

**APPENDIX 25
TERMS OF REFERENCE
FOR THE
SECTION 6 – JOINT DISPUTE RESOLUTION COMMITTEE**

Between

THE CROWN IN THE RIGHT OF ONTARIO (EMPLOYER)

- And -

THE MINISTRY OF THE ATTORNEY GENERAL (MINISTRY)

- And -

THE ONTARIO PUBLIC SERVICE EMPLOYEES' UNION (UNION)

1) NAME OF COMMITTEE:

The Committee shall be referred to as the Section 6 -- Joint Dispute Resolution Committee (JDRC).

2) DURATION:

The committee shall remain in force throughout the rollout process, and shall deal with disputes in accordance with section 6, of Appendix 32 of the Central Collective Agreement. The Committee shall conclude its business by December 31, 2006, or as mutually agreed upon by the JDRC Co-Chairs.

3) PURPOSE OF COMMITTEE:

- The purpose of the Committee in facilitating the conversion of eligible employees to Classified Flexible Part-Time (FPT) status is to resolve disputes stemming from the implementation or administration of the FPT model in accordance with Section 6 – *Dispute Resolution Process*, under Appendix 32 of the Central Collective Agreement.

4) Without Precedent or Prejudice:

It is agreed that the discussions of the parties at the JDRC are without precedent or prejudice.

5) COMMITTEE MEMBERS AND MEETINGS:

- The JDRC Committee shall be composed of an equal number of Ministry representatives from the Employer and the Union, with not more than six (6) representatives in total.
- The Union shall designate one member to act as the Union Co-Chair of the JDRC. Management shall designate one member to act as the Management Co-Chair of the JDRC.
- The JDRC shall review only those disputes submitted by OPSEU employees as defined under Section 3 of these Terms of Reference.
- The Committee shall meet at least once per month, unless the JDRC Co-Chairs mutually agree otherwise.
- The JDRC Co-Chairs shall mutually agree upon the date(s) and times that the JDRC shall meet.
- The Union JDRC members shall formally request approval for time-off from their respective manager(s) to attend the JDRC meeting(s) on the specified date(s), and time(s), as soon as possible prior to the next scheduled JDRC meeting. Approval of the requested time-off is subject to reasonable operational requirements.
- The Union members of the Committee shall receive reasonable time off with pay the day prior to each JDRC meeting as agreed to by the Co-Chairs to prepare for the meeting.
- Full disclosure of all the facts and issues shall take place to facilitate the effective resolution of the dispute(s) submitted to the JDRC.
- Management and/or the Union may alternate JDRC members prior to the next JDRC committee meeting, upon at least one (1) weeks notice to the other party. It is desirable that only one (1) JDRC member of either party be alternated at a time to ensure continuity unless otherwise mutually agreed to by the Co-Chairs.
- The Management representatives from the work location where the dispute arises, and the complainant(s), may teleconference with the JDRC to provide particulars or clarification, if required and where mutually agreed. In the event multiple complaints have been consolidated by the Union, up to three (3) complainants from such group may participate.
- A grievance submitted under Article 22 – *Grievance Procedure* of the Collective Agreement, which is more properly before the JDRC shall be dealt with solely by the JDRC in accordance with these Terms of Reference.

Guests:

- Guests may attend the JDRC meetings upon the agreement of the Union and Management JDRC Co-Chairs.

Confidentiality:

- Each JDRC participant shall maintain any discussion between the parties and any information shared as confidential, except as agreed to by the parties, or as required by law, or as required to implement a settlement / agreement.

Dispute Procedure:

Any dispute regarding the implementation or administration of the FPT model shall be dealt with in accordance with these Terms of Reference.

- The governing principle will be that the parties have a mutual interest in reaching their own solutions and avoiding, if at all possible, having the decision made by a mediator/arbitrator.
- Article 22 (Grievance Procedure) under the Collective Agreement shall not apply, unless otherwise agreed by the parties.

Dispute Process:**STEP 1:**

- 1) If an employee has a complaint regarding the implementation or administration of the FPT model, the employee shall notify his/her supervisor within 30 days after the circumstances giving rise to the complaint have occurred.
- 2) If a complaint, regarding the implementation or administration of the FPT model is not resolved within seven (7) days of the notification; the employee(s) may file a dispute in writing, with the local designated Appendix 25 Steward and/or a JDRC UNION member. The Joint Dispute Resolution Committee (JDRC) – Referral Form is to be utilized, attached herein as Appendix 1.
- 3) At least fourteen (14) calendar days prior to the scheduled JDRC meeting date, the Union Co-Chair shall provide a copy of each dispute and any supporting documentation to the Management Co-Chair.
- 4) The Committee shall attempt to resolve the dispute.
- 5) The Union and Management Co-Chairs of the JDRC may mutually agree, in

writing, to defer consideration of a dispute.

