



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 10.3.1

Halifax Regional Council
October 7, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in cursive script that reads "Russell Walker".

Commissioner Russell Walker, Chair, Board of Police Commissioners

DATE: 29 September 2008

SUBJECT: Bill No. 129 - Trade Union Act

ORIGIN

On April 25, 2008 Bill No. 129 was introduced for first reading into the House of Assembly. It proposes to amend the *Trade Union Act* by removing the limitations on interest arbitration for police.

RECOMMENDATION

It is recommended that the Halifax Regional Board of Police Commissioners recommends Halifax Regional Council write the leaders of all three political parties to urge reconsideration Bill No. 129 to provide an opportunity to reflect on the public safety issues it raises.

BACKGROUND

On April 25, 2008 Bill No. 129 was introduced for first reading into the House of Assembly. It proposes to amend the *Trade Union Act* by removing the limitations on interest arbitration for police.

In October, 2004 Bill No. 138 became law establishing interest arbitration for police bargaining units. This was extended in November 2006 to include firefighters. Following the introduction of the firefighter amendments in 2006 a list of items that could be addressed by the arbitrator was added. That list is quite extensive and includes items primarily related to working conditions, wages and benefits. Bill 129 proposes to eliminate those restrictions.

While the Bill was at Law Amendments on May 25, 2008, a presentation was made on behalf of HRM, CBRM and the Town of Truro expressing concerns. The Bill has yet to be called back to the House. Since that time many Chiefs of Police and others have expressed concern regarding the legislation to the leaders of all three political parties.

In May, 2008 Chief Beazley wrote the leaders of all three political parties expressing concerns, and in August, 2008 the Halifax Regional Board of Police Commissioners also wrote to the leaders of all three political parties to urge reconsideration of Bill No. 129.

DISCUSSION

The current legislation is consistent with the list of arbitral items in other Nova Scotia essential services and public sector employees such as those contained in the *Civil Service Collective Bargaining Act*. The legislation ensures fair and equitable terms and conditions of employment for police officers and has worked effectively.

Bill 129 was introduced at the request of NSGEU to eliminate any restrictions on what could be arbitrated. It opens the door to, among other things, two items raised recently in an arbitration between CBRM and the NSGEU related to minimum manning and personnel transfers.

The Bill would allow an arbitrator the ability to determine issues such as the size of a police force and the deployment of police resources. It will adversely affect the flexibility of police forces to respond to critical issues of public safety as they arise. It allows an external arbitrator to usurp the role of the Chief of Police, the Board of Police Commissioners and Council in the management of policing to determine the appropriate level of policing required by the community. It is inappropriate to place such critical public safety decisions in the hands of an individual not accountable to the public.

BUDGET IMPLICATIONS

None

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

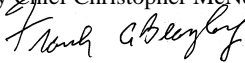
None

ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Deputy Chief Christopher McNeil, Halifax Regional Police, 490-5272



Report Approved by:

Chief Frank A. Beazley, Halifax Regional Police, 490-6500