

Halifax Regional Council
June 11, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer

DATE: June 6, 2002

SUBJECT: Herring Cove Fire Department Review

INFORMATION REPORT

ORIGIN

On February 26, 2002, the Halifax Regional Fire & Emergency Service requested the resignations of the Herring Cove Composite Fire Chief, the Deputy Fire Chief, and then to terminate the services of a Volunteer Firefighter. The decision and actions of the Fire Chief, HRF&ES, was discussed at an In-Camera session of Council on April 9, 2002. At the April 9th Halifax Regional Council meeting, a motion was passed that the CAO be directed to conduct an internal review with a report coming back to Council and the Community.

BACKGROUND

As the Fire Chief of HRF&ES reports to the CAO, Council directed that the CAO conduct an internal review of the situation surrounding the events of February 26, 2002. The need for an objective, constructive review is paramount given the significance of the events and the impact on the community. In light of the criminal investigation currently underway in the community, it is recognized that there may be limitations around the reporting of the events of February 26th.

The CAO stated the purpose of the review was to identify the key issues and to ensure that policies and processes be amended or established to better deal with similar circumstances, should they arise again. Specifically, the objectives of the review were:

1. To review and assess the processes used or not used by Fire & Emergency Services culminating in the actions taken on February 26, 2002, which resulted in the removal of the Composite Fire Chief, Assistant Deputy Fire Chief, and a Volunteer Firefighter; and securing the facility.

2. To review and assess the effect(s) of securing the community facility on the Herring Cove Community.
3. To make recommendations regarding processes and policies in the event of similar situations.

An independent consultant, Kevin McNamara, was hired to undertake interviews with key stakeholders, gathering information and facts around the events of February 26th. Research was also undertaken by Business Systems and Controls unit, within Financial Services. This report reflects the work of both parties.

A small contract has been awarded to Insurers Advisory Organization to undertake an assessment of fire suppression capabilities in Herring Cove before and after February 26th. This work is expected to be completed in the very near future.

DISCUSSION

Forty-four (44) interviews were conducted by Mr. McNamara. A list of interviewees is included in Appendix A. The report by Mr. McNamara was submitted to the CAO on May 31, 2002. The report contains a number of details and allegations concerning specific HRM personnel and volunteers. In the interest of moving forward in the rebuilding of the Herring Cove District Volunteer Fire Department, the details and allegations would not be helpful, hence the report by Mr. McNamara will not be released. However the conclusions of his report are contained in this report, and the recommendations made by Mr. McNamara are contained in Appendix B.

The findings of the review as outlined below reflect the conclusions drawn by Mr. McNamara, and the Business Systems and Controls Unit.

Objective 1: Review of processes used or not used resulting in the removal of three individuals.

It is clear there were obvious issues between the volunteers and career staff. Mistrust and lack of respect was evident on both sides.

Fire & Emergency Services had sufficient grounds to be concerned with the management of the Volunteer Service and was aware that its policies and processes were not being followed. Long standing managerial issues were identified. The Chief Officer for Fire Services, under Administrative Order 24, has under his authority both career and volunteer firefighters, and is responsible for keeping discipline in the Fire Service. Under Section 1(1), the Chief Officer has the power to hire, discharge, transfer, promote, demote, suspend and otherwise discipline any member of the Fire Service.

The majority of Volunteer Firefighters were not receptive to being included in the HRM Fire Services and were not inclined to be cooperative. There was friction and history between the volunteers, career staff, and their representative groups.

The charges of molestation against a former Volunteer and Career Staff Firefighter raised an immediate concern. HRF&ES took the decision to ask for the resignations of the Fire Chief, the Deputy Fire Chief, and then to terminate the services of a Volunteer Fire-fighter. It is clear, however, that HRF&ES acted without due processes being followed. While the specifics leading to the events were not anticipated in any policy, concerns about management and the treatment of individuals fairly should have caused them to undertake further investigation before requesting resignations. A temporary suspension would have been more appropriate, pending the results of further review and an operational audit. Senior management acted either without all the necessary information to make a final decision, or with mis-information.

Volunteer Firefighters have every right to be treated in a manner similar to career firefighters. Equally, Volunteer Firefighters bear similar responsibilities as career firefighters in the discharge of their duties, as described in Administrative Order 24.

