

MEMORANDUM

TO: All Presidents and Stewards with MERC members
All Local Presidents and Stewards

FROM: Brian Gould, OPS Supervisor

DATE: June 24, 2009

SUBJECT: Ministry of Economic Development & Trade, MSBE, MRI
Divisional Minutes – November 15, 2008

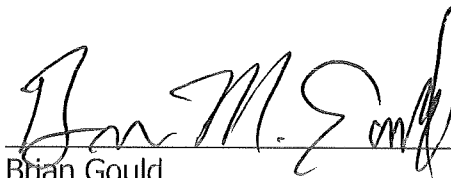
Attached for your information, please find the minutes of the above captioned meeting.

Your making these available to your delegates and members would be appreciated.

AUTHORIZED FOR DISTRIBUTION: IN SOLIDARITY,



Warren (Smokey) Thomas
President



Brian Gould
OPS Supervisor

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att.

cc: Executive Board Members
CERC
MERC Chairs
Ministry ERC
Senior Staff
Regional Offices

**MINISTRY OF ECONOMIC DEVELOPMENT,
MINISTRY OF INTERNATIONAL TRADE & INVESTMENT,
MINISTRY OF SMALL BUSINESS & CONSUMER SERVICES AND
MINISTRY OF RESEARCH & INNOVATION
DIVISIONAL MINUTES**

**2008 DIVISIONAL MEETING
NOVEMBER 15, 2008
ROYAL YORK HOTEL, TORONTO**

CALL TO ORDER

Tom Wood called the meeting to order.

INTRODUCTIONS

Ron Langer (L.103)
Nicholas Wedgwood (L.502)
Diane Pelletier (L.446)
Joe Kavanagh (L.555)
Teresa Ho (L.502)
Haran Thurairasah (L.502)

ADOPTION OF THE AGENDA

MOTION

Moved: R. Langer (L.103) Seconded: N. Wedgwood (L.502)

To adopt the Agenda.

CARRIED

ADOPTION OF THE PREVIOUS MINUTES

MOTION

Moved: R. Langer (L.103) Seconded: D. Pelletier (L.446)

To adopt the minutes of the previous Divisional meeting.

CARRIED

MERC TEAM REPORTS

Ron Langer reported. See attached.

ELECTIONS

Tom Wood, OPSEU Staff Representative, reviewed the election procedures prior to conducting the elections.

MERC CHAIR

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
N. Wedgwood, L.502	R. Langer, L.103	Stand	Elected

MERC VICE-CHAIR

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
R. Langer, L.103	N. Wedgwood, L.502	Stand	Elected

MERC TEAM MEMBERS

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
R. Langer, L.103	J. Kavanagh, L.555	Stand	Elected
R. Langer, L.103	D. Pelletier, L.446	Stand	Elected

MERC ALTERNATE

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
J. Kavanagh, L.555	H. Thurairasah, L.502	Stand	Elected

MOTION

Moved: N. Wedgwood, L.502

Seconded: J. Kavanagh, L.555

To destroy the ballots.

CARRIED

NEW BUSINESS

None.

ADJOURNMENT

MOTION

Moved: R. Langer, L.103

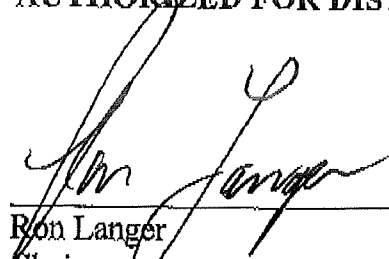
Seconded: N. Wedgwood, L.502

To adjourn.

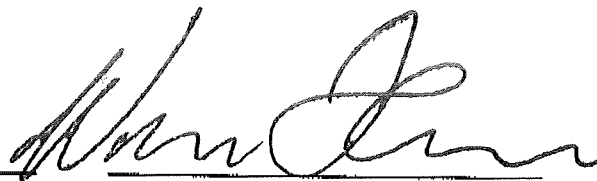
CARRIED

The meeting adjourned at 2:05 p.m.

AUTHORIZED FOR DISTRIBUTION:



Ron Langer
Chair
Ministry of Economic
Development & Trade



Warren (Smokey) Thomas
President
OPSEU

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Attachment (1)

MERC HIGHLIGHTS for 2006- 2008 Term (MED/MITI/MSBCS/MRI)
(Economic Development, International Trade and Investment, Small Business and
Consumer Services and Research and Innovation)

Members

Ron Langer – Chair
Fred Sheehy – Vice Chair
Diane Pelletier – Member

The Team was re-elected at Divisionals held in November, 2006. At the close of the last term, the ministry configuration was MEDT (Economic Development and Trade), MRI (Research and Innovation) and MSBE (Small Business and Entrepreneurship) a newly created ministry in May, 2006 which had been a division of MEDT. We also had jurisdiction temporarily over even smaller and unrepresented ministries of Intergovernmental Affairs and Democratic Renewal until they were folded into Management Board in April, 2008.

