

**MEMORANDUM**

**TO:** All Presidents with members in the Ministry of Environment  
All Stewards in the Ministry of Environment

**FROM:** Brian Gould, OPS Supervisor/Negotiator

**DATE:** 21 November 2007

**SUBJECT: Ministry of Environment  
ERC Minutes – July 17, 2007**

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

Please post or otherwise make them available to the members in your workplaces.

Also attached is a MERC referral form which should be used when referring unresolved local issues to the ministry level. The referral should be sent care of the Job Security Unit with all the supporting documentation, (e.g. minutes, correspondence, etc.), with any referrals.

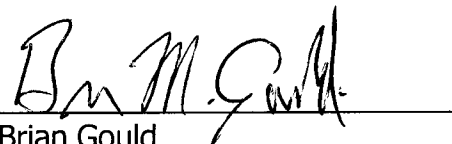
**PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.**

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,



Warren (Smokey) Thomas  
President



Brian Gould  
OPS Supervisor/Negotiator

/fs  
att.

cc: MERC Chairs  
Ministry ERC

**MINISTRY OF THE ENVIRONMENT  
MINISTRY EMPLOYEE RELATIONS (OPSEU) COMMITTEE  
MINISTRY HEALTH & SAFETY (OPSEU) COMMITTEE**

**Tuesday, July 17, 2007  
10:00 a.m. to 1:00 p.m.  
Training Room "A"  
3<sup>rd</sup> Floor  
40 St. Clair Ave. West  
Toronto**

**In attendance:**

**Management**

Debra Sikora, Co-Chair  
Jacques LeGris, H&S Co-Chair  
Gayla Campney

**Union**

Rhéal Delaquis, Co-Chair  
Janis Pechinger, H&S Co-Chair  
Michael Ladouceur  
Larry Lefebvre (via teleconference)

**Advisors:**

Doug Milic

Sandra Harper

**Guests:**

Orna Salomon, (A) Director, Drinking Water Program Management Branch  
P.K. Misra, Director, Laboratory Services Branch

**Regrets:**

Dean Hustwick

ITEM	DISCUSSION	ACTION
<b>A. Review of Previous Minutes</b>	2006 minutes have been posted on HR website. February '07 minutes were reviewed, amended and signed.	February minutes to be posted on HR website
<b>B. Previous and Standing Business</b>		
<b>1. Unclassified Usage Reports</b>	<p>Management sent the June report prior to the meeting.</p> <p>Management indicated that it reviewed the earlier and current reports and had identified a number of positions for conversion. These need to be confirmed and then forwarded for approvals to senior management. Management indicated that once completed a listing will be provided to the Union and any issues related to these conversions will be discussed with the MERC members.</p>	Management to provide the decisions on unclassified staff in late August.
<b>2. Transformation Agenda</b>	<p>Management advised that no decisions have been made on the Transformation Agenda.</p> <p>The Union inquired about the HR transformation and what its impacts would be on the ministry on matters such as recruitment and mapping. In addition, the Union asked if this could be a standing item.</p> <p>Management indicated that it did not have any information at this juncture. However, as all HR transformation disclosures and information have been occurring through CERC, the Ministry would check with MGS about information sharing at the MERC levels.</p>	<p>Standing Item for updates</p> <p>Management to inquire about HR transformation information sharing with MGS.</p>
<b>3. II&amp;E Secretariat Update</b>	<p>Management advised the Union as follows:</p> <p><i>i) <b><u>The Regulatory Modernization Act</u></b> (RMA) was passed and received royal assent. The bill comes into force on January 17, 2008. II&amp;E has established a RMA working group comprised of line ministry 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 a “heads up” if they find/have concerns about a company and potential</i></p>	Standing Item for updates

