



**Presentation to the Standing Committee on
Justice Policy by the
Police Association of Ontario**

**Bill 107, An Act to amend
The Human Rights Code**

August 8, 2006

My name is Bruce Miller and I am the Chief Administrative Officer for the Police Association of Ontario (PAO). I was also a front-line police officer for over twenty years prior to taking on my current responsibilities.

The Police Association of Ontario is a professional organization representing 30,000 police and civilian members from every municipal police association and the Ontario Provincial Police Association. The PAO is committed to promoting the interests of front-line police personnel, to upholding the honour of the police profession, and to elevating the standards of Ontario's police services. We have included further information on our organization in our brief.

The need for legislative change in the area of Human Rights has been a matter of discussion for a number of years by many interested groups. We appreciate the opportunity to provide input into this important process.

The proposed legislation, as you know, would reform the complaints process so that discrimination claims would be filed directly with the Human Rights Tribunal of Ontario. The Ontario Human Rights Commission would shift its focus from adjudicating complaints to organizing proactive campaigns to prevent discrimination.

The trend in legislative amendment in other jurisdictions is to leave Human Rights Commissions responsible for public education and for promotion of Human Rights but to remove the Human Rights Commissions as gatekeepers in the complaints process. The Police Association of Ontario supports this concept of direct access and is pleased that the government has moved on this important issue.

The PAO supports the legislation and its principles in general terms, but would like to comment on several issues related to two specific areas.

The first surrounds funding. We would like to clearly state at the outset that the Police Association of Ontario believes that adequate funding for the Commission and its related bodies is essential to the functioning of the Commission.

We believe that funding should be available to support complainants in bringing matters forward for attention. We would caution however, that such funding must be limited to complaints of a serious nature involving the public interest and that such complaints must have a sense of legitimacy and province-wide application. We share the government's goal to modernize and strengthen Ontario's forty year-old human rights system by resolving complaints faster and more effectively and to better respond to modern human rights issues.

However, criteria and guidelines must be put in place to avoid funding every complaint. This area must be addressed and cannot be left to the Tribunal's discretion. Taxpayers must have assurance that only serious and legitimate complaints are being brought forward for review – and that frivolous and vexatious complaints are being dismissed.

The second area that we would like to comment on is the need to limit avenues of complaint. The avoidance of a multiplicity of proceedings and getting the complaint to the correct venue go hand in hand with the need to limit funding. We will be commenting on this subject as it has a significant impact on policing.

Within the realm of policing, it should be noted that citizens in Ontario already have access to a police complaint process, which can result in discipline and even dismissal, where violation of a citizen's human rights so warrants.

Police personnel in Ontario are highly trained professionals. Their job is to identify, respond, and deal with people engaged in unlawful activities. Police officers are duty bound to investigate, make arrests and lay charges on a daily basis. These duties are prescribed in legislation.

Our Association is on record as supporting civilian oversight of policing. Police personnel are currently subject to rigorous public oversight. This oversight function is provided by:

- Members of local Police Services Boards;
- Elected municipal and provincial officials;
- Special purpose bodies including the Special Investigations Unit, the Human Rights Code, the Ontario Civilian Commission on Police Services; and
- Coroner's inquiries, public inquiries, criminal and civil courts.

We have been and continue to be actively involved with government and other stakeholders in discussions on how to improve Ontario's police complaint system.

As an Association committed to excellence in policing, we are always willing to participate in a process that ensures that all Ontarians have faith in their police service and the system of civilian oversight.

The PAO believes that the number of venues open to an individual to file a complaint should be limited. Currently, police officers are subject to a public complaints process, civil actions, potential criminal reviews as well as complaints filed under the Ontario Human Rights Code. These avenues of pursuit may be undertaken simultaneously or one after another.

We believe that this places an undue burden on the police officer affected. It also places needless financial burdens on the local police association, police service, municipality and the taxpayer. We would recommend that the government explore how to limit the exposure of police officers who must navigate these varied processes.

