

MEMORANDUM

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

FROM: Brian Gould, OPS Supervisor

DATE: March 19, 2010

SUBJECT: Ministry of Environment
Divisional Minutes – November 15, 2008

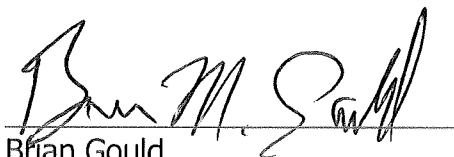
Attached for your information, please find the minutes of the above captioned meeting.

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

MINISTRY OF ENVIRONMENT
2008 DIVISIONAL MEETING
NOVEMBER 15, 2008
FAIRMONT ROYAL YORK HOTEL

CALL TO ORDER

Janis Pechinger called the meeting to order at 2:00 p.m.

INTRODUCTIONS

Chair: Janis Pechinger
Vice-Chair: Larry Lefebvre
Member: Charles Wakefield
Staff Representative: Steve Nield
Recording Secretary: Rupa Banerjee

All present introduced themselves.

ADOPTION OF THE AGENDA

MOTION

Moved: Janis Pechinger (L.103) Seconded: Charles Wakefield (L.555)

To adopt the agenda.

CARRIED

ADOPTION OF THE PREVIOUS MINUTES

MOTION

Moved: Timothy Hannah (L.308) Seconded: Wim Smits (L.722)

To adopt the minutes of the previous Divisional meeting.

CARRIED

BUSINESS ARISING FROM THE MINUTES

No business arising.

ERC TEAM REPORTS

Janis Pechinger, MERC Chair reported. See attached.

ELECTIONS

Steve Nield reviewed the election procedures prior to conducting the election.

MOTION

Moved: Dallas Takeuchi (L.553) Seconded: Wim Smits (L.722)

MERC candidates to be allowed to speak for up to two minutes.

CARRIED

MOTION

Moved: Janis Pechinger (L.103) Seconded: Charles Wakefield (L.555)

That three members be elected to the MERC Team and that from the alternates list, the next highest ranked alternate who volunteers to participate will become the fourth member on the Team. However, should a funded Team member vacate, the alternate list will be accessed as per the elections.

CARRIED

MERC TEAM

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
D. Firlotte (L.649)	L. Lefebvre (L.649)	Stand	Elected
M. Kalliomaki (L.313)	C. Wakefield (L.555)	Stand	Elected
G. Diamond (L.103)	J. Pechinger (L.103)	Stand	Elected
B. Kanabe (L.553)	D. Takeuchi (L.553)	Stand	

CHAIR

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
D. Firlotte (L.649)	L. Lefebvre (L.649)	Declined	N/A
C. Wakefield (L.555)	J. Pechinger (L.103)	Stand	Acclaimed

C. Wakefield cast a ballot in favour of J. Pechinger. J. Pechinger was acclaimed.

VICE-CHAIR

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
C. Wakefield (L.555)	L. Lefebvre (L.649)	Stand	Acclaimed

C. Wakefield cast a ballot in favour of L. Lefebvre. L. Lefebvre was acclaimed.

ALTERNATES

1st Alternate:

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
L. Lefebvre (L.649)	D. Takeuchi (L.553)	Stand	Acclaimed
C. Wakefield (L.555)	R. Narang (L.555)	Declined	N/A
J. Pechinger (L.103)	T. Hannah (L.308)	Declined	N/A

2nd Alternate:

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
C. Wakefield (L.555)	R. Narang (L.555)	Stand	Acclaimed
G. Diamond (L.103)	T. Hannah (L.308)	Declined	N/A

3rd Alternate:

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
W. Smith (L.722)	T. Hannah (L.308)	Stand	Acclaimed

NEW BUSINESS

1. Sick Time.

2. Compressed Work Week.

3. Travel Time.

ADJOURNMENT

MOTION

Moved: Barbara Kanabe (L.553) Seconded: Charles Wakefield (L.555)

Meeting to be adjourned.

CARRIED

MOTION

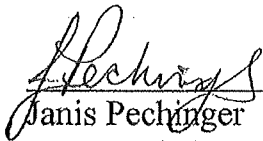
Moved: Dallas Takeuchi (L.553) Seconded: Rajeev Narang (L.553)

To destroy all ballots.

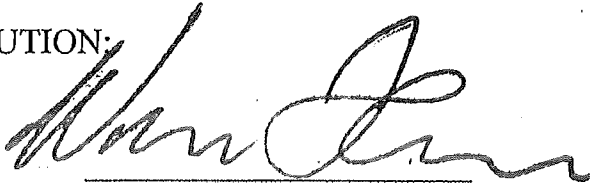
CARRIED

The meeting adjourned at 3:00 p.m.