	<p>violations of another ministry's regulations/acts (such as a labour inspector having concerns/witnessing violations of MOE legislation) The Working Group will establish protocols/guidelines for how such "heads up" would actually work between ministries. There are other products being developed that will help implement the RMA. Operations Division has a management representative on this working group. The working group will be developing these products over the next few months to be ready for a January 2008 "go live" date.</p> <p><i>ii)</i> II&amp;E continues its work on other fronts as well. They have developed a web site for the plastics industry, similar to the one for auto body, as part of their small business focus. This site provides for information on provincial regulations from all ministries that may affect the plastics sector.</p> <p><i>iii)</i> Another initiative is 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&amp;E framework for the High Performers is a voluntary program for ministries and provides a consistent framework for ministries to consider if implementing such a program. MOE was involved and worked with II&amp;E in the development of the framework, as MOE is one of the few ministries with such a program (Environmental Leaders).</p> <p><i>iv)</i> Last, II&amp;E is starting to think about a conference for the next fiscal year. In January 07 it held its first conference</p>	
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	<p>which was deemed a success. They are looking at a different approach for the next conference such as regional based events vs. one event in Toronto. It is early and the organization is now looking at options.</p>	
<b>4. LERC Revitalization</b>	<p>Negotiation of a new MERC/LERC agreement was completed prior to the meeting. The parties signed the agreement at the meeting. New element are Regional based employee relation committees (RERC)</p> <p>The parties agreed to develop a joint communiqué to managers and to employees and their local representatives in late August.</p> <p>It was agreed that at that time a timeframe for implementation would be discussed, development of a training package would commence and that training of LERCs/RERCs would be completed by the end of the fiscal year.</p>	<p>Assigned management and union representatives to commence the implementation process late August.</p>
<b>5. DWMD</b>	<p><b>a) Well Inspection Review</b> The Union raised concerns relating to Reg. 903, licensing and employees carrying out their duties.</p> <p>Management indicated that the issues are complex. They are attempting to finalize how the issue of licensing will proceed. The recommendations are working its way through the cabinet process. Management indicated that many changes came from consideration of comments made by MOE staff through the 903 comments e-mail process, issues raised by the union, as well as comments made by stakeholders through consultations and the EBR. Management indicated they believe, if accepted, these changes will address the license issue. Timing at this juncture is not known. However, management would endeavour to inform the union as early as possible of the results before informing staff as there may be public announcements on the matter.</p> <p>In discussion, well inspections management</p>	<p>Management to advise union of results and when they will speak to employees.</p>

	<p>indicated that inspections are complaint driven. The Union indicated that at one time there were inspections being done by MOE staff that were not primarily complaint driven to ensure drilling and related activities were properly done, i.e. it was not a reactive program.</p> <p>The Union contends that the ministry's strategy fails to address the concerns raised by the Environmental Commissioner. The Union suggested that the ministry should consider training that goes beyond the regulations by addressing proper drilling and other related activities to provide a sound knowledge base to employees for doing an inspection and have a dedicated inspection program in place.</p> <p><b>b) After Hours Response Program (DWMD):</b></p> <p>Management advised the Union as follows:</p> <ol style="list-style-type: none"> <li>1. The review of the pilot has been completed; the program worked extremely well in its first year and the recommendation to senior management is that the proposed after hours program become permanent.</li> <li>2. The procedure was reviewed in light of the pilot and any comments made by the Union earlier.</li> <li>3. Following senior management approval, and prior to implementation copies of the material will be sent to the MERC.</li> <li>4. Management will arrange for a teleconference a couple of weeks after the material is sent to listen to any further comments the Union may have.</li> </ol> <p>The Union reiterated its concerns on the voluntariness of the program when employees are not able to have management remove their names from the roster.</p>	<p>Management to send SOP to Union when approved and prior to implementation for discussion</p>
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	<p><b>c) Source Protection-job descriptions:</b></p> <p>Management advised the Union that there were no completed job descriptions to share and would provide copies when they became available.</p> <p>The Union asked if there were source protection liaison jobs being created in the field and how many.</p> <p>Management indicated they were not aware of this and would look into it.</p>	<p>Standing Item for updates</p> <p>Management to advise Union about Source Protection Liaison positions.</p>
<b>6. HWIN- RFI</b>	<p>Management indicated that no decisions have been made.</p>	<p>Standing item for updates</p>
<b>7. STAC RFP</b>	<p>Management provided the Union with information on the awarding of the contract and that it expires at the end of the calendar year. Further, the nature of the work was described, the progress to date and that the work is more than half completed.</p> <p>Management indicated that it believed that the work is engineering work. The parties discussed the issue of work jurisdiction.</p> <p>The Union indicated that if the work is limited to laying the base line procedure(s) for specific sector(s) rather than doing actual assessment work of facilities, then the matter is resolved.</p> <p>Management raised a technical work jurisdiction question relating to the Union's claim if it turns out the work is not sector but individual.</p> <p>It was agreed that management would check into the Union's query about the work being sector as opposed to individual.</p>	<p>Management to advise the Union if the work is sector or individual.</p>
<b>8. Restructuring in EMRB- Trans-boundary Science</b>	<p>Management advised the Union that there were three positions filled and job descriptions have been provided on two of these. Further, that the rest of the positions have not been filled and the</p>	<p>Standing item for updating</p>

