measures – Fiscal Year 2023-24

The following performance measures outline desired results for meeting the Arbitration Commission's business objectives and strategies.

1. Core Business Function: Conciliation

The following statistics are used to ensure efficient response to applications for conciliation services. The expectation is that every application is acknowledged within the same business day, apart from complex applications that require further interpretation or direction from the chair. The results below indicate that the Arbitration Commission's five-year average response time was 1.0 day. In fiscal year 2023-24, the average response time was **1.0 day**. The Arbitration Commission achieved its objective.

Objective	Outcome Statement	Measure	Result Achieved
Ensure timely delivery of professional services by qualified conciliators	Efficient delivery of conciliation services	At or below the previous five-year average number of days to respond from receipt of application to first contact of 1.0 day	Average number of days to respond from receipt of application to first contact: 1.0 day

2. Core Business Function: Mediation/Arbitration

The statistics below are used to ensure an efficient and timely response to applications for arbitration services. As with conciliation, every application for arbitration is acknowledged within the same business day, with an exception for complex applications that require further interpretation or direction from the Chair. The results below indicate that the Arbitration Commission's five-year average response time was 1.0 day. In fiscal year 2023-24, the average response time was **1.0 day**. The Arbitration Commission achieved its objective.

Objective	Outcome Statement	Measure	Result Achieved
Ensure timely delivery of professional services by qualified mediator/arbitrators	Efficient delivery of mediation/arbitration services	At or below the previous five-year average number of days to respond from receipt of application to first contact of 1.0 day	Average number of days to respond from receipt of application to first contact: 1.0 day

3. Core Business Function: Maintain and Distribute Information & Research Materials

The statistics below display the timeliness with which the Arbitration Commission posts arbitration awards/decisions on the website for public use. The Arbitration Commission has consistently met its requirement to publish and distribute collective agreement and arbitration award information. The results below indicate the Arbitration Commission's five-year average posting time was 1.1 days. In fiscal year 2023-24, the average posting time improved to **1.0 day** from the receipt of the summary. The Arbitration Commission achieved its objective.

Objective	Outcome Statement	Measure	Result Achieved
Improve stakeholder accessibility to the application process	Enhanced access to information on the Arbitration Commission's website	At or below the previous five-year average number of days for new awards to be published on the Arbitration Commission website from receipt of summary of 1.1 days	Average number of days for new awards to be published on website from receipt of summary: 1.0 day

Appendix 1

Activity Summary: Fiscal Year 2023-24

Conciliation Activity Summary

Results from Conciliation Appointments	Conciliation Files Processed	Rights Grievances	Interest Disputes	Duty of Fair Representation	Section 40
Carryover of files from 2021-22	16	16	0	0	0
Carryover of files from 2022-23	12	10	1	1	0
New Conciliation requests 2023-24	61	56	1	4	0
Total Conciliation Files:	89	82	2	5	0
Conciliation files heard 2023-24	52	47	1	4	0
Number of Conciliation hearing days	37	32	1	4	0

Average Conciliation Hearing Days Per Case: 0.71

Conciliation File Outcomes in 2023-24

File Outcomes	Total
Withdrawn	6
Resolved	7
Unresolved	35
On Hold	16
In Process	10
Inactive	15
Total Files Handled:	89

Arbitration Activity Summary

Results from Arbitration Appointment	Arbitration Files Processed	Rights Grievances	Interest Disputes	Duty of Fair Representation	Section 40
Carryover of files from 2020-21	1	1	0	0	0
Carryover of files from 2021-22	15	13	0	2	0
Carryover of files from 2022-23	14	11	0	3	0
New Arbitration requests 2023-24	23	19	1	3	0
Total Arbitration Files	53	44	1	8	0
Arbitration files heard 2023-24	23	18	0	5	0
Number of Arbitration hearing days	23	18	0	5	0

Average Arbitration Hearing Days Per Case: 1.00

Arbitration File Outcomes in 2023-24

Outcomes	Total
Inactive	9
In Process	36
Final Awards Delivered	2
Mediated Settlement	1
Withdrawn	3
Agreed to Own Arbitrator	0
Settled Prior To Arbitration	2
Total Files Handled:	53

Appendix 2

Activity Summary – 10 Year Overview:

Conciliation Files

Categories	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	Average
New Conciliation Applications	106	103	84	131	70	100	234	93	52	61	103.4
Rights Grievances	94	85	72	118	62	83	228	87	49	56	93.4
Interest Disputes	7	15	7	9	3	11	2	0	1	1	5.6
Duty of Fair Representation (DFR)	5	3	5	4	5	6	4	6	2	4	4.4
Section 40	0	0	0	0	0	0	0	0	0	0	0
Total Conciliation Applications	120	129	115	166	104	128	268	260	132	89	151.1
Rights Grievances	106	109	97	149	93	108	256	247	125	82	137.2
Interest Disputes	8	17	13	13	6	13	7	3	2	2	8.4
Duty of Fair Representation (DFR)	6	3	5	4	5	7	5	10	5	5	5.5
Section 40	0	0	0	0	0	0	0	0	0	0	0
Conciliation Cases Heard	90	87	76	109	69	86	104	81	61	52	81.5
Conciliation Hearing Days	71	64	48	71	58	54	65	58	49	37	57.5
Average Number of Days Per Conciliation	0.8	0.7	0.6	0.7	0.8	0.6	0.6	0.7	0.8	0.7	0.7

Arbitration Files

Categories	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	Average
New Arbitration Applications	21	15	29	23	32	20	16	30	19	23	22.8
Rights Grievances	17	11	24	20	28	15	13	26	16	19	18.9
Interest Disputes	3	4	1	3	3	2	2	2	0	1	2.1
Duty of Fair Representation (DFR)	1	0	4	0	1	3	0	2	3	3	1.7
Section 40	0	0	0	0	0	0	1	0	0	0	0.1
Total Arbitration Applications	44	37	39	41	51	57	60	86	91	53	55.9
Rights Grievances	29	26	30	36	45	48	49	73	78	44	45.8
Interest Disputes	5	4	3	3	4	5	7	9	7	1	4.8
Duty of Fair Representation (DFR)	5	3	6	2	2	4	3	3	5	8	4.1
Section 40	5	4	0	0	0	0	1	1	1	0	1.2
Number of Arbitration Cases Heard	19	12	20	20	19	13	12	35	25	23	19.8
Number of Arbitration Hearing Days	36	18	18	22	23	13	12	33	23	23	22.1
Average Number of Days Per Arbitration Hearing	1.9	1.5	0.9	1.1	1.2	1.0	1.0	0.9	0.9	1.0	1.1

Total Files

Categories	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22	22-23	23-24	Average
Total New Applications	127	118	113	154	102	120	250	123	71	84	126.2
Total New and Carryover Applications	164	166	154	207	155	185	328	346	223	142	207.0
Total Cases Heard	109	99	96	129	88	99	116	116	86	75	101.3
Total Hearing Days	107	82	66	93	81	67	77	91	72	60	79.6

Ontario Police Arbitration Commission
Annual Report
Fiscal Year 2023-24

Contact the Ontario Police Arbitration Commission at:

25 Grosvenor Street
15th Floor
Toronto ON M7A 1Y6
Telephone: 416 314-3520
Facsimile: 416 314-3522
Email: opac.applications@ontario.ca

www.policearbitration.gov.on.ca