



# 11-03 Police Response at Labour Disputes

**Status:** Amended

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**Replaces:** 2016.02.08

## Rationale

The *Ontario Labour Relations Act* governs the labour relations rights of employers and employees, including the right to strike by employees and the right of the employer to lock-out employees. Provided there is no serious breach of the peace or a flagrant violation of provincial and/or federal laws, the police have no authority in the dispute.

The role of the police at a labour dispute is to preserve the peace, prevent offences, maintain crowd control, and enforce the law including offences against persons and property, in accordance with the powers and discretion available to a police officer under the law.

## Supervision

- Supervisory Officer notification mandatory
  - upon arrival at the scene of a strike or lock-out in progress or about to take place
  - if it is believed that the situation is escalating or becoming violent

## Procedure

The role of the police at a labour dispute must be one of complete neutrality in all dealings with management and employees. The conduct/rights of both lawful and unlawful picketing falls within the jurisdiction of the courts and the Labour Relations Board. The involved parties should be advised to take direction from legal counsel.

While they are essentially civil matters, labour disputes deal with parties in confrontation. Attending police officers must exercise common sense and good judgement to ensure that all persons, including employers, employees and the public, are able to exercise their lawful rights without jeopardizing the safety of any person, including the police.

Conciliation or mediation of issues arising between the contesting parties and encouraging them to take responsibility for their own conduct will result in one of the Toronto Police Service's (Service) main goals being accomplished, to minimize police presence at labour dispute sites.

Emergency Management & Public Order (EM&PO) maintains a permanent Industrial Liaison section for support when dealing with labour disputes. The Service pamphlet entitled, 'Labour Disputes – Information for Employers and Employees' (SP 229-E) is available from EM&PO – Industrial Liaison.

Officers responding to a labour dispute should familiarize themselves with its contents and may consider distributing copies to the involved parties.

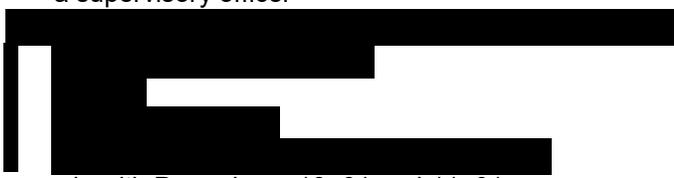
There are no 'special rules', which apply to a breach of the peace which may take place during a labour dispute. Charges should be laid where a serious breach of the peace occurs. Keeping public and officer safety in mind, officers should consider alternatives to making arrests on the picket line (e.g. seeking support of the management/union to bring in a party for investigation or charges). The courts have found that generally the introduction of non-serious charges, in particular "mischief", may exacerbate a dispute.

Police officers shall not undertake paid duty policing that is related to a labour dispute. In those instances where paid duty policing has previously been provided and where the paid duty function does not compromise the police neutrality in the labour dispute, paid duty policing may continue to be provided, at the discretion of the Unit Commander. Such paid duty officers shall not intervene in the dispute except to enforce the law in a serious breach of the peace.

In the event of a major dispute, which may require the use of a large number of police officers, the Chief of Police or Deputy Chief – Specialized Operations Command, will appoint a Major Dispute Committee to oversee police planning.

### Police Officer

1. Upon receiving information that a strike or lock-out is in progress, or is about to take place shall
  - notify the communications operator
  - notify the Industrial Liaison Officer – EM&PO
  
2. Upon arrival at the scene shall
  - advise the communications operator of the situation
  - notify a supervisory officer
  - prevent breaches of the peace
  - ensure pedestrians have reasonable access to or from the premises concerned, and are not unnecessarily intimidated or interfered with
  - advise management to consult legal counsel in order to seek relief if vehicles are not permitted access to the premises or their right to carry on business is unduly interfered with

➔ *Officers have no authority to set time limits as to how long picketers may convey their message. However, members are encouraged to assist all parties in facilitating a reasonable time limit. Officers shall refrain from using force to open a picket line. However, this does not preclude this action in emergent situations.*
  
3. If it is believed that the situation is escalating or becoming violent shall
  - notify
    - the communications operator
    - a supervisory officer
  - 
  - comply with Procedures 10-01 and 11-01
  
4. After the at-scene portion of the incident has been concluded shall
  - complete a TPS 236 and the applicable eReports

- scan and attach any hard copy reports to the original eReport
- provide the applicable eReport numbers to Industrial Liaison – EM&PO

### Supervisory Officer

5. Upon receiving notification of a strike or lock-out in progress shall
  - proceed to the scene and assess the situation
  - notify the Officer in Charge
  - instruct personnel not to cross the picket line, unless an emergency arises or unless necessary in the performance of their duties
  - encourage the involved parties to negotiate a picket line protocol
  - ensure a TPS 236 and the applicable eReports are submitted
6. Upon receiving information that a violent strike or lock-out is about to take place shall

### Officer in Charge

7. Upon receiving notification of a strike or lock-out shall
  - ensure a supervisory officer attends the scene
  - notify
    - the Industrial Liaison Officer – EM&PO
    - the Unit Commander
  - in the absence of the Unit Commander, notify the Officer in Charge – Toronto Police Operations Centre
8. Upon notification of the termination of a labour dispute shall
  - notify the Industrial Liaison Officer – EM&PO as soon as practicable
  - ensure a TPS 236 and the applicable eReports have been submitted
  - ensure the applicable eReport numbers are provided to the Industrial Liaison – EM&PO

### Unit Commander

9. Whenever possible, shall avoid stationing uniformed police officers at labour disputes unless there is a perceived threat to peace and order.
10. Upon receiving notification of a strike or lock-out shall consider obtaining a special project number to record the hours spent dealing with the dispute.

### Industrial Liaison Officer – Emergency Management & Public Order

11. Upon notification of a strike or lock-out in progress shall, in addition to complying with unit-specific guidelines, maintain liaison with the Unit Commander concerned.
12. Upon request shall provide trade unions, employers and members of the public with information regarding the role of the police at labour disputes.

## Supplementary Information

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### Governing Authorities

**Provincial:** Ontario Labour Relations Act; Police Services Act; Police Services Act, O. Reg. 3/99, Adequacy & Effectiveness of Police Services.

### Associated Governance

**TPSB Policies:** TPSB PO-002 Police Action in Respect of Labour Disputes

**TPS Procedures:** 10–01 Emergency Incident Response; 11–01 Emergency Management & Public Order Response; 11–08 Use of Mounted Section; SP 229–E Labour Disputes – Information for Employers and Employees – Public Safety & Emergency Management – Industrial Liaison.

**Forms:** eReports; TPS 236 Labour Dispute Report.

→ *The TPS 236 are available as text templates.*

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