In July, 2008 the Ministry of Small Business and Entrepreneurship (a ministry of only 100 employees) was merged with the Consumer Protection Services Division of the former Ministry of Government and Consumer Services with a similar employment count. Consumer Protection Services comes from the remnants of the old Ministry of Consumer and Commercial Relations which was substantially downsized and privatized during the Harris-Eves regime and has not been revitalized under the McGuinty regime. This Ministry is headed by Harinder Takhar and now has a dedicated Deputy, Angela Longo

In September, 2008 the Premier announced that the Ministry of Economic Development and Trade would be split with Minister Sandra Pupatello heading up International Trade and Investment ostensibly to drum up business abroad for the Province while Minister Michael Bryant becomes the Minister of Economic Development responsible for domestic business development within the Province. Thus far Deputy Fareed Amin continues to handle both ministries and staff are still waiting for the effect on their duties and reporting relationships etc.

The Ministry of Research and Innovation received their own Deputy, Alistair Glass in April, 2006 and their own Minister in 2007, John Wilkinson. Formerly MRI reported directly to Premier McGuinty and Wilkinson was the Parliamentary Secretary.

During our two year term we held meetings on February 2, 2007, June 18, 2007, September 11, 2007, November 26, 2007, March 31, 2008, June 24, 2008 and October 8,

2008. Our scheduled November 25, 2008 meeting will likely be pre-empted by a call from the Bargaining Team to cease formal meetings while Bargaining is in session.

All minutes have been signed off and are posted on the Ministry websites except the October 8th recent meeting.

At the beginning of the term at our first meeting on February 2, 2007 we stated that our first priority and signature issue was the decline of our membership particularly in contrast to the growth in the membership of AMAPCEO. We promised to keep this issue front and centre at our table and within OPSEU and how prophetic that promise proved to be.

We presented a pie-chart graph that was on the ministry website in 2002 which showed the various Bargaining Units and Management as a percentage of the overall workforce. The March 2002 document had OPSEU at 65% and AMAPCEO at 12%. We asked for an update as we believed that our numbers had fallen below or about 50% while AMAPCEO had grown by hiring practices and new postings tailored to ensure the transition from OPSEU to the “supervisors union”.

During a subsequent meeting the Employer maintained that the percentages had remained fairly constant or that due to cyclical reasons or the change in ministry configuration or the nature of the work we do, some adjustments had occurred. In fact at one point they supplied inaccurate information claiming that we still had 65% of the employment when in fact we proved their information to be false and it was later confirmed that our employment percentage was 48% (later down to 46% when MIA vacated) vs. 31% for AMAPCEO. Subsequently we rose slightly to 49% due to the addition of Consumer Protection Services to the mix.

During this time the MERC Chair persisted in bringing these facts to the attention of CERC, various Board members, the new President and Vice President of OPSEU, other MERC Chairs and members, local activists etc. At an All-Chairs meeting on May 12, 2008, Ron Langer gave a presentation based on our MERC table experience showing the decline of OPSEU and growth of AMAPCEO and talked about strategies going forward including boosting the Bargaining Unit Integrity Project with other measures. One of those measures is the Resolution which was drafted by Langer’s Local 103 with the support of Region 1 Area Council, endorsed at that All Chairs meeting and passed by the OPSEU Executive Board in June, 2008 which calls for the Amalgamation of OPSEU and AMAPCEO to bring this divided labour force together for the mutual best interest of all members. Building on an earlier Resolution in 2006 which was passed at Convention this one calls for a committee to be comprised of the President’s designate, a member of CERC, a member of MERC, a local President and an OPSEU staff member to formulate a strategy to convince the AMAPCEO leadership, OPSEU leadership, AMAPCEO rank and file and OPSEU rank and file to amalgamate. At the time of this report, the Executive Board elected Region 1 EBM Ron Elliot as a member of this committee and I have pledged to help in any way possible. Other members of the committee will be chosen hopefully as part of the Divisional process.

been somewhat older than the OPS average as many staff come to us from the business world when they are established in their careers.

The effect of Changes to the Insurance Act and our strong concern was raised at our February 2, 2007 meeting. The negative impact to members and concerns about personal vehicle insurance premiums, personal liability issues and the recommendation that OPSEU members should find alternative travel arrangements until this matter can be resolved was made. The MERC Chair raised this issue with CERC subsequently and CERC was able to resolve the problem after changes to the coverage and procedures were reviewed. The Employer was able to resolve the concerns/issues raised by changes to the Insurance Act.

We also discussed the breakdown of the JSSC which would have corrected the long standing problem in resolving Classification Grievances. We indicated our focus would be on changes to the Crown Employee Collective Bargaining Act that would reinstate the right to grieve classifications for the next round of collective bargaining and further stated that this was a priority of our CERC team.

A couple of requests for Compressed Workweek Agreements were received. The Employer acknowledged support of CWWA but maintained it is intended at a more general level i.e operational considerations and not intended to manage individual work/family balance issues. We will monitor our members on this issue in the future and see if CWWA is workable for future cases.

The increasing desire of the Employer to equip members with Blackberry devices brought our request for a written policy to be provided concerning the use outside of normal office hours. Management while declining to provide written direction did advise our table on March 31, 2008 that there is no expectation on the part of the Employer for employees to use blackberrys outside of core hours. If so, overtime provisions under the Collective Agreement will apply.