A number of recommendations to address the process issues will be implemented within Fire & Emergency Services. Many will also be applicable to other areas of the HRM organization.

2. Effect of Securing the Community Facility

The decision to secure the facility was made to protect the assets of HRM and the community. However the decision was made without a full understanding of the impact on the community. Those making the decision did not know the full extent of the use of the Community Centre by other entities. Again, mistrust led to misunderstandings and feelings of hurt and anger in the community.

The community was under the impression they owned the facility. HRM believed it owned the facility, resulting from amalgamation. The land was granted by the Crown to the County of Halifax, in trust for Herring Cove in 1972. HRM is conducting further research on this issue, but recognizes the building was constructed primarily from funds raised by the community.

Processes are needed to ensure the impact of such actions are examined and addressed to the extent possible before the event takes place. Recommendations to address this issue are included in this report.

3. Recommendations regarding processes and policies

I have instructed Fire & Emergency Services to work with the Rural Fire Management Committee, Human Resources, and others as appropriate, to implement the following recommendations:

With respect to the individuals terminated:

1.1 These individuals will be invited to rejoin the Herring Cove District Volunteer Fire Department as Volunteers. It is recognized that a due and fair process was not undertaken before a final decision was made and an apology for the process used is to be issued.

1.2 Fire & Emergency Services is to work with the community to rebuild the volunteer service. It is recognized the volunteer service is a critical component of the Municipality's ability to respond to fire emergencies. The Herring Cove Volunteer Fire Department has, in its history, distinguished itself in the provision of its service. Volunteers deserve the same fair and impartial treatment and respect as do paid staff. Volunteers should also be expected to behave and provide service to the same standard as paid staff.

With respect to facilities:

2.1 A review is to be undertaken of all fire stations in the municipality to determine ownership, beginning with shared use facilities

2.2 A profile is to be prepared of each fire station, identifying uses of the premises by site, responsibilities and cost sharing arrangements.

2.3 A clear delineation should be made of the various organizations at a location, with roles of each identified.

With respect to Concerns Arising with the performance of volunteers:

3.1 HRM Fire Services Administration is to involve Human Resources and Legal, if necessary, in the investigation, decision-making and implementation of major decisions of discipline, especially suspension and for termination of volunteer staff, as it would for career staff.

3.2 Before any decision is made to terminate a volunteer, an appropriate investigation must be completed.

- 3.3 If it is necessary to replace a volunteer Chief, the Deputy Chief or a Composite Chief from another area should be appointed as per the protocols currently in place.
- 3.4 A policy statement should be developed and enforced, to deal with the issue of alcoholic consumption on fire station premises or similar joint use buildings, with clearly articulated penalties for violations.

With respect to building and supporting the Volunteer Fire Department in Herring Cove:

- 4.1 The recommendations resulting from the operational audit should be implemented in consultation with the volunteers, paid staff, the Ketch Harbour Resident Association, the Herring Cove Ratepayers Association, and others as appropriate.
- 4.2 Reporting relationships should be clearly established and included in organizational charts. Career staff should report and be accountable to one person only for all day-to-day activities. Protocols should also be established to outline the line of authority at a fire or emergency call.
- 4.3 Conflict resolution policy should be rewritten to ensure it provides an appeal system for volunteers. In the event of discipline, suspension or dismissal, the individual is to be given a copy of the appeal mechanism including who the appeal should be addressed to.
- 4.4 Training should be coordinated between volunteer and career staff at specific times to ensure they work together as a team at an emergency response or fire.
- 4.5 Protocols should be consistent throughout HRM for composite fire stations, amended as necessary to account for equipment availability, water source, hydrant, staff etc.
- 4.6 Critical Incident Stress Debriefing should be made available to volunteers as it is to HRM paid staff following any major incident.

I have asked Fire & Emergency Services to report back to me in three months, and six months, on the status of these recommendations. I expect the implementation of these recommendations to be completed in six months.

In conclusion, I am confident that the necessary processes and policies will be put in place to avoid similar situations or to better handle similar situations, should they arise. I have every confidence in HRM's Fire Chief and recognize his efforts and sincerity in discharging his responsibility fairly and appropriately. I am also confident that the community of Herring Cove will work with us to rebuild the Herring Cove and District Volunteer Fire Department.

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.

