



<b>Policy Name:</b>	<b>LABOUR DISPUTES</b>		
<b>Policy #:</b>	OP 4.31	<b>Last Updated:</b>	2022-03-03
<b>Issued By:</b>	COMMUNITY POLICING BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
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**RELATED POLICIES**

*OP 4.14 Crowd Management, Protests and Disturbances*

*OP 4.14.1 Civil Court Injunctions*

*OP 6.2 Emergency Operations and Planning*

**1. PURPOSE**

- 1.1. To provide guidelines and establish a framework for Members responding to or dealing with labour disputes.
- 1.2. To ensure Members maintain an impartial position at labour disputes.

**2. SCOPE**

- 2.1. This policy applies to all sworn Members.

**3. POLICY**

- 3.1. The role of SPS Members at labour disputes is to preserve the peace, prevent offences, maintain crowd control, and enforce the law including offences against persons and property, in accordance with powers and discretion available to a police officer under the law.
- 3.2. A labour / management dispute is a civil matter confined to the parties involved. However, the police are often called to such disputes because of the potential for breach of the peace.
- 3.3. Members must be impartial when attending civil labour disputes. Impartiality means upholding the rule of law and taking action when required by Court orders, injunctions and the duties of police officers. Impartiality does not mean taking sides in a dispute, except as required by law.

## 4. PROCEDURE

- 4.1. Labour disputes are essentially civil matters dealing with parties in confrontation. Attending Members must exercise common sense and good judgment to ensure all persons, including employers, employees, and the public, can exercise their lawful rights without jeopardizing the safety of any person, including the police.
- 4.2. Picketing during labour disputes is usually legal under the authority of relevant labour codes. Civil remedies exist provincially through the British Columbia Labour Relations Board (BCLRB) or nationally, through the Canada Industrial Relations Board (CIRB). These boards can be used by labour or management to resolve picket line conflict.
- 4.3. Keeping public and officer safety in mind, Members should consider alternatives to making arrests on the picket line. This includes early consultations with the picket captains to establish the limits of acceptable behaviour. However, picket lines are for information purposes only and participants are not immune from law enforcement where their actions block the free passage of vehicles and pedestrians into private premises and private property, and where violations of federal and provincial laws have occurred.
- 4.4. If picketing takes place, SPS and its Members will take no further action unless evidence of unlawful activities is present. This includes enforcement of the *Criminal Code* (examples: assaults, threats, blocking traffic, mischief to property) and the *Motor Vehicle Act* to ensure free passage of vehicles and pedestrians into private premises and private property. Members should not escort vehicles and pedestrians across picket lines unless a public highway or driveway entrance to private property is being blocked or obstructed.
- 4.5. Picket line participants do not have the right to stop vehicles on public highways and intersections into private property for conversation with each driver. In British Columbia, there is no right to two minutes of conversation with the driver of each vehicle that attempts to cross the picket line.
- 4.6. Where the Employer and Union disagree on the location and number of picket line participants, they may take their dispute to the labour relations board of jurisdiction for a picketing order.

### Member Responsibilities

- 4.7. A Member receiving information that a strike, lock-out, or other form of labour dispute is in progress or is about to take place must:
  - i. notify the Operational Communications Centre (OCC); and
  - ii. notify and request the attendance of a Supervisor.
- 4.8. The first Member arriving on scene of a labour dispute must:

- i. provide the OCC with an update;
- ii. prevent breaches of the peace; and
- iii. if it is believed the situation is escalating or becoming violent, request additional resources.

### **Supervisor Responsibilities**

4.9. Upon being requested to attend the scene or otherwise becoming aware of a labour dispute, the Supervisor will:

- i. attend the scene and assess the situation;
- ii. notify the Duty Officer;
- iii. ensure all attending Members do not cross the picket line unless an emergency arises or unless necessary in the performance of their duties;
- iv. encourage all parties in the picket line to negotiate a picket line protocol; and
- v. ensure members comply with the policy.

### **Duty Officer**

4.10. If the Duty Officer determines that the labour dispute may become a protracted event requiring significant resources, the Duty Officer will notify the Sergeant, Emergency Operations and Planning (EOP) Unit to prepare an Operational Plan. The EOP Unit NCO will provide expert advice on managing picket line conflicts.

4.11. The Duty Officer may also consult the RCMP "E" Division Police/Labour Communications Unit for advice on managing picket line conflicts. The Police/Labour Communications NCO is available to non-RCMP police services at 778-290-2555 (office) and 604-828-3573 (cellular).

### **Civil Court Injunction**

4.12. If a Supervisor is shown a civil court injunction in relation to the labour dispute, before taking any enforcement action, the Supervisor must ensure:

- i. the injunction is valid and in effect;
- ii. the persons affected are aware of the injunction and that they are aware that they are violating the conditions of the injunction;
- iii. there is an arrest provision in the injunction (see OP 4.14.2 *Civil Court Injunctions*); and
- iv. consultation with the SPS General Counsel, Legal Services occurs when required (778-228-4741, 24/7 service).

## **APPENDIX A: DEFINITIONS**

“Duty Officer” means the Frontline Policing Inspector.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“OCC” means the Operational Communications Centre.

“SPS” means Surrey Police Service.

“Supervisor” Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

## **APPENDIX B: REFERENCES**

*Canada Labour Code*, R.S.C. 1985, c. L-2, Part I (Industrial Relations) (for labour disputes in the federally-regulated private sector)

*Criminal Code*, R.S.C. 1985, c. C-46

*Federal Public Sector Labour Relations Act*, S.C. 2003, c. 22 (for labour disputes in the federally-regulated public sector)

*Labour Relations Code*, R.S.B.C. 1996, c. 244 (for labour disputes in the provincially-regulated private sector)

*Public Service Labour Relations Act*, R.S.B.C. 1996, c. 388 (for labour disputes in the provincially-regulated public sector)