	<p>respective job descriptions have yet to be developed.</p>	
<p><b>9. Laboratory Analysis</b></p>	<p>Management provided an overview of the work of the laboratory and the development of a vendor of record listing of analytical laboratories the ministry may use. It was indicated that the intent is for situations where the MOE laboratory is rendered inoperable or is incapacitated in any way (i.e. emergency situations/contingency plan or as occurred recently when significant construction took place at the laboratory).</p> <p>Other situations for use by any of the divisions is for testing bacte samples with limited shelf life and it is not feasible to send the samples to Toronto in a timely fashion e.g. for e-coli. In addition there are certain analyses that need to be carried out where the ministry does not have the requisite equipment and has not been doing the testing at all.</p> <p>Information on the number of tests and products (in excess of 153,000) was provided. The number of testing done external to the ministry is relatively small.</p> <p>The Union indicated that it had forewarned the employer of this as a potential problem in the 1990's when the regional laboratories were closed.</p> <p>The Union indicated it believes that frequency of testing done externally for the ministry is much higher. The Union also queried the use of outside testing by EMRB. Management indicated tests for EMRB constituted 60% of the tests done by the Laboratory Services Branch.</p> <p>The Union raised the issue that the ministry should try to have contracts with Ministry of Health laboratories so that jobs stay within the OPS.</p>	

	<p>Management explained that there were limits to what MOH could supply (capacity), as there are issues of accreditation, MOH work relates to essentially the Medical Officer of Health, etc.</p> <p>The Union asked if any cost analysis had been done. Management indicated that, for example, when the East Wing was not available the cost of going to the private laboratories was comparable to the LSB work. The work is competitively priced.</p> <p>The Union asked if they could receive statistics on the use of external laboratories.</p> <p>Management indicated they would attempt to pull together statistics on this activity.</p>	<p>Management to provided statistics on the use of private laboratories</p>
<b>10. Changes in the ADO</b>	<p>It was agreed to hold a teleconference on the ADO on Friday July 20<sup>th</sup>.</p>	<p>Teleconference to be held on July 20<sup>th</sup></p>
<b>C. NEW BUSINESS</b>		
<b>1. Budget Information</b>	<p>Management provided the union with a slide deck summary of the 2007-8 MOE Budget.</p> <p>Any questions the Union may have could be addressed during the scheduled teleconference on July 20<sup>th</sup>.</p>	
<b>2. DWMD disclosure</b>	<p>Management disclosed July 16<sup>th</sup> and provided an overview of organizational realignment of the Drinking Water Management Division. This included the establishment of a branch dedicated to source protection, transferring drinking water laboratory inspection functions from ESSD to DWMD. The target for implementation/announcement is July 31, 2007. Management confirmed that there would be no negative impacts to staff in the OPSEU Bargaining Unit.</p> <p>The Union indicated that if there were no impacts to staff it had no concerns to raise.</p>	

	<p>In response to a Union query 5 Source Protection Liaison positions were identified.</p> <p>The Union queried why certain positions were in the AMAPCEO bargaining unit. Management indicated that these positions were in existence when the division was established.</p> <p>It was agreed that the Union would provide management with a list of positions for which they would require job descriptions and management would provide copies of the job descriptions.</p>	<p>Union to provide management with list of positions</p>
<p><b>3. Environmental Commissioner Office Report</b></p>	<p>The Union asked what strategy the ministry had in place that will address the findings and recommendation of the Environmental Commissioner's Report "Doing less with Less".</p> <p>Management indicated there was no specific action plan in place but that the findings would be addressed by the overall budget increase (8%) and various other actions including addressing capacity.</p>	
<p><b>4. Vacancy Management vs. Workload</b></p>	<p>The Union raised concerns about vacancy management causing workload concerns for staff.</p> <p><b>After identifying a number of areas where there were vacancies and acting assignments the Union stated as follows:</b></p> <p>"Work units and sections that are chronically understaffed are becoming more and more stressed by increasing workload and tighter turn around times. Serious errors and omissions are inevitable despite the best efforts of our members. Government liability is one issue, but possible failure to detect and correct threats to the safety of Ontarians is a dire matter. OPSEU members should not be held liable for situation that they have no authority to manage.</p> <p>The Environmental Commissioner of Ontario (ECO) has reported on the state of the Ministry</p>	