We also requested clarification on use of personal versus rental vehicles, specifically a requirement of using rental vehicles for distances greater than 200 km at our March 31, 2008 meeting. The Employer indicated that management would use common sense.

At our June 24 and October 8, 2008 meetings we expressed concern and asked for information about a plan in the government's budget announcement to form an agency called Investment Ontario and its implication for our members. The Employer indicated on both occasions that although this had been discussed the idea had been shelved and in fact the Premier had subsequently chosen to split MEDT into two ministries (MED and MITI as mentioned earlier) to accomplish similar objections without creating problems with CECBA. The Employer promised to advise us of developments with the new ministries as they occur.

Also at our October 8, 2008 we had a first opportunity to talk about the merger of Ministry of Small Business and Entrepreneurship with the Consumer Protection Services

Branch of MGS. We indicated that members from both divisions of MSBCS are concerned about the lack of synergy despite assurances from the Deputy. In fact some of our members see the fact that the same ministry is both advocating and regulating business makes no sense at all and could be construed as a conflict of interest. This is another example of the blatant politicization of the Economic Development ministries. The government has put politics as a priority over the business model.

On October 8, 2008 MERC we took the opportunity of commenting about the July Sunrise Propane explosion and the fact that Consumer Protection Services Division oversees the TSSA (Technical and Safety Standards Association). Prior to the creation of this not-for-profit agency which has industry as well as regulatory representation the work of the TSSA had been conducted by OPSEU members with the Ministry of Consumer and Commercial Relations who were divested. The TSSA has also raised fees, provided less service to consumers and clearly in the case of Sunrise Propane was negligent in either not being aware of or ignoring the truck to truck transfer of propane that caused the explosion. This agenda item and our interest in this public safety issue was also relayed to our CERC Chair in September, 2008.

In September, 2008 we also received a disclosure that the Ministry of Labour and Ministry of Economic Development were planning a joint venture called "Open for Business" with the new Ministry of Economic Development scheduled to take the lead. We raised the issue at the October MERC but the Employer was not aware of the details but promised to advise in due course.

In July of 2008 the Government of Ontario invited all Bargaining Agents to a consultation process on "Modernizing Labour Relations" designed to amend CECBA to strengthen it from the Employer's standpoint. OPSEU resisted changes that would have threatened its members. Instead OPSEU tabled alternatives which included amalgamating 75% of AMAPCEO into OPSEU (the non-supervisor component of AMAPCEO). This became the leading option at these consultations. AMAPCEO's President and Vice President embarked on a public relations campaign. OPSEU & the Employer respecting the confidentiality of these discussions remained fairly subdued in commenting publicly. On September 11, 2008 the Government of Ontario announced that they had abandoned their planned Modernization agenda and entered into a separate agreement with AMAPCEO which included the payment of \$1 Million which gives the Government more latitude with respect to the hiring of fee for service IT contractors.

Subsequently in mid September OPSEU filed Unfair Labour Practice charges and demanded damages of \$5 Million before the OLRB and later AMAPCEO has countered with a lawsuit against OPSEU.

Despite the litigation pending the President of OPSEU resisted cancellation of MERC meetings so we did go forward with our October 8th meeting as planned but the recent events were discussed.

On September 23, 2008 the MERC Chair took part in a demonstration in Hamilton.

Ron Langer joined 30 other OPSEU activists to protest the fact that the government bargained in bad faith concerning the Modernization talks, had apparently accepted the leading option of moving 75% of AMAPCEO non-supervisory members to OPSEU, then reneged on their intention and instead signed a memorandum of agreement with AMAPCEO.

At the demonstration we interrupted a \$300 a plate dinner with cocktails set for 5:30 with a planned boat cruise to sunset on a beautiful early fall evening. Our information picket brought out the Hamilton police (who were very nice) and we were able to negotiate 15 minutes with three cabinet ministers including Governmental Services Minister Ted McMeekin. Ron Langer and two Bargaining team members and two Board members were selected by the demonstrators to speak about our concerns. Ron was able to convey the historical decline of OPSEU and the unfair practice of transferring our membership to AMAPCEO and the need to redress historical wrongs going forward. We were told that the AMAPCEO agreement of September 11, 2008 contains "limits to their growth". Future demonstrations may be planned.

These events do not bode well for the overall state of Labour Relations in the OPS as we head into Bargaining on November 4th with the same folks who met with us during the consultations in the summer. It promises to be a very interesting round of negotiations.

We left our table in October in a good frame of mind, having completed a most productive term with impact for our members in the Ministries we directly represent as well as with the overall OPS.

However much needs to be done to ensure the viability of a healthy economic development OPSEU presence within a strengthened OPS in the coming terms. The AMAPCEO issue has been elevated to the forefront and the fight will continue until it is satisfactorily resolved.

In Solidarity on behalf of our MERC Team

Ron Langer, Chair OPSEU (MEDT) Local 103

- Ministry of Economic Development
- Ministry of International Trade and Investment
- Ministry of Small Business and Consumer Services
- Ministry of Research and Innovation