

# RCMP-GRC



ROYAL CANADIAN MOUNTED POLICE • GENDARMERIE ROYALE DU CANADA



# EMPLOYMENT REQUIREMENTS



Royal Canadian Mounted Police Gendarmerie royale du Canada

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# ***“Strong Ethics, Strong Organization”***

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## **Employment Requirements** ***Administration Manual Part 27***



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# Overview

- Organizational Structure
- Employment Requirements Defined
- Stoppage of Pay and Allowances
- Administrative Discharge & Demotion
- Probationary Members
- Statistics & Trends
- Policy & Tools



# Employment Requirements (ER)



# Employment Requirements (ER)

***Enhancing RCMP Accountability Act (“Accountability Act”)***: Led to the establishment of the policy and legislative framework that rules the management of members who fail to maintain employment requirements.

**Employment Requirements**: Qualifications, standards, expectations, responsibilities and accountabilities that a member is required to meet at all times in order to continue to serve as a member.

**ER process** means administrative actions, decisions, processes related to:

- stoppage of pay and allowances
- administrative discharge and demotion
- probationary member discharge



# Roles & Responsibilities

## Decision Maker\*

- DMHR – Delegated Manager for Human Resources
- CO – Commanding Officer

## Recommending Authority\*\*

- **Administrative Discharge and Demotion**
  - EMRO – Employee Management Relations Officer
  - OIC Occupational Health Services (disability cases only)
- **Probationary Members Discharge**
  - CDRO – Career Development and Resourcing Officer
  - EMRO – Employee Management Relations Officer



\* Delegation of Authorities – Professional Responsibility Sector (AM Part X)

\*\* Designation of Authorities – Professional Responsibility Sector (AM Part X)

# Stoppage of Pay & Allowances (SPA)

**Authority:** Subsection 22(2) of the *RCMP Act*

**Policy:** *Administration Manual 27.2*

## **Grounds for Stoppage of Pay and Allowances (SPA)\*:**

- Absent from duty without authorization
  - detention or imprisonment
  - unsupported sick leave
- Having left an assigned duty without authorization
- Loss of a basic requirement (temporary):
  - driver's licence
  - firearm
  - jurisdiction
  - security clearance



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\* Not to be confused with suspension under section 12 of the *RCMP Act* (Conduct)

# SPA (cont.)

## Considerations:

Is the basic requirement loss temporary or permanent?

Is the temporary basic requirement loss long-term or short-term?

- Temporary: consider SPA
- Permanent: initiate discharge

Is the division willing and able to find a temporary solution?

