

TO: Mayor Avis & Members of Council
FROM: Laurie Witherspoon, Treasurer
DATE: October 7, 2014
SUBJECT: Double Hatter Firefighter Issue in the Media

BACKGROUND

At the September 22, 2014 Council Meeting, the request for council resolution support received from AMO regarding the Double Hatter Firefighter Issue in the Media was referred to the Administration & Finance Executive Committee for recommendation with input from the Fire Chief.

The AMO communication brings forward the issue that was profiled in the Globe and Mail about a firefighter who is taking on the union's actions as it relates to 'double hatting', which is forbidden by the International association of Fire Fighters and its Ontario union.

AMO is seeking support by way of a Council Resolution as many Ontario municipalities rely on both full time and volunteer firefighter in order to provide fire prevention. The International Association of Fire Fighters Constitution prohibits full time firefighters from volunteering as firefighters in another municipal jurisdiction (i.e., double hatting). A supporting resolution would state that the right of individuals to use their free time in service of their community is a fundamental right in a free, open and democratic society and would request that the Province of Ontario amend the Fire Protection Act, 1997 with respect to salaries firefighters who also work as volunteer firefighters. A draft resolution is attached to this report for your consideration.

RECOMMENDATION

The Administration & Finance Executive Committee recommends that Double Hatter Firefighter Issue in the Media be received and that no further action be taken at this time.

<p>Council Approval of this Report Will Agree to the recommendation of the Administration & Finance Executive Committee to receive the Double Hatter Firefighter Issue in the Media and that no further action be taken at this time.</p>

Double Hatter Firefighter Issue in the Media

Professional firefighters as volunteer firefighters during their free time.

Yesterday, this issue was profiled in a front page Globe and Mail story about a firefighter who is taking on the union's actions as relates to 'double hatting'. 'Double hatting' is forbidden by the International Association of Fire Fighters and its Ontario union, The Ontario Professional Fire Fighters Association. Over the years, union charges have been brought against individuals who are double haters and as a result, generally stop their involvement as a volunteer. Double haters want to protect family, friends and the community where they live and are an important backbone of fire services within smaller municipalities and its loss proves challenging. Many double haters were volunteer fire fighters before becoming salaried professionals.

Tom Hunse is a Toronto professional fire fighter for 22 years and a 26 year volunteer with Innisfil Fire Services. His union is demanding that since he has not stopped his volunteer work that he be fired from his Toronto job. Mr. Hunse is taking a principled stand – that how he uses his free time is his to determine. Yesterday's Globe and Mail and other major news outlets are now covering his story. The public's reaction is that Hunse and other double haters should be able to use their skills and knowledge in their free time in his own community without repercussion. An arbitration hearing is set for later this year that would deal with his permanent employment status with the City since he is no longer a member in good standing and only Association members in good standing are able to be members of the full-time bargaining unit.

Mr. Hunse has filed a Duty for Fair Representation Application with the Ontario Labour Relations Board against the Toronto Professional Fire Fighters Association. The "duty of fair representation" provisions of the Labour Relations Act stipulate that a trade union shall not act in a manner that is arbitrary, discriminatory or in bad faith in representing employees.

AMO has requested intervener status as this matter affects many municipal governments and the double haters that work. This is a matter of fairness and personal liberty as fire fighters should be able to use their free time as they wish to without reprisal or interference. These volunteers should be

supported, not pressured for wanting to protect their neighbours in their home communities. The union does not object to full time firefighters working other jobs which many do.

What is the solution to this threat? A simple change to provincial law would prevent this type of union interference. To our knowledge, every Canadian province has such protection, except for Ontario and Newfoundland. It is time for Ontario to give our volunteer firefighters the same freedom and protection that other employees in Ontario enjoy, as well as those fire fighters everywhere else in the nation.

Attached is a draft council resolution your council may wish to pass that asks the Ontario government to provide this protection to double hatter firefighters who want to serve their home communities in their spare time.

As mentioned, double hatters are worried about being threatened with job loss and municipal governments have been watching this matter closely. If you feel your municipality is vulnerable, please let us know.

