

AMENDMENTS TO THE ONTARIO FIRE PROTECTION AND PREVENTION ACT

On December 6, 2018, [Bill 57, Resorting Trust, Transparency and Accountability Act, 2018](#) (Bill 57) received Royal Assent. Notably, Schedule 18 of Bill 57 amended the Ontario Fire Protection and Prevention Act, 1997 that included changes to interest arbitration in the fire sector.

KEY AMENDMENTS

Amendments made to Bill 57 included a number of changes to Schedule 18 of Bill 57 – the *Fire Protection and Prevention Act, 1997* (Act). Part IX of the Act amended the following as it relates to interest arbitration in the fire sector:

- the three-member arbitration boards were replaced with a single arbitrator for dispute resolution;
- new criteria to be taken into consideration in an arbitrator's decision; and
- a requirement that an arbitrator provide written reasons for a decision at the request of either party.

Section 50.3.2 of the Act outlines the following new criteria that an arbitrator should take into consideration when making a decision, which now includes municipalities "ability to pay" firefighter wages:

"Criteria

(2) In making a decision, the arbitrator shall take into consideration all factors the arbitrator considers relevant, including the following criteria:

- 1. A comparison, as between the employees and other employees in the public and private sectors, of the terms and conditions of employment.*
- 2. A comparison of collective bargaining settlements reached in the same municipality and in comparable municipalities, including those reached by employees in bargaining units to which the Labour Relations Act, 1995 applies, having regard to the relative economic health of the municipalities.*
- 3. The economic health of Ontario and the municipality, including, but not limited to, changes to labour market characteristics, property tax characteristics and socio-economic characteristics.*
- 4. The employer's ability to attract and retain qualified firefighters.*

5. *The interest and welfare of the community served by the fire department.*

6. *Any local factors affecting the community."*

Laurie Scott, Labour Minister, stated "an interest arbitration system that drags out decisions for years is unfair to both municipalities and firefighters," and that "our government believes these changes will improve accountability, transparency, and efficiency in the interest arbitration process".

QUESTIONS?

If you have any comments or questions about this update please contact *Rob D'Angelo*, Division Manager, Information & Advisory Services and Compensation at 604-432-6233 or by email at rob.dangelo@metrovancover.org.

SOURCE

"*More weight to be given to city's "ability to pay" firefighters wages*", December 6, 2018, <https://www.recorder.ca/news/local-news/arbitration-changes-in-bill-57>