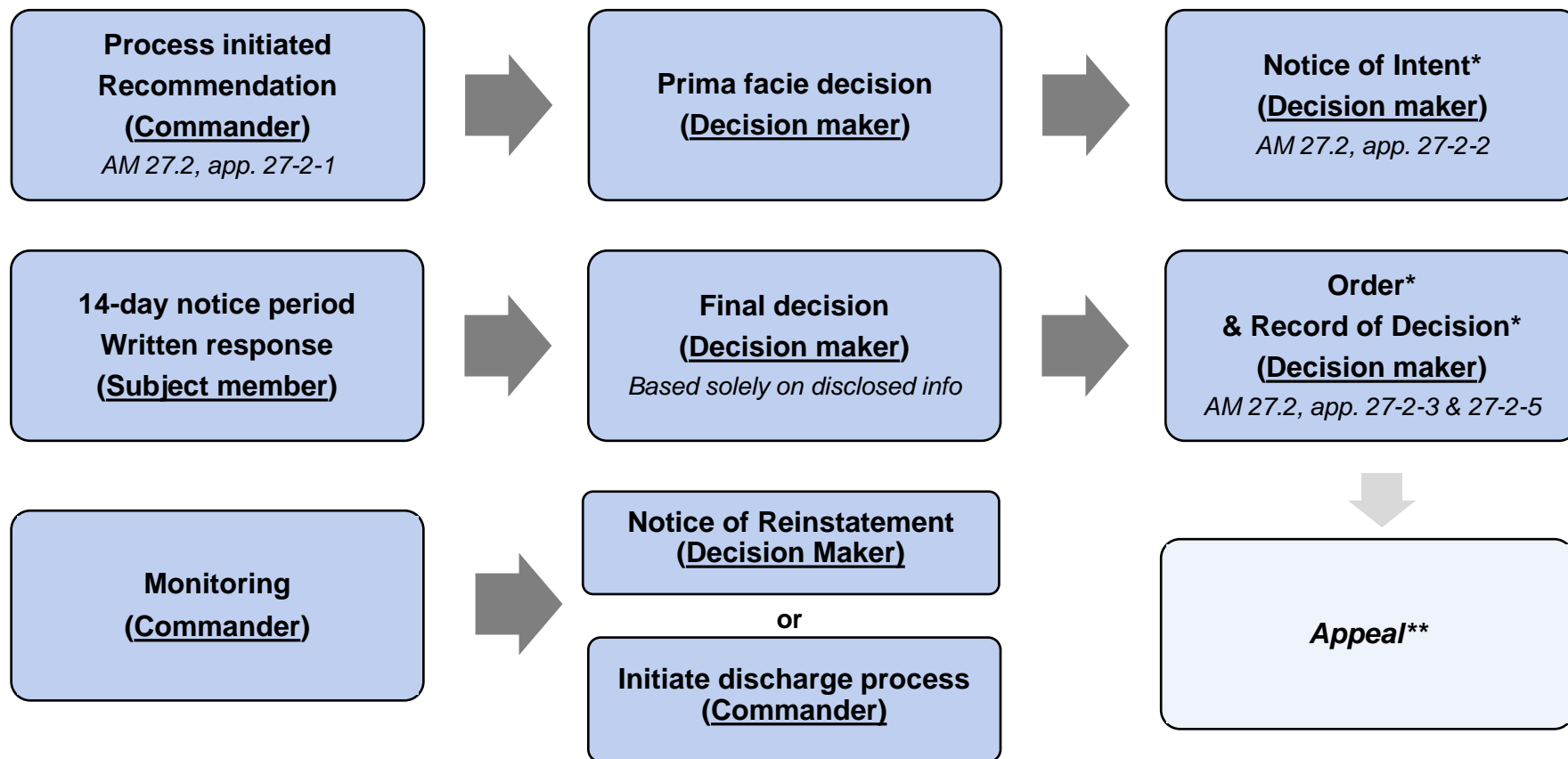
- Consider alternative positions, restricted duties, assignments
- At the discretion of the division





# SPA (Non-Conduct)

## Key Steps & Stakeholders:



**NOTE:** Subject member must be relieved from duty when SPA is implemented.



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\* Served per RCMP Regs, s. 15 – Service of Documents.

\*\* Policy managed by Office for Coordination of Grievances & Appeals

# SPA Scenario

- A member with 10 years of service and a history of sporadic absenteeism.
- Within the past year the rate of absenteeism has grown.
- Member not complying with Sick Leave policy re: submitting timely form 2135's and HRMIS leave requests.
- During a meeting the member advises his Commander that he has a medical condition which is preventing him from attending work on a regular basis.
- The medical condition is not supported by a Special Medical Assessment that took place, or by the HSO.
- Member continues to be absent stating he cannot return to work until certain stressors are addressed in the workplace.



# SPA Scenario (cont.)

- Have the grounds for SPA been met?
- Were steps taken to confirm possible medical condition?
- Were the workplace stressors addressed (if valid)?
- Was the member advised that his pay and possibly his job were at risk?



# SPA – Supporting Documents

- Document excessive sick leave (unsupported);
- Request documentation to support sick leave (form 2135);
- The steps taken to correct the issues;
- The results;
- If any medical condition exists that prevent their return or if accommodation issues exist;
- Any other relevant facts.



# Administrative Discharge & Demotion (AD&D)

**Authority:** Section 9.2 and subsection 20.2(1) of the *RCMP Act*

**Policy:** *Administration Manual 27.3*

## **Grounds for Administrative Discharge or Demotion:**

- Unsatisfactory performance
- Reasons other than Code of Conduct:
  - Disability
  - Being absent or having left assigned duty w/o authorization
  - Absent for being detained or serving term of imprisonment
  - Conflict of interest
  - Loss of basic requirement (permanent or long-term)
    - driver's license, firearm, jurisdiction, security clearance
  - Conviction of indictable offence (in Canada or abroad)
- Transfer of work / Economy and efficiency
- Revocation of appointment



# AD&D Policy

- Priority is to retain a member whenever appropriate.
- Must provide reasonable assistance, guidance and support.
- Every reasonable effort should be made, short of undue hardship, to accommodate a protected ground of discrimination under the *Canadian Human Rights Act*.
- When a situation cannot be corrected, an ER process is initiated.
- Procedural fairness – After the Notice of Intent is served, members may request:
  - Recusal of the Decision Maker
  - Access to information
  - A meeting with the Decision Maker
  - Extension of time to provide written submissions



# AD&D (cont.)

## Considerations:

Has the member been provided with sufficient:

- information regarding their employment requirements?
- notification of failure to meet employment requirements, nature of deficiencies and consequences of failing to meet?
- opportunity to correct situation/shortcomings?
- assistance in addressing situation/shortcomings?