AUTHORIZED FOR DISTRIBUTION:



Janis Pechinger
MERC Chair
Ministry of the Environment



Warren (Smokey) Thomas
President
OPSEU

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Attachment (1)

MOE 2008 MERC Report

Update from your Ministry Enforcement & Renewal Team

Your team has gone through a few changes in representation over this two year term. Michael Ladouceur, from Local 429 (Kingston Office) stepped down in 2007 and the vacancy was filled by the next ranked alternate. Charles Wakefield, Local 555 (North York Office) has stepped up to be the fourth member of your MERC team and has been a great representative along with Larry Lefebvre and myself. Also, Rheal Delaquis your team co-chair has been actively serving your Union on secondment and has recently resigned from the MERC team during our October 2008 meeting. Rheal has been a great asset to the team for a number of terms now with many successes achieved during his time representing the members of MOE. We wish Brother Rheal well in his future endeavours. Rheal is currently working on a secondment as a grievance officer with OPSEU.

RERC's & LERC's

One of the biggest successes is the agreement reached after working on it for two terms, is the new ERC agreement which was ratified in July 2007. Province wide local ERC teams have had their ups and downs with many offices not having representation and not meeting. There have been a number of successful teams in place however and those are continuing to do good work representing the local issues of their prospective offices.

The new agreement is an effort to re-establish ERC teams throughout the province but a move to a more regionally based system is now part of the plan. The agreement sets out some clarity on the operations of ERCs and now includes the establishment of Regional Enforcement and Renewal Committees (RERC) located in the regional offices. Local District & Area offices now have an opportunity to meet and have involvement in dealing with issues region wide.

For the LERC teams that have had a successful run, they will be allowed to continue with their local based committees. And for teams that can not get regionally based representation, an addendum to the agreement was struck allowing local representatives to still continue on an ERC with the option to add a representative from a district and area office if feasible

Training packages have been delivered to all teams that have not had the opportunity to undergo this very specific training. Those sessions took place throughout 2008. The training packages invited management along side of the union members to discuss their successes and failures in an effort to see the big picture and work well together. They were taught in concert with a management representative and a union representative. The sessions were well thought out and we hope that we will see more ERC teams be able to deal with issues throughout the province.

II & E

The Regulatory Modernization Act was passed and received royal assent. The Bill came into force January 17, 2008 and is well underway in an effort to include 13 enforcement type ministries to work together, sharing information on inspections where other issues are noticed. The RMA working group comprised of line representatives to develop a number of products needed to allow ministries to use the RMA. As an example, the RMA allows for staff from one ministry to provide another ministry with a "heads-up" if they find or have concerns about a company and potential violations of another ministry's regulations/acts (such as a labour inspector having concerns/witnessing violations of MOE legislations).

This has been a standing item on our MERC agenda because of the concerns about the possibility of a "super ministry" or "super investigators" covering all II&E or general inspectors.

Mgmt indicated that it was their understanding that there is no intent for a super ministry, no intent for super inspectors or for generalists.

Conferences have been set up and took place in 2007-08.

The II&E also has other initiatives on going such as the High Performers Strategy. This is a framework that would assist ministries in developing a high performers program for those companies that achieve a certain level of above compliance performance. The II&E framework for the High Performers is a voluntary program for ministries and provide a consistent framework for ministries to consider if implementing such a program. MOE was involved and worked with II&E in the development of the framework, as MOE is one of the few ministries with such a program (Environmental Leaders).

Well Inspections Review

Another concern raised relating to Re. 903, licensing and employees carrying out their duties. Many changes took place because of email notifications from employees during the comment process, as well as comments made by stakeholders. Hydrogeologists now can do the monitoring without obtaining licenses as part of their job duties. A BMP is currently being developed by Sir Sanford Fleming and this project is being coordinated by Brother Warren Lusk, a hydrogeologist from Eastern Region, which is the lead for this project. There will be web-based training for staff and well inspections will be done by MOE through complaint driven process.

Historically, MOE used to have well inspectors carrying out this function on a routine basis and the Union has pushed to reinstate those positions. But

management has stated that there are no plans to have specified well inspectors currently.

After Hours Response Program (DWMD)

DWMD has undergone a year long pilot project for an after hours response program for the drinking water inspectors. The project included a voluntary call list where all inspectors are placed on a rotational basis. Supervisors are to have a list of inspectors in place that they can use for any after hours response. Management has indicated that the list is strictly voluntary and inspectors have the opportunity to decline when called. Management also indicated that there would be no retribution on the inspector that declines. During the year long pilot project, 6 issues arose that required an after hour response.

The Union raised concerns that it would be unlikely that an individual would refuse given the severity of someone not responding to a drinking water threat, that they would always feel obligated to respond. The Union asked that staff be given the opportunity to permanently be removed from the list, so that this issue would never come up. Management has refused this option. The Standard Operating Procedure for After Hours Response is now in place.

Laboratory Analysis

The Union was made aware that some MOE offices are using laboratories other than the central lab at EMRB for water samples. After stating consistently that there could be potential problems using outside labs when the regional labs are closed in the 1990's, this issue seems to be popping up again. At the time of the lab closures, MOE has always had a policy to send all samples to the central lab in Toronto and that the work would always be done by bargaining unit positions.

Mgmt looked into the situation and found that the samples had been sent to external labs because of "shelf life" and emergency situations, and would try to limit the use of external labs for these purposes only.