	<p>of the Environment. The ECO has described a situation that is disturbingly similar to the conditions that led to the Walkerton tragedy. OPSEU reports and submissions that were made at the Inquiry could be re-issued today with virtually no changes. OPSEU believes that continued budgetary shortfalls, staffing shortages, and administrative burdens are reducing the Ministry's field effectiveness to unacceptable levels.</p> <p>OPSEU members are busy carrying the workloads of unfilled positions far more often than is reasonable. Too many supervisors and managers are in acting positions and this causes an unhealthy ongoing uncertainty. The Union suggested that the filling of vacancies with permanent staff is in the best continuing interest of the Ministry and the people of Ontario.”</p> <p>The Union also indicated that they were surprised when they were recently advised the ministry was in a budgetary deficit. In addition, the Union indicated that employees are too busy updating IDS which impacts on understanding the amount of work that is there and being done.</p> <p>Management indicated that employees should speak with their managers when they are not sure of their priorities and that managers are prioritizing the work. Further, frontline staff positions are being filled. Management believes acting assignments are beneficial to staff and to the organization. Management also gave examples of why some competitions take longer periods of time. For example, time for the approval process and then processing as was the case in a competition in Eastern Region which had over 400 applicants.</p> <p>Management also explained to the Union the “in- year” additions to the budget.</p> <p>Management indicated that the concerns would be brought forward at directors meetings.</p>	
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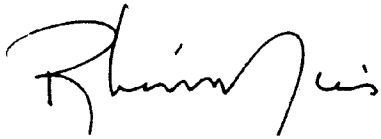
<b>5. Disclosure Procedures</b>	<p>As a result of a couple of errors in the field the Union requested management to advise ministry managers on disclosure requirements and procedures.</p> <p>Management indicated that it would remind managers of their obligations pursuant to the collective agreement.</p>	Management to advise line managers.
<b>6. Health &amp; Safety Risk Assessment</b>	<p>The Union expressed its concern that comments that were provided on the various SOPs are not being taken seriously. Initially, for the first two draft SOPs, the Union received comments indicating which of their comments were accepted and incorporated and which were not. Subsequently, comments provided on all other documents, no feedback was provided regarding the comments submitted before issuing the SOPs.</p> <p>In addition, the Union was concerned that in some meeting situations they were told to put their comments in writing. This is limited by time constraints and it is felt that the comments should be noted during the meeting.</p> <p>Management indicated it would look into the matter.</p> <p>The Union advised management that it would like receiving HSRA documents as they are being released. If comments are to be provided they will be communicated through MERC.</p> <p>Issues around training were discussed where the Union indicated that some sessions are more information sessions as opposed to actual training.</p> <p>Management advised that there is a two step process in play when providing training. There are initial information sessions with subsequent sessions being the “formalized” training.</p>	Management to respond.
<b>7. 2007 Employee Engagement Survey</b>	<p>The Union inquired about the status of the latest Employee Engagement Survey.</p> <p>Management indicated that the Ministry results</p>	