Have all reasonable attempts been made to retain?

Disability cases:

- Has the Disability Case Management (DCM) process ended?
- Has the point of undue hardship been reached?\*



# AD&D (cont.)

## Key Changes (Part V of the *RCMP Act* was repealed):

- No boards – decision maker renders final decision
- No hearings, no legal representation – member may request meeting
- No grievance – recourse is through an appeal of the final decision
- Decision not stayed by the appeal
- Member can be ordered to undergo a medical assessment\*
- Automated Case Management Tool (ACMT) / ER Domain
  - electronic records management system for ER processes
  - access granted via the ERU by EMRO request for divisional ER advisors/SMEs
  - data entry done by the divisions
  - occurrences must be created for all cases submitted for DG, WRB consultation



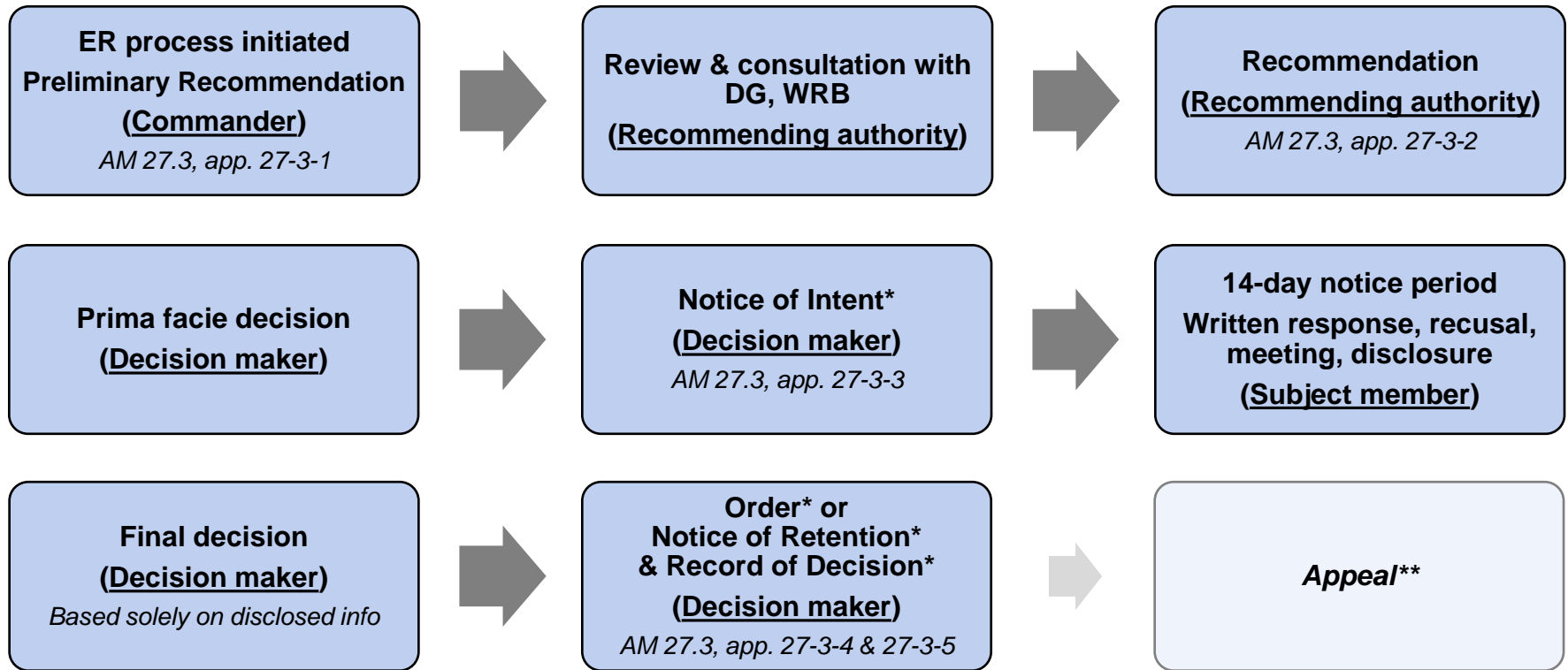
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\* Authority under *RCMP Act* s. 20.2(1)(c) & *CSO(ER)* s.19; Implementation managed by Occupational Health and Safety Branch.