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Draft Council Resolution to Support Double Hatters' rights

WHEREAS the training and certification of professional firefighters is established and mandated by the Province of Ontario under the *Fire Protection and Prevention Act, 1997*;

AND WHEREAS it is the responsibility of municipalities to establish fire departments and appoint fire chiefs to provide fire protection services as they determine may be necessary in accordance with their needs and circumstances;

AND WHEREAS many Ontario municipalities rely on both full time and volunteer firefighters in order to provide fire protection;

AND WHEREAS the International Association of Fire Fighters ("IAFF") Constitution prohibits full time firefighters from volunteering as firefighters in another municipal jurisdiction (i.e. "Double Hatting");

AND WHEREAS the IAFF's stance on Double Hatting is specifically prohibited by legislation in almost all provinces in Canada and much of the United States;

AND WHEREAS a volunteer firefighter in the Innisfil Fire and Rescue Service is challenging the IAFF ban on Double Hatting and their expulsions from that union because of his desire to continue volunteering while being employed as a full-time firefighter in another jurisdiction;


AND WHEREAS the right of individuals to use their free time in service of their community is a fundamental right in a free, open and democratic society.

NOW THEREFORE BE IT RESOLVED that the Council of _____ requests that the Province of Ontario amend the *Fire Protection and Prevention Act, 1997* with respect to salaried firefighters who also work as volunteer firefighters, such that if a person is denied membership in an association of firefighters, is expelled or disciplined by the association or engages in reasonable dissent within the association in connection with this kind of dual role, the association is not permitted to require the employer to refuse to employ the person as a salaried firefighter, terminate his or her employment as a salaried firefighter or refuse to assign the person to fire protection services.

This resolution should be sent to the following:

- Hon. Kathleen Wynne, Premier of Ontario
- Hon. Madeline Meilleur, Attorney General
- Hon. Kevin Flynn, Minister of Labour
- Hon. Yasir Naqvi, Minister of Community Safety and Correctional Services
- Hon. Ted McMeekin, Minister of Municipal Affairs and Housing.

Frank Sheppard/Frances
09/29/2014 03:47 PM

To Laurie Witherspoon/Frances@Frances
cc Mark McCaig/Frances@Frances
bcc
Subject Re: Fir Chief Input 

Hi Laurie,

This situation has never been an issue here and as such I am not in a good position to comment on it. From a Provincial perspective this has been around for a while and I have watched it with some interest as it has been raised every couple of years. That said it is a consideration for the future and my comments include the following:

1. There has always been a bit of arrogance on the part of the Association to suggest that they will not interfere with work outside the workplace, yet with this in mind they consistently interfere with the ability of their members to perform fire fighting duties outside their local jurisdiction.
2. The Association is using a constitutional argument to validate their position, even though the membership is free to poach all of the bargaining unit work they see fit to obtain as long as it is outside the Association interest. The slightly biased person would in most cases call that hypocritical.
3. I do have a concern that we may have people working outside our jurisdiction as fire fighters and not following all of the safety practises that we expect to be carried out here. In the long term, given presumptive legislation, we may be responsible for a liability that others are generating for us.

If I am asked to make a recommendation, I would suggest that we not support this resolution and not for the rationale that we agree with the Association. My opinion is that by staying silent we are not providing tacit approval or support for a process that we may have to discourage in the future. This limitation would be applied to minimize our own extension of liability related to health and safety. That said, I understand if Council wishes to support the resolution, as the actions of the Toronto local are somewhat Draconian.

Please feel free to contact me if you need additional information.

Thank you

Frank Sheppard, Fire Chief/CEMC
Fort Frances Fire Rescue Service
Laurie Witherspoon/Frances



Laurie Witherspoon/Frances
25/09/2014 12:52 PM

To Frank Sheppard/Frances@Frances
cc
Subject Fir Chief Input

Hi Frank,

Please see the attachment containing the AMO Double Hatter Firefighter Issue in the media and a sample resolution. This matter was referred to the Administration & Finance Executive Committee with input from the Fire Chief. This matter will be on the October 7th A&F Executive Committee Agenda.

Your comments would be appreciated.

Thanks