	will be released and will be broken down by Divisions and will include some summary results. The Union received the report corporately. The results showed similar areas for improvement as in the previous survey.	
<b>8. Clean Air Commute</b>	<p>The Union indicated that its president had received a letter from the Ministry addressing Clean Air Commuting. The Union supports this initiative; however, it expressed concern that a bicycle rack was not available in Cornwall although other offices in the ministry have them.</p> <p>Management explained that they were not able to receive permission from the Cornwall landlord and that they were looking at alternatives. It was agreed the matter be referred back to the local level.</p>	Matter is referred back to the Cornwall Office
<b>9. MERC survey</b>	The members of MERC have and/or are responding to the MGS survey.	
<b>10. Attendance Threshold</b>	Management advised the Union the threshold is 8.4 days.	
<b>11. BUSINESS BETWEEN MEETINGS</b>	<p><b>Feb. 23</b> changes in reporting relationships at Laboratory Services Branch</p> <p><b>March 1</b>-Continuous service date template letter</p> <p><b>March 7</b>-update on status of Trans-boundary Air unit</p> <p><b>March 12</b>-staffing announcement on EAAB</p> <p><b>March 14</b> H&amp;SRA Guidelines on:</p> <ul style="list-style-type: none"> <li>• Personal Security training</li> <li>• Final Marine safety &amp; Confined Spaces for Ministry occupied workplaces</li> </ul> <p><b>March 16</b>-Events, Opportunities &amp; Stakeholder Relations Section, Communications Branch</p> <p><b>March 21</b>- Water and Sewage Support Programs Unit, EIESB. Change in the reporting relationship</p> <p><b>March 27:</b></p> <ul style="list-style-type: none"> <li>• H&amp;SRA-Guideline on Personal Security training</li> <li>• Unclassified Usage report – end of February</li> </ul> <p><b>April 10</b>- revised Marine Safety Guideline&amp; Training matrix for marine Safety Guideline</p> <p><b>April 13</b> –IT initiatives</p> <p><b>April 30</b>-New MOE H&amp;S Guideline-Working</p>	

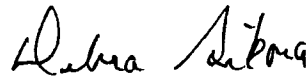
	<p>in Teams and the New H&amp;S Guideline: Field communications Tools</p> <p><b>May 1:</b></p> <ul style="list-style-type: none"> <li>• IEB review; responses to questions</li> <li>• Disclosure Great Lakes Office</li> </ul> <p><b>May 9:</b></p> <ul style="list-style-type: none"> <li>• Disclosure DWPMB org changes</li> <li>• Disclosure SCB change in reporting relationships</li> <li>• Disclosure- Great Lakes office job description and org charts</li> </ul> <p><b>May 11-</b>Disclosure-proposed transfer of Employee from Business and Fiscal Planning Branch to Communications Branch</p> <p><b>May 2:</b></p> <ul style="list-style-type: none"> <li>• H&amp;SRA-new SOP on ERP</li> <li>• Unclassified usage report to end of April</li> </ul> <p><b>May 31</b> –update on disclosure –SCB change in reporting relationships</p> <p><b>June 1-</b>Establishment of a new Aboriginal Affairs Branch</p> <p><b>June 7-</b>SCB implementation of a sustainable province wide inspections program</p> <p><b>June 16</b> H&amp;SRA Guideline: Working on or Near Water</p> <p><b>June 22-</b> Disclosure Bilingual position in Sudbury</p> <p><b>July 13-</b> Unclassified Usage Report end of June</p> <p><b>July 16-</b>DWMD Disclosure reorganization</p>	
<b>D. HEALTH &amp; SAFETY COMMITTEE</b>		
<b>1. PPE &amp; Unclassified Staff</b>	<p>Management advised the Union that the PPE for shared or pooled equipment SOP has been launched. It can be found in the H&amp;S intranet site under Guidelines and SOPs. This information is also captured in the MOE H&amp;S Safety Manual.</p>	
<b>2. Air Testing</b>	<p>The Union advised that at the CERC, MGS assured the Union that they are working on information on leased space that will be sent to the ministries. PRI and ORC are establishing protocols to ensure uniformity for those areas where leased premises do not have testing agreements as part of the contract.</p>	

<p><b>3. Cornwall Air testing</b></p>	<p>The Union indicated that the air was tested two months previously but that neither union nor management (locally) received copies of the report.</p> <p>Management indicated that it understood that ORC will be contacting the JHSC Co-chairs to present the results at the next committee meeting. According to ORC the results are clear “no findings”. The reason for the delay is that ORC has established a protocol where results are not released to a ministry until they have been share with the ORC hierarchy. It was agreed that management would look into the matter to ensure reports are expedited.</p>	<p>Management to look further into the delays</p>
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ORIGINAL SIGNED BY:



Rhéal Delaquis, Union Co-Chair



Debra Sikora, Management Co-Chair