## Key Steps & Stakeholders:



**NOTE:** Subject member must be relieved from duty when Notice of Intent to Discharge is served.



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\* Served per RCMP Regs, s. 15 – Service of Documents.

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# AD&D Scenario

- A member with 21 years of service has been ODS for past 18 months.
- HSO assigned a medical profile of O6 Temporary 10 months ago.
- Health Services remained in contact while ODS.
- The Disability Management Advisor contacted him to offer assistance and information.
- HSO assigned a medical profile of O6 Permanent 4 months ago (unfit for any duties in the RCMP for foreseeable future).



# AD&D Scenario (cont.)

- Member's own clinician confirms he is not able to return to any duties and feels his disabilities are permanent and recommends a medical discharge.
- DMA contacts member to inform him of his new medical profile, discuss his medical retirement and possible accommodation through PS Staffing.
- Member rejects medical profile and does not want to engage in PS process.



# AD&D Scenario (cont.)

- Have the grounds for AD&D been met?
- Were steps taken to confirm medical condition permanent (O6)?
- Has the Disability Case Management (DCM) process ended?
- Has the point of undue hardship been reached?
- Was the member advised that an ER process would be initiated to discharge him?



# AD&D – Supporting Documents

- The member's medical profile provided by the HSO;
- Contact member had with, and information provided by Disability Management Advisor (DMA)\*;
- Documentation that supports that efforts were made to return the member to the workplace; and
- Divisional or Employment Requirement Unit's consultation with Disability Management.



# AD&D – Supporting Documents (con't)

Accommodation Program (DMAP);\*\*

- Attempt(s) to accommodate short of undue hardship;
- The results;
- Any compassionate circumstances brought forward by the member;
- Any past or ongoing harassment issues;\*\*\*
- Any other relevant facts.



# Probationary Members

**Authority:** Subsection 9.4(1) of the *RCMP Act*

**Policy:** Administration Manual 27.4

## **Grounds for Probationary Member Discharge:**

### Suitability

- reliability, including attendance at work
- compatibility with colleagues or clients
- ability to meet work requirements (i.e. workload, Field Coaching Program)
- ability to adhere to applicable policies, procedures, practices and the Code of Conduct
- character, integrity, and attitude



# Probationary Members (cont.)

## Considerations:

What does all known information indicate about the PM's overall suitability?

Has the PM been fully informed of all expectations & requirements?

Has the PM been provided with sufficient opportunity, guidance and support to address shortcomings?

Is there enough probation time left to successfully initiate an ER process under the PM policy?

**NOTE:** When serious misconduct calls suitability into question, the ER process may be used to seek discharge for unsuitability, instead of using the conduct process to impose disciplinary measures.





# Probationary Period

## Calculation:

The probationary period is two years, calculated without including any of the following periods:

- leave without pay
- leave with pay > 360 hours
- full-time language training
- suspension under section 12 of the *RCMP Act* (conduct)
- member is at work but is unable to perform the duties required of a member on probation
- member is relieved from duty