6)

i) If the JDRC reaches an agreement on the resolution of a dispute, the Joint Dispute Resolution Committee (JDRC) – Referral Form will be completed outlining the terms and conditions of the resolution. The JDRC Co-Chairs will sign off the finalized Joint Dispute Resolution Committee (JDRC) – Referral Form.

ii) Should the JDRC consensus be that the dispute(s) are withdrawn, the Union JDRC Co-Chair will complete and sign the Joint Dispute Resolution Committee (JDRC) – Referral Form, indicating such withdrawal.

In either case, the Joint Dispute Resolution Committee (JDRC) – Referral form will be completed, signed, and exchanged between the JDRC Co-Chairs, within seven (7) days of the JDRC meeting.

The Management JDRC Co-Chair will provide a copy of the form to the local Manager(s), and the Union JDRC Co-Chair will provide a copy of the form to the complainant(s).

An electronic version of the *Revitalized Workforce Project -- JDRC Dispute Resolution Form* with electronic signature(s) is valid.

iii) If the JDRC is unable to resolve the dispute, either JDRC Co-Chair may refer the dispute to Step II.

STEP II:

Either JDRC Co-Chair may refer an unresolved dispute to mediation / arbitration, as outlined in Appendix 32, of the Central Collective Agreement, and as described below:

Disputes forwarded to mediation/arbitration shall be resolved in an expeditious and informal manner without prejudice.

The mediator/arbitrator shall have all the powers of an arbitrator under the Crown Employees Collective Bargaining Act. The mediator/arbitrator shall have no power to act as an interest arbitrator or to alter or amend any provision of this Terms of Reference.

The JDRC Co-Chairs shall appoint a mediator/arbitrator from the following list:

Gerry Lee	Felicity Briggs
Louisa Davie	Rob Herman
Paula Knopf	

If the parties are unable to settle the dispute in mediation, the mediator /

arbitrator shall endeavour to assist the parties to agree upon the material facts in dispute and then shall determine the dispute by arbitration.

When determining the dispute, the mediator/arbitrator may limit the nature and the extent of evidence and submissions and may impose such conditions that he or she considers appropriate.

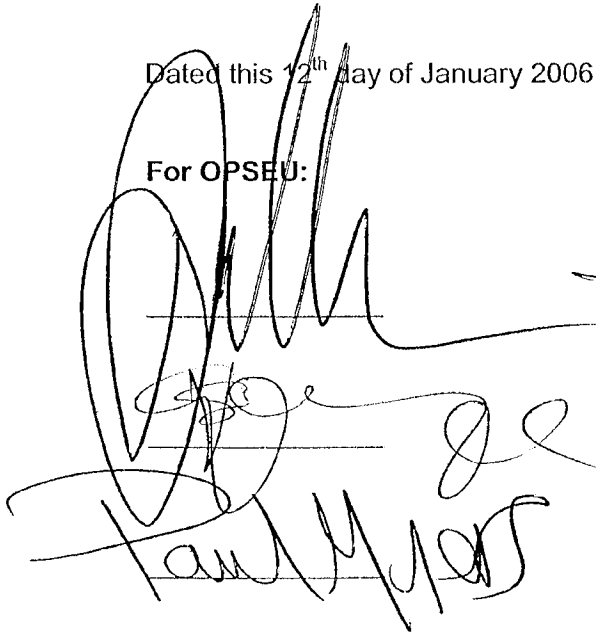
The mediator/arbitrator shall be requested to make a decision within five (5) days, but no later than ten (10) days after completing proceedings on the dispute submitted to arbitration.

The fees and expenses of the mediator/arbitrator shall be divided equally among the parties.

Where there is any discrepancy between these Terms of Reference, Appendix 25, and/or Appendix 32 of the Central Collective Agreement, and the Memorandum of Settlement dated December 20, 2005, the Memorandum of Settlement shall govern.

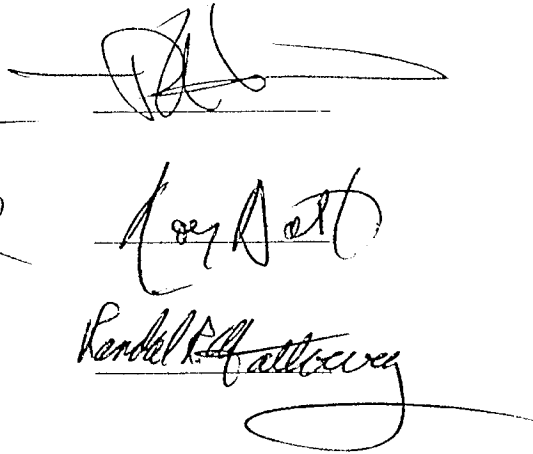
Dated this 12th day of January 2006 at Toronto, Ontario.

For OPSEU:



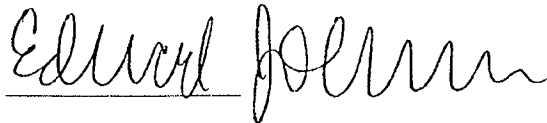
Three