ATTACHMENTS

Appendix A: List of Interviewees

Appendix B: Recommendations provided by Kevin McNamara

INFORMATION BLOCK

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: George McLellan, C.A.O.

List of Interviewees by Kevin McNamara

Andy Sullivan	HC&DVFD
Dave Crowe	HC&DVFD
Tom Cooper	HC&DVFD
Tony Boyd	HC&DVFD
Blair Christian	HC&DVFD
Scott MacKellar	HC&DVFD
Archie Fraser	HC&DVFD and C.O.P.S
Dan MacIsaac	HC&DVFD
Greg Spearns	HC&DVFD
Pat Ryan	HRM Career Staff and former volunteer
Bucky Buchanan	Temporary Chief- HC&DVFD, post February 26
Mike Eddy	Chief Director, HRM Fire Services
Bill Mosher	Assistant Chief Director
Roy Hollett	District Chief
Doug Avery	District Chief
Bill Turpin	District Chief
Wayne Chapdelaine	Acting Safety Coordinator
Cst Shaun Smith	RCMP
Liane Tessier	HC&DVFD
Tom Domenie	Co-chair, Ketch Harbour Area Residents Assoc.
Brian Dempsey	Chair, Herring Cove Ratepayers Assoc.
Steve Anderson	V.P. Herring Cove Ratepayers Assoc.
D. H. (Buster) Brown	Executive Director, Herring Cove Ratepayers Assoc
Steve Adams	Councillor
Greg Ewart	C.O.P.S.
Fred Layton	Chair, Composite Chiefs
Sandi Vidito	HRM Fire Services
Anne MacIsaac	Past President, Ladies Auxiliary
Kevin Ernst	Career Staff – HRM Fire Services
Bob Moody	Past Chief, HC&DVFD
Composite Chiefs	at regular meeting with internal audit, HRM
Fred Martin, Sr	Support Group
Aline Thibodeau	Acting President, Auxiliary
Fr. James Mellon	St. Paul's Parish Priest, Herring Cove, (by phone)
Alcohol & Gaming Commission	(by phone)
Kathleen O'Grandy	Solicitor, Service N S Municipal Relations
Rob Cahoon	Chief, Hammonds Vol. Fire Dept. (by phone)
Bill Powell	Chief, Harrietsfield Vol. Fire Dept. (by phone)
Mary Ellen Donovan	Solicitor, HRM
Jeannette MacKay	Human Resources, HRM
Ken Martin	Retired HRM Career Staff (by phone)
Kevin Umlah	K N Umlah Insurance Agency Ltd. (by phone)
Bruce Brophy	Retired RCMP Constable (by phone)
Pat Hartling	Director of Human Resources, HRM
Bob Cormier	Nova Scotia Fire Marshall

SUMMARY OF RECOMMENDATIONS

By Kevin McNamara

#1

The municipality should do a review of all fire stations in the municipality and determine ownership. Once this has been determined, appropriate arrangements should be made for use of the premises, liability coverage, funding arrangement etc. This is most important in shared use facilities, as was the case in Herring Cove.

#2

A profile should be immediately completed on each fire station located within the municipality. This would identify the uses of the premises by site, responsibilities, cost sharing if appropriate and would assist in developing community impact, if any, by major decisions.

#3

The volunteers should be clearly identified as to their status. The minimum criteria that should be acceptable for an active volunteer would be the same criteria that would apply for an individual to receive a “free license plate for their vehicle” from the province which the chief must attest to.

This is that they must attend a minimum of 20% of all fire fighting activities that would include training and response to all types of alarms. Included in this can be some maintenance and re-supplying of a vehicle following a response. This would include those volunteers who, in the event of a fire, worked in the cold zone due to their age, physical fitness or training as well as in the hot zone. (Hot zone is the area in which those directly involved in fighting the fire are, while cold zone is in the area outside the hot zone where support individuals would be such as a possible vehicle driver, someone carrying supplies to those in the hot zone etc.)

#4

It is recommended that there be a clear delineation of the various organizations at the location. For example in Herring Cove there should be four distinct organizations: the Fire Service, the Society, the Auxiliary and the Support Group. The incorporation under the Societies Act for the latter three is dependent on the business functions of each, their membership needs or community needs. This does not mean that there cannot be cross membership and/or cooperation where appropriate. But they need to be identified as distinct, separate entities. The roles of each should be identified as well.