# Probationary Members (cont.)

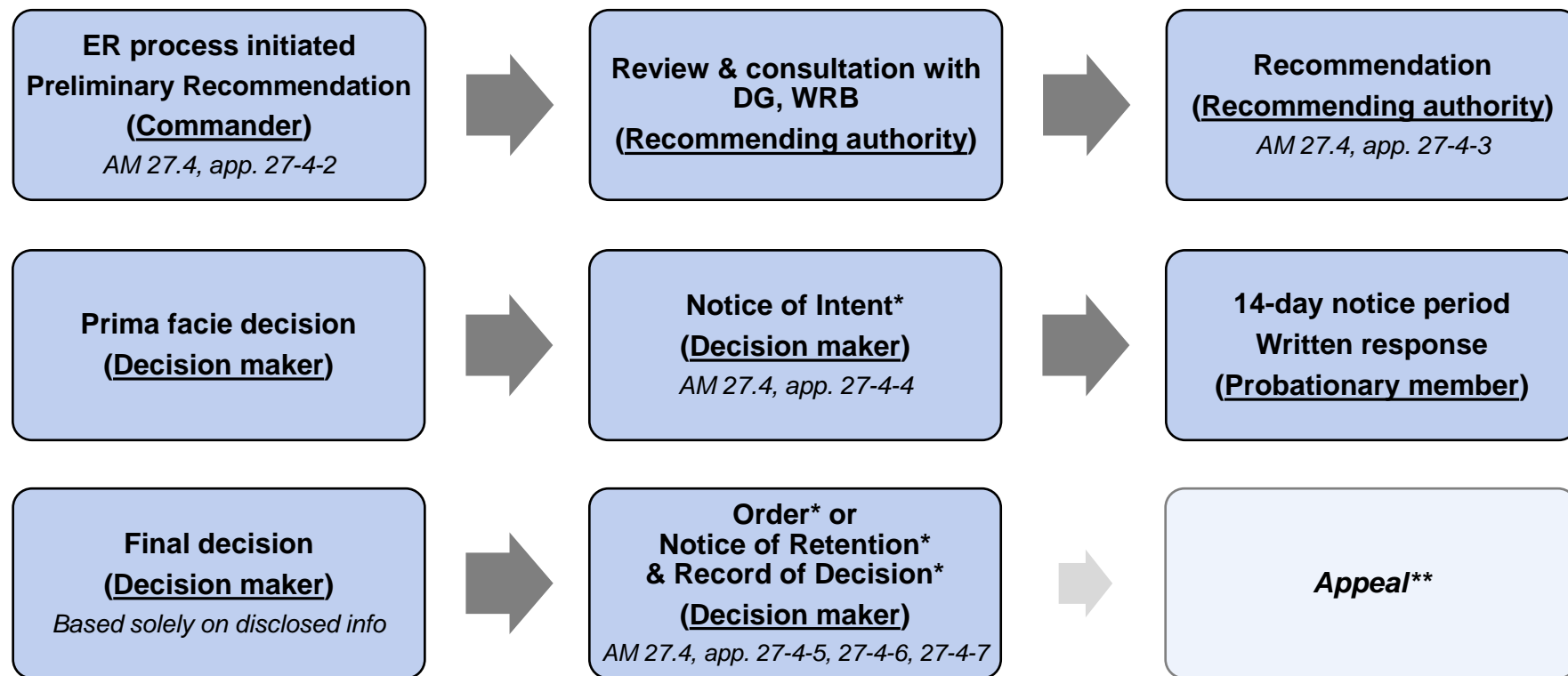
## Key Differences from AD&D:

- No right to request:
  - Recusal of Decision Maker
  - Meeting with Decision Maker
  - Access to Information
- Cannot be demoted to a lower rank (Cst.)
- CDRO is the Recommending Authority



# Probationary Members

## Key Steps & Stakeholders:



**NOTE:** Probationary member must be relieved from duty when Notice of Intent to Discharge is served.



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\*\* Policy managed by Office for Coordination of Grievances & Appeals

# Probationary Member Scenario

- 20 months of probation period, “just met” FCP requirements.
- Hesitant to work alone or respond to potentially violent calls. Claims to not receive the dispatches.
- Conduct advisors feel the PM has demonstrated neglect of duty.
- Other members now refuse to work with the PM.
- Efforts to encourage PM in responding to calls produces limited results.
- During a meeting, the PM told his Commander:
  - he is afraid of being hurt
  - the incidents of his not responding are exaggerated
  - other members of his watch are biased and don't like him, potentially due to his sexual orientation