The proposed legislation allows for the Tribunal to dismiss a proceeding in the following circumstances:

- 41.** (1) The Tribunal may dismiss a proceeding, in whole or in part, without a hearing, if,
- (a) the proceeding is frivolous, vexatious or is commenced in bad faith;
 - (b) the proceeding relates to matters that are outside the jurisdiction of the Tribunal;
 - (c) some aspect of the statutory requirements for bringing the proceeding has not been met;
 - (d) the application is made under section 35 and the facts alleged in the application, even if true, do not disclose an infringement of a right of the applicant under Part I;
 - (e) the application is made under section 36 and the facts alleged in the application, even if true, do not disclose infringements of a right under Part I that are of a systemic nature;

(f) the application is made under subsection 45.1 (3) and the facts alleged in the application, even if true, do not disclose a contravention of a settlement; or

(g) the Tribunal is of the opinion that another proceeding has appropriately dealt with the substance of an application.

We are concerned that clause (g) is too open ended. The use of the word "dealt" would apparently not apply to proceedings that are ongoing.

We would suggest the language be amended as follows:

(g) the application raises allegations that are the subject of another proceeding, or, the application raises allegations that may be the subject of another proceeding in a more appropriate forum.

This would allow for the dismissal of an application if:

1. The substance of the allegation is raised in another proceeding. (The proceeding needn't be completed. This is to avoid multiplicity and to make complainants choose one forum.)

And/Or

2. If the substance of the allegation is more appropriately raised in another forum (Again there would be no need to have the other proceeding completed, but this would help avoid multiple proceedings and would also prompt the Tribunal to encourage itself to be limited to matters where they are acting on serious and substantive matters impacting Human Rights).

Reasonable restrictions to avoid multiple and unnecessary proceedings must be established to ensure reasonable limits on costs for both applicants and for respondents.

In closing, we would like to make it clear that the Police Association of Ontario endorses the principles in Bill 107 and supports its speedy passage. We do believe that reasonable limits should be put on funding for complainants. We also strongly believe that the multitude of avenues of complaint should be limited.

We would like to thank the members of the Standing Committee for the opportunity to appear before you once again and for your continued support for safer communities. We would be pleased to answer any questions that you may have.



Mandate of the Association

The Police Association of Ontario (PAO) was founded in 1933 and is the official voice and representative body for Ontario's front-line police personnel. Our membership consists of 30,000 police and civilian members from every municipal police association and the Ontario Provincial Police Association (see attached for a complete listing of member associations).

The Police Association of Ontario promotes the mutual interests of Ontario's front-line police personnel in order to uphold the honour of the police profession and elevate the standards of police services.

The core objectives of our Association are to:

- Provide progressive and effective leadership and representation on policing issues;
- Deliver flexible and innovative services providing resource and support to our member associations;
- Deliver training and educational programs to foster enhanced association leadership; and,
- Encourage cooperation and unity within our membership.

Community Service

The Police Association of Ontario and its affiliates across this province have a long history of community support and involvement. Whether through the work of our individual members or through the efforts of a local association, many charities, minor sports programs and assistance programs for people of all ages, have benefited from our efforts.

The PAO believes that our "Kids and Cops and Canadian Tire Fishing Days" is another example of this community spirit. We have partnered with Fishing Forever, a non-profit organization, whose principal focus is recreational fisheries conservation and securing the future of fishing in Ontario. The PAO has committed over two hundred thousand dollars to this program over the last several years and to date have taken thousands of young people fishing for the day with police personnel. The PAO was honoured last year with the Rick Amsbury Memorial Award for its contribution to fishing and youth in Ontario.



Sharing Our Expertise

Our unified voice has always been a key resource to government on all matters related to policing. Building on our shared goal of making Ontario communities safer, we have worked with successive governments on a number of important policy files sharing our experience and expertise.

Notable amongst our past achievements is the revitalized Police Services Act. Our Association worked along side other police stakeholders including representatives of Ontario's Chiefs of Police, Police Service Boards and municipalities to forge a consensus on how best to transform Ontario's police services. Working with elected members on all sides of the Legislature on this important initiative was particularly rewarding.