#5

It is recommended that training be coordinated between volunteer and career staff at specific times to ensure that they will work as a team when working together at an emergency response or fire.

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#6

Protocols have to be implemented that are consistent throughout HRM for composite fire stations. These must be amended, station by station, to account for equipment availability, water source, hydrant (dry hydrant or pumper), availability of staff etc.

#7

It is recommended that training be coordinated between volunteer and career staff at specific times to ensure that they will work as a team when working together at an emergency response or fire.

#8

The reporting relationship should be clearly outlined including organizational charts. If the Volunteer Fire Chief reports to the same person as the District Chief, then the chart should show this as well as being incorporated in job descriptions. Within the Herring Cove and District Volunteer Fire Department, the career staff should report and be accountable to one person only for all day to day activities.

This individual obviously would also do any performance appraisals etc. Protocols should be developed which outline the line of authority at a fire or emergency call. This is integral to successful action at the scene.

#9

It is recommended that volunteers in the Fire Service be given access to Critical Incident Stress Debriefing as are HRM paid staff following any major incident.

#10

It is recommended that when an accident investigation is undertaken, the reviewing committee interview the participants, and in particular any witnesses.

#11

It is recommended that HRM Fire Service Administration involve Human Resources (and Legal Services where appropriate) in the investigation, decision making and implementation of major decisions of discipline especially suspension and for termination of Volunteer Fire Staff as it would do with Career Staff. Further that they take training in dispute resolution as offered through HRM Human Resources.

#12

It is recommended that a full investigation be completed before any decision is made to terminate a Volunteer Fire Service Member.

It is recognized that no one can always get 100% of the facts involved when it is based on opinion, observations etc. However one must be satisfied that the balance of probabilities reached in an unbiased manner will lead to the conclusion. It also must be remembered that when action is taken against a volunteer, particularly where there are inferences of impropriety that it has an impact on the individual's reputation at their normal place of employment, within their families and within their community. It is a duty to ensure that it is done right.

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#13

It is recommended that if it is necessary to replace the Chief of a Volunteer Fire Department in the future, that the Deputy Chief or a Composite Chief from another area be appointed Acting Chief as per the protocols currently in place. Otherwise, change the protocol.

#14

It is recommended that the non-core department conflict resolution policy be rewritten to ensure that it provides for an appeal system for volunteers. Further that in the event of discipline, suspension or dismissal that the individual is given a copy of the appeal mechanism including who the appeal should be addressed to.

#15

It is not recommended that HRM set up a volunteer representation group. There exists an organization called the Halifax Fire Fighters Association, which can provide this service. However, it is up to the volunteer firefighters in HRM if they wish to resurrect this body. If they do so, it is recommended that HRM and HRM Fire Service Administration recognize them as a representation body for volunteers either individually or collectively.

#16

It is recommended HRM Fire Service Administration do an impact study of any major decisions that affect a volunteer department before they are implemented.

#17

It is recommended that the three volunteers be invited back to the Herring Cove District Volunteer Fire Department and that their resignations and terminations as volunteer Firefighters be rescinded. It is further recommended that they be issued an apology for the process that was used.

This apology is not meant to vindicate them for all their actions but they were not given due and fair process before a final decision was made.

#18

The reporting relationship should be clearly outlined including organizational charts. If the Volunteer Fire Chief reports to the same person as the District Chief, then the chart should show this as well as being incorporated in job descriptions. Within the Herring Cove District Volunteer Fire Department, the career staff should report and be accountable to one person only for all day to day activities.

This individual obviously would also do any performance appraisals etc. Protocols should be developed which outline the line of authority at a fire or emergency call. This is intricate to successful action at the scene.

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#19

It is recommended that within a two week period following the release of the CAO's recommendations volunteers must determine if they wish to be part of their community fire department. The first action must be to select a chief following the protocol as developed and presently in place by the Composite Chiefs and HRM Fire Service.

#20

It is recommended that an advisory committee of three Composite Chiefs (not necessarily all from the western Region but could be) be selected to assist the new Chief in developing and implementing a set of protocols and policies that will guide the local department into the future. This advisory committee should also act as a short term (maximum ninety days) liaison between HRM Fire service and the department to allow for a rebuilding of relationships. The HC&DVFD should then become part of the normal reporting relationship as applies to all other composite departments.