# Probationary Member Scenario (cont.)

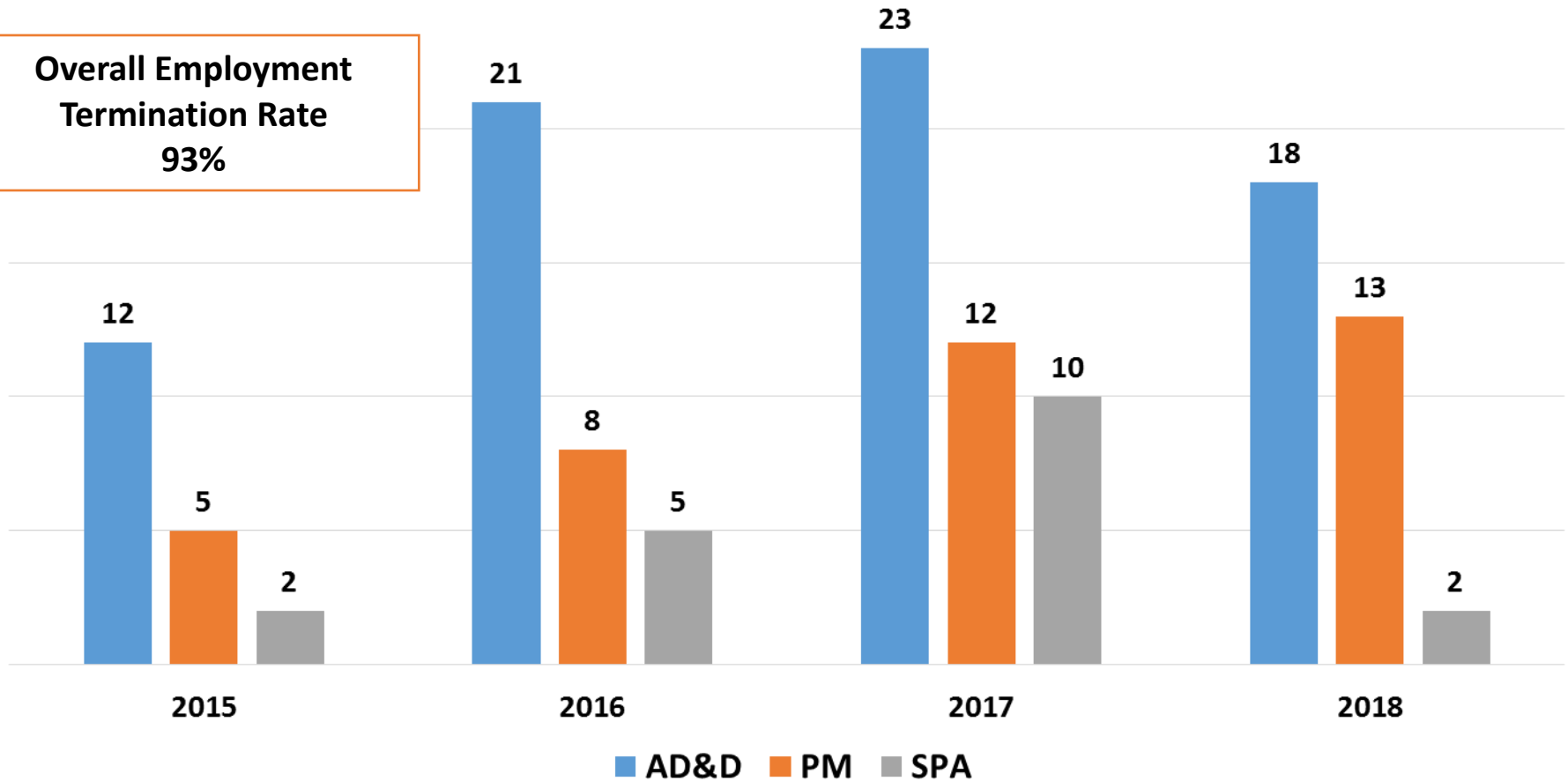
- Have the grounds for probationary member discharge been met?
- Was the PM advised that his job was at risk?
- Were the PM's shortcomings properly documented (i.e.: forms 1004)?
- Was the PM given the opportunity and time to correct the issues?



# Statistics & Trends

## Number of ER Processes Initiated

Overall Employment  
Termination Rate  
93%



# Statistics & Trends

## ■ Grounds for Discharge

- 47% disability
- 33% PM suitability
- 5% loss of a basic requirement
- 5% performance
- 5% absence w/o authorization
- 4% economy & efficiency
- 3% indictable offence

## ■ Grounds for SPA

- 84% absence w/o authorization
- 16% loss of a basic requirement

## ■ ER Process outcome (108 cases)

- 47% discharged
- 31% resigned
- 15% pending
- 6% retained



# Policy & Tools

- **AM Part 27 – Employment Requirements:**
  - General
  - Designations and Delegations within the Office of Professional Responsibility
  - Stoppage of Pay & Allowances
  - Administrative Discharge and Demotion
  - Probationary Members
- **National Guidebook, Process Maps & Guides – Professional Responsibility Website**
- **RCMP Act, RCMP Regulations, Commissioner’s Standing Orders (ER), Delegation and Designation Matrices – AM Part X**
- **ER / EE (RCMP/GRC) – Groupwise account**
- **Divisional ER Advisor**