In recent years, our Association has been advocating for a number of new initiatives that would improve community safety and protect police personnel including:

- ❑ Measures to address the escalating problem of violence in our communities posed by gangs, drugs and guns in particular;
- ❑ Implementation plans for the 1,000 new officers;
- ❑ Revitalizing the Ontario Municipal Employees Retirement System (OMERS) to better reflect the contribution of police and fire fighter personnel.
- ❑ Passage of the "pull to the left" law that requires vehicles to slow and pull to the left when approaching a stopped emergency vehicle.

Moving Forward: Developing The Work Plan

While proud of our past accomplishments, we understand that police services are constantly in transition. By responding to changing public expectations, we can ensure that Ontario's police services remain responsive, effective and accountable. At present, we are anxious to work with government on a number of important policy matters including:

- ❑ Maintaining Ontario's strong system of civilian oversight.
- ❑ Improve pension portability for police personnel through a divestment agreement with the Ontario Pension Board and OMERS.
- ❑ Standardizing Ontario's usage of private security personnel.
- ❑ Improving Bill 105 regulations (The Blood Samples Act) to ensure officer and community safety.



PAO Member Associations

Amherstburg	Kingston	Sarnia
Aylmer	Kirkland Lake	Saugeen Shores
Barrie	LaSalle	Sault Ste. Marie
Belleville	Leamington	Shelburne
Brantford	Lindsay	Smiths Falls
Brockville	London	South Simcoe
Chatham-Kent	Michipicoten Twp.	St. Thomas
Cobourg	Midland	Stratford
Cornwall	Niagara Parks	Strathroy
Deep River	Niagara Region	Stirling-Rawdon
Dryden	North Bay	Sudbury
Durham Regional	Ontario Provincial Police	Temiskaming Shores
Elliot Lake	Orangeville	Thunder Bay
Espanola	Orillia	Timmins
Essex	Ottawa	Toronto
Gananoque	Owen Sound	Waterloo Regional
Guelph	Oxford Community	West Grey
Halton Regional	Peel Regional	West Nipissing
Hamilton	Pembroke	Windsor
Hanover	Perth	Wingham
Kenora	Peterborough-Lakefield	York Regional
	Port Hope	

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The Police Association of Ontario – a Resource for Government

The PAO has a history of working with government to ensure safe communities. Our unified voice has always been a key resource to government on all matters related to policing. The PAO web site is located at www.pao.on.ca. It contains all of our media releases, position papers and other information on policing and community safety. We would also encourage you to contact our office should you need any further information.

Some of the material includes:

- ❑ Presentation to the Standing Committee on Finance and Economic Affairs on Bill 40, The Emergency Service Provider's Insurance Protection Act.
- ❑ PAO position paper on the need to reform Bill 105 (the Blood Samples Act).
- ❑ Public opinion polling information on community safety issues.
- ❑ Presentation to the Standing Committee on Bill 96, An Act to Amend the Liquor Licence Act, 2004.
- ❑ Presentation to the Standing Committee on Justice Policy by the Police Association of Ontario on the Review of the Emergency Management Statutes.
- ❑ Presentation to the Beverage Alcohol Review Panel.
- ❑ Presentation to the Standing Committee on the Legislative Assembly on Bill 132, An Act to amend the Dog Owners' Liability Act to increase public safety in relation to dogs, including pit bulls, and to make related amendments to the Animals for Research Act.
- ❑ Submissions to the Honourable Patrick LeSage, Q.C., The Police Complaints Review.
- ❑ Presentation to the Standing Committee on Justice Policy on Bill 110, An Act to require the disclosure of information to police respecting persons being treated for gunshot wounds.
- ❑ Presentation to the Standing Committee on Justice Policy, Bill 128, Law Enforcement and Forfeited Property Management Statute Law Amendment Act, 2005.
- ❑ Presentation to the Standing Committee on Justice Policy, Bill 159, An Act to revise the Private Investigators and Security Guards Act and to make a consequential amendment to the Licence Appeal Tribunal Act, 1999.
- ❑ Presentation to the Standing Committee on General Government on Bill 206, An Act to revise the Ontario Municipal Employees Retirement System Act
- ❑ Presentation to the Standing Committee on General Government on Bill 56, An Act to amend the Emergency Management Act, the Employment Standards Act, 2000 and the Workplace Safety and Insurance Act, 1997