The Union believes that the frequency of testing done externally for the ministry is much higher and queried the use of outside testing by EMRB. Management indicated tests for EMRB constituted 60% of the tests done by LSB. The Union would like the Ministry to have contracts with MOH labs so that jobs stay within the OPS. Management explained that there were limits to what MOH could supply, accreditation issues, etc.

Compressed Work Week Agreements

As you know, the issue of the CWW agreements has been on the table for a number of years now. Since 2004, the only allowable agreements have been for a one in four week cycle, unless there are "special circumstances". These

special circumstances are few and far between and must be worked out between the employee and their immediate manager and then be approved up the chain. The concern we have with this is that the employee may have to discuss things that are confidential and that is not always a comfortable situation, sharing that type of information.

The Guiding Principles states that a one in three week cycle is also possible and the Union has pushed for that to be an option, but to no avail. Management claims that "operational needs" are to be met and that means more access to employees so that the one in four cycle seems to be the only one that works. Management claims they need to be able to respond with information to the Minister's office asap and often times they can not contact the employee that has this information because they are on a CWW day. The Union states that often staff are on vacation or sick days which also makes them unavailable, so why should the odd CWW day pose such a problem. Management states they have no real control on those types of days.

This past October meeting it was brought up again. There are a few corporate committees in play such as the Employee Engagement Committee or the Go Green Committee, and much of the discussions within these committees state that a more flexible working environment may alleviate some of the pressures of a work-life-balance situation. The Green committee has various working groups and one group for Transportation discusses some alternatives of commuting into the city. Compressed Work Days or Flex time are a couple of the issues being raised there. So because the issue keeps being raised as possible answers to these very real questions, we have to wonder why is it not being allowed? These committees apparently have SMG buy-in and support, but when this one item keeps raising its head, a quick and easy answer would be to allow the various cycles or for more flexible hours at work. Stay tuned!

Unclassified Usage

Management has been proactive providing the MERC team with a detailed listing of unclassified staff and permanent staff holding temporary assignments, some going on for a very long time. I think there was one for 49 months. The issue with many of these are the hours are not "convertible", meaning they are backfilling for a person who is on an authorized leave of absence and are therefore not eligible for conversion to a full time position.

That being said, there have been a number of successes with staff over the 18 month time period being converted to full time status. Your team continues to push to have all those eligible for conversion classified.

H & S Risk Assessment

Over the course of this Team's term, the H & S Risk Assessment has been underway in its implementation process. Standard Operating Procedures (SOP's) were provided to the MERC Team but the Union expressed concerns that comments that were provided on the various SOP's are not being taken seriously. Initially for the first two draft SOP's, the Union received comments indicating which of their comments were accepted and incorporated and which were not. Subsequently, comments provided on all other documents provided at that time, no feedback was provided regarding the comments submitted before issuing the SOP's. The Team felt that the comments were not being taken seriously and informed and that it would like receiving the HSRA documents as they are being released. Should there be any comments received, those issues would be communicated at the MERC meeting.

Employee Engagement

After two years of EE surveys indicating there was much need for improvement for engaging employees, management put together a committee of representatives from all bargaining units to participate in working on some of the key initiatives. The interested employees had their names drawn out of a hat, with a representative from each bargaining agent looking on. There were 80 staff interested in participating of which they picked a handful of people to participate in the Core Working Group. Because of the overwhelming response to interested people, the remaining people will be part of the Focus Working Group. The Core group were to work on I believe six initiatives such as Fair HR practices, Training and Development, etc. They were to report back to the Focus group for their input and approval. The Focus group never heard anything for almost a year and in August the first teleconference took place. It was not a success as it appeared that a lot of the work had already been vetted and approved by management. Because it appears that there were some major issues with the process, management invited the entire group to come to an information session on October 3, 2008. Representatives from the various group projects made presentations to the audience of what they had accomplished and opened the floor for any questions or suggestions. Breakout sessions also took place and staff were able to pick the sessions they were most interested in and provide input. It appears that this session was a success and the Focus group having more input into the issues. This project is ongoing, so we will see how it turns out and report back.

It's a wrap.....

Well these were just a few of the main highlights that your Team has worked on for the past two years. Some have been ongoing for several terms and will likely continue to be on the table as we push for issues to be resolved. I encourage you to be proactive with reading the minutes posted on both the OPSEU and MOE website for further information or answers to issues you may be interested in.

I encourage you to bring issues to your LERC teams for resolution, and for those that you may come to an impasse on, please do not hesitate to contact one of your MERC representatives to be addressed at the MERC table.

We had a very successful team for the past two years and hope those successes continue into the next two years for the new Team.

On behalf of my team and myself, I thank you for all of the information you have provided us.

I would also like to send a special thank you to Sandra Harper for her much needed and appreciated guidance. Her assistance has been invaluable.

Janis Pechinger
MOE MERC Chair on Behalf of the MOE MERC Team Members

Larry Lefebvre
MOE MERC Vice-Chair

Charles Wakefield
MOE MERC Team Member