



BY-LAW NO. 518-2024

**A BY-LAW RESPECTING
RESTRICTION ON MEMBERSHIP IN A POLICE ASSOCIATION**

1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, (“CSPA”) provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.3 AND WHEREAS Section 220 of the CSPA describes four positions in a Police Service which shall not become or remain a Member of a Police Association if their position would likely give rise to a conflict of interest in engaging in or assisting with collective bargaining;
- 1.4 AND WHEREAS subsection 222 (1) 3 of the CSPA provides that a person may apply to the Commission Chair to appoint an arbitrator to decide a dispute as to whether a person is prohibited from being a Member of a Police Association as a result of Section 220;
- 1.5 AND WHEREAS the Board deems it expedient to enact this By-law to ensure compliance with Section 220 of the CSPA.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

- 2.1 “Act” or “CSPA” means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 “Board” means the Regional Municipality of Niagara Police Service Board;
- 2.3 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.4 “Commission Chair” means the Chair of the Ontario Police Arbitration and Adjudication Commission (OPAAC) appointed under Part IX of the CSPA;
- 2.5 “Member” means a member of the Niagara Regional Police Service;
- 2.6 “Service” means the Niagara Regional Police Service;
- 2.7 “SOA” means the Niagara Regional Police Senior Officers’ Association.

3 BOARD POLICY

3.1 It is the policy of this Board to ensure compliance with Section 220 of the CSPA, after consultation with legal counsel, the SOA, the Chief and any Members affected by Section 220.

4 BOARD PROCEDURES

4.1 The Board shall consult with its legal counsel for advice on the application of Section 220 to Service positions, and shall direct counsel to consult with the SOA, the Chief and Members affected by Section 220.

4.2 In the event of a dispute as to the application of Section 220 to any Member, the Board shall instruct counsel to apply to the Commission Chair under Section 222 of the CSPA for a determination of the application of Section 220 to the Member.

4.3 The Board shall follow the direction of the Commission Chair and shall comply with any award issued by the arbitrator appointed to determine the application of Section 220 to the Member.

4.4 When it is determined that Section 220 applies to a Member, either by agreement or pursuant to an arbitration award issued pursuant to Section 222, the Board shall negotiate individual written employment agreements with each Member who is no longer a Member of the SOA.

4.5 Such negotiation shall include the Chief of Police with the consent of the Member who will be party to the agreement.

4.6 The employment agreements shall set out the terms and conditions of employment, and where practicable, shall include all salary, benefits, and other entitlements found in the collective agreement made between the Board and the SOA, as amended from time to time.

4.7 New hires shall be offered the same terms and conditions that are found in the employment agreements of currently serving Members.

4.8 Current Members who are prohibited from Police Association membership as a result of Section 220 remain Members of the Service, and remain under the direction of the Chief.

4.9 New hires who are prohibited from Police Association membership as a result of Section 220 shall be Members of the Service, and will be hired by the Chief, with prior notice to the Board.

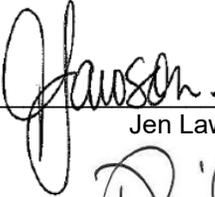
5 IMPLEMENTATION

5.1 Any By-laws, sections of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective on the date of passage of this By-law.

5.2 This By-law shall come into force on the date of its passage.

ENACTED AND PASSED this 23rd day of May, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Jen Lawson, Chair



Deb Reid, Executive Director