

A HEALTHY AND SAFE WORKPLACE

The History of Police Unionism in Canada



by Rick Parent and Noor Sandhu

Although Canadian police agencies have existed for hundreds of years the unionizing of police officers is relatively recent. The current Canadian police labour movement originated from fraternal associations that began forming at the turn of the century. The Vancouver Police Department association is one of the oldest, created in 1918.

The forming of a police association and obtaining individual rights for police officers was often met with resistance. In New Brunswick, St. John police were forced to go on strike in December 1918 after being refused permission to affiliate with the American Federation of Labor. Although 40 police officers went on strike, six officers stayed on duty, ensuring that no violence occurred.

Also in 1918, the Toronto Police Union became chartered by the Trades and Labour Congress. Wage and working conditions influenced officers to view unionization as a means of improving their workplace and a way to increase formal and professional interactions with their employer. Unfortunately, the police commission failed to recognize the union's existence, resulting in 67 per cent of officers participating in a four day strike which resulted in a promising settlement.

This ruling was later overturned by a Royal Commission citing that a labourer was a producer and that a constable was not; therefore, it was "not advisable for the Toronto Police Union to continue to hold its present charter."

Due to these findings, the Trades and Labour Congress revoked the Toronto Police Union's charter, effectively delaying progress in Ontario police labour relations for many years.

It was not until 1933 that a number of police chiefs formed the Police Association of Ontario (PAO) in an attempt to equalize standards in law enforcement province-wide. In 1934, recommendations were made to the Attorney General of Ontario that included references to the less than optimal working conditions for police officers. Soon after, associations began to spring up throughout the province.

When the federal Wartime Labour Relations Act was enacted in 1944 several groups of government employees were granted union certification. Since this act recognized the union as the official and legal labour representative

of a particular group of labourers, many local governments began to grant the right to collectively bargain with their municipal employees. This piece of federal legislation significantly impacted the development of the police labour movement in Canada.

In the mid 1940s, police departments in Toronto, Montreal and Vancouver became certified associations. Also around this time, the PAO ignored its roots and became a rank-and-file organization. No longer dominated by chiefs and deputies, it became a province-wide professional organization representing all police officers. By 1945, a large majority of police officers were members.

In 1946, the Vancouver Police Department was able to obtain its first collective agreement. As this was occurring, police in Montreal were forced to strike in order to obtain bargaining rights. However, by the end of the 1940s the seeds had been sown for the Canadian police labour movement. Police personnel and other employees of municipal governments had generally seized on the increased awareness of labour rights within society and formed legal associations with collective bargaining rights.

During the 1950s, while other municipal and civil servants gained more bargaining rights, large numbers of police officers were becoming concerned with the "no strike" clause in their contracts. This placed them at the mercy of the government and employer interests, setting them apart from most other emerging municipal unions. Although the police labour associations were recognized as legal bargaining agents, their ability was limited in situations where labour negotiations had reached an impasse. In some instances, strategies were required to address the "essential services" designation and to compensate for the inability to strike. One of the few exceptions was the Vancouver City Police Union Association, which was able to bargain via compulsory arbitration.

Toward the end of the 1950s, a significant transformation occurred in Toronto as a result of two events. First, the city merged with other surrounding municipalities for a variety of service-delivery purposes that included policing. This resulted in the formation of the Municipality of Metropolitan Toronto Police Force in 1957 and with it, the Metropolitan Toronto Police Association (MTPA). Secondly, with an enhanced membership, a decision was made

to acquire a full-time president. This move brought significant change to how management approached police labour relation. The MTPA was now in a position allowing it to effectively bargain with the employer.

During the 1960s, officers became less willing to accept the paramilitary structure of police organizations. Concerns with inadequate wages, inflation and increased public pressure for law and order created dissatisfaction among police and increased militancy.

In 1965, the Ontario Provincial Police was granted the right to establish an association. In Quebec, the Labour Code of 1964 and the Police Act of 1968 granted Montreal officers the right to collective bargaining, however they could not take legal job action and were subject to mediation and binding tripartite arbitration. As a result, 3,700 Montreal police officers went on strike in 1969. The event was triggered by several external and internal factors that proved to be one of the most significant events in police labour relations.

The Montreal City Police (MCP) was the only large metropolitan department in the province. Relationships between police and the public grew strained as officers were forced to deal with student riots and the Quebec separatist movement. In addition, police were faced with prolonged arbitration proceedings as a consequence of what officers perceived to be insufficient wage increases and a rolling back of on-the-job benefits. This situation was further intensified when the MCP no longer had wage parity with their Toronto counterparts.

To end the strike, MCP officers were eventually granted wage parity with Toronto. The strike and chaos were unsettling for the public, judicial bodies and police management. However, the strike served to demonstrate the power and strength of police associations as well as the realization that police strikes must be averted. By the end of the 1960s, most Canadian police agencies, except the RCMP, had been granted collective bargaining rights. During the 1970s, police associations became more professionalized in their labour relations techniques but maintained a certain degree of militancy utilizing labour-related job action. In 1971, Canada experienced its first legal police strike in Nova Scotia when 56 police officers walked off the job when city council turned down a recommended pay settlement.

In 1975, labour negotiations in general were

altered when provincial governments across Canada froze wage increases due to inflation and a widespread economic recession. These restrictions made it difficult to negotiate monetary issues, forcing police associations to turn their focus to issues such as resource allocation and the deployment of personnel. This change in focus interfered with traditional managerial rights and created a rift in police organizations.

By the late 1970s, police labour issues had spread across the country, focusing upon monetary and non monetary concerns. In Nova Scotia, police refused to cross the picket lines of a strike with which they sympathized. In Toronto, police lobbied for two-man patrol units while Regina officers went on an illegal strike to speed up contract negotiations. In 1978, Saanich police officers on Vancouver Island reported for duty ungroomed and in plain clothes as a means of protest.

Since the 1980s, police associations have maintained a steady pattern of growth and development. Police labour leaders have become more experienced in the field of labour relations and a more sophisticated system of bargaining has emerged. Despite advances in the police labour movement, most Canadian police associations have remained conservative and are rarely confrontational with their employer.

Smaller police associations and the RCMP (due to an agreement with the Treasury Board of Canada) have been able to reap the benefits obtained by the independently larger metropolitan police forces. For example, in the Vancouver lower mainland area, police agencies

such as Abbotsford, Delta, New Westminster, West Vancouver, and Port Moody have similar collective agreements to those negotiated by the Vancouver Police Department.

Police associations and unions vary in membership; some represent only ranks that have no supervisory responsibilities, while others represent mid and senior level management in addition to rank-and-file members. In other instances, the police union represents sworn police officers and civilian workers that may include jail guards and dispatchers.

No matter where they lie on the continuum, police unions and associations are a structured and organized group of individuals that share common objectives and features focused upon improving the quality of life for others. They attempt to speak with a unified voice on behalf of their membership; they place a premium on group over individual goals. They enjoy greater bargaining power than would be available to individual members negotiating alone with an employer.

Police associations and unions also serve to influence the public's attitude and perceptions about policing while improving the quality of work life through both active and passive mechanisms of collective bargaining. The goal of many police unions is to better the police agency; allowing the rank and file input into shaping the quality of policing that the community receives.

Today, the Toronto Police Association (TPA) is the largest single association of its kind in Canada. The objectives of the TPA are

to "uphold the honour of the police profession, promote and advance the social, wellness and economic welfare of its members [and to] generate public and political interest on the vital importance of police work in the everyday life of our community."

Collective bargaining and labour contract administration are a priority for the TPA, as is promoting a healthy and safe work environment for all its members.

Authors Note:

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THE LITTLE TIN CUP THAT DID

Toronto's Syd Brown changed police labour relations in Canada

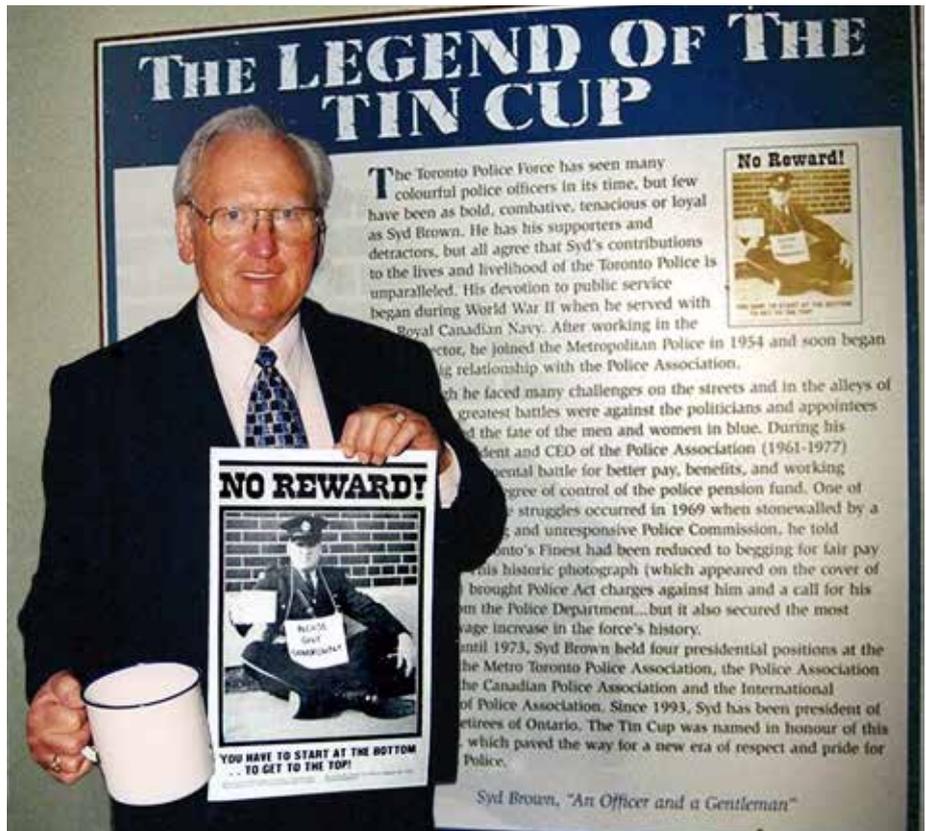
by Morley Lyburner
(with files from Toronto Police Association)

The Toronto Police Force has seen many colourful police officers in its time, but few have been as bold, combative, tenacious or loyal as Syd Brown. He had his supporters and detractors, but all agree that Brown's contributions to the lives and livelihood of the Toronto Police is unparalleled. His legacy has also left an indelible impression on police labour relations across Canada.

Brown's devotion to the public service began during World War II when he served with the Royal Canadian Navy. After working in the private sector, he joined the Metropolitan Toronto Police in 1954 and soon began his life-long relationship with all aspects of police labour relations.

Even though he faced many challenges on the streets and in the alleys of Toronto, his greatest battles were against the politicians and appointees who controlled the fate of the men and women in blue. During his tenures as president and CEO of the police association (1961 - 1977) he led the monumental battle for better pay, benefits and working conditions and a degree of control of the police pension fund.

One of his most memorable struggles occurred in 1969. When stonewalled by a seemingly uncaring and unresponsive Police Commissioner, he told reporters that Toronto's finest had been reduced to begging for fair pay and benefits. He then posed for his historic photograph (which appeared on the cover of Toronto Life Magazine) sitting cross legged on a sidewalk with a tin cup in hand. The action



proved an embarrassment to the intransigent police commissioner and brought Police Act charges against Brown and a call for his dismissal from the force... but it also secured a 30 per cent pay raise. This changed the way (police) wage and job negotiations were done in all of Canada

From 1968 until 1973, Syd Brown held four presidential positions at the same time: The Metro Toronto Police Association, The Police Association of Ontario, the Canadian Police Association and the International Conference of Police Associations. In 1977 Brown became a further trend setter by becoming the chief of the Waterloo Regional Police. From

constable to labour boss to chief of police. Another Canadian first.

In 1993 Brown took over the presidency of the Police Retirees of Ontario and loyally served until his death in 2011 at the age of 85.

To this very day the Toronto Police Association (TPA) is the single most significant trend setter in influencing all contract negotiations across the country. The social club owned and managed by the current TPA was named *The Tin Cup* in honour of the actions of Brown. It was his tin cup action which paved the way for a new era of respect and pride for the Toronto Police in particular and the Canadian police labour movement in general.

