



**BY-LAW NO. 98-2**

**A BY-LAW TO ESTABLISH GUIDELINES FOR THE  
DISCLOSURE OF SECONDARY ACTIVITIES  
IN ACCORDANCE WITH THE POLICE SERVICES ACT.**

**WHEREAS** the Board expects the primary employment activities of Members of the Halton Regional Police Service shall be to fulfil their legislative responsibilities to the Halton Regional Police Service;

**AND WHEREAS** the *Police Services Act*, Section 31(7) provides that the Board may establish guidelines consistent with Section 49 for disclosure of secondary activities and for decisions whether to permit such activities and Section 31(1)(g) provides that the Board shall receive reports from the Chief of Police on disclosures and decisions made under Section 49;

**AND WHEREAS** it is the responsibility of the Chief of Police of the Halton Regional Police Service, in his or her capacity as Chief law enforcement officer, to administer the policing services of the Regional Municipality of Halton in accordance with the *Police Services Act* and the policies, priorities and objectives established by the Halton Regional Police Services Board;

**AND WHEREAS** a Police Services Board may, by by-law make rules for the effective management of the police Service under Section 31(6) of the *Police Services Act*;

**AND WHEREAS** it is deemed expedient to adopt guidelines for the administration of Section 49 of the *Act* by the Chief of Police;

**NOW THEREFORE THE HALTON REGIONAL POLICE SERVICES BOARD ENACTS as follows:**

**1. Definitions:**

In this By-law:

- (a) "*Act*" means the *Police Services Act*, R.S.O., Chapter 15, as amended.
- (b) "Article" means an Article or Subarticle of this By-law.
- (c) "Board" means the Regional Municipality of Halton Police Services Board and shall be composed of such members appointed under Part III of the *Act*.
- (d) "Chief of Police" means the Chief of the Halton Regional Police Service.

- (e) "Conflict of Interest" means a conflict between the private interests either real or perceived and the official responsibilities of a member.
- (f) "Member" means a member of the Halton Regional Police Service as defined in the *Act*.
- (g) "Secondary Employment" means any business, undertaking or calling that involves financial gain or other benefit or consideration in which a Member participates while not on duty, except for paid duties as referred to in Section 49(2) of the *Act*.
- (h) "Section" refers to Sections of the *Act* and includes subsections, paragraphs, subparagraphs, clauses and subclauses.

## **2. PROCEDURE**

- 2.1 The Chief shall develop and maintain a procedure for the disclosure of all secondary activities pursuant to section 49(1) of the *Act*, and a copy of the said procedure shall be provided for the information of the Board.
- 2.2 The Chief shall ensure that the procedure referred to in Article 2.1 above, includes at a minimum, the following provisions;
  - (a) A provision to ensure that all members of the Service engaged directly or indirectly in any other occupation or secondary activity, fully comply with Section 49(1) and Section 49(3) of the *Act*.
  - (b) Where a member has disclosed full particulars of an activity to the Chief pursuant to Section 49(3) of the *Act*, the Chief shall first determine whether the activity is prohibited by the provisions of Section 49(1) of the *Act*. When the Chief decides that the activity is prohibited by the provisions of Section 49(1), the member shall not be permitted to engage in that activity.
  - (c) In accordance with Section 49(3) of the *Act*, that approval may at any time be rescinded, if it is determined that :
    - (i) the granted privilege has become a contravention of the *Act*;
    - (ii) performance of duties are adversely affected ; or
    - (ii) the member refuses to comply with a restriction imposed on the employment which is in contravention of the *Act*.
  - (d) A provision requiring approval of the Chief before engaging in secondary employment while off duty due to sickness or injury.

- 2.3 Pursuant to Section 49(3) of the *Act*, where the Chief of Police proposes to undertake an activity that may contravene Section 49(1) of the *Act*, or becomes aware that an activity that he or she has already undertaken may do so, shall disclose the full particulars of the secondary activity to the Board for approval, consistent with Article 2.2.

### **3. Reporting**

- (a) The Chief shall submit to the Board an annual statistical report on disclosures and decisions made pursuant to Section 49 and the provisions of this by-law. This report shall appear on the public agenda.
- (b) The annual report shall be divided into two sections entitled " Uniform" and "Civilian", and shall contain the following information for the preceding year:
- (i) the total number of applications or disclosures of secondary activities made to the Chief;
  - (ii) the nature or type of each secondary activities applied for or disclosed;
  - (iii) the total number of secondary activities approved by the Chief of Police;
  - (iv) the total number of secondary activities denied by the Chief of Police;
  - (v) the reasons for each of the denials referred to in subparagraph (iv) above;
  - (vi) the total number of applications or disclosures of secondary activities pending.

### **5. EFFECTIVE DATE**

- 5.1 That the Board repeal By-law 95-5 passed on the 23<sup>rd</sup> day of November, 1995;
- 5.2 This By-law shall come into force and take effect immediately upon the passing hereof.

**READ AND PASSED BY THE HALTON REGIONAL POLICE SERVICES BOARD**

**THIS 23<sup>rd</sup> DAY OF *April* , 1998**

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**CHAIR**

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**EXECUTIVE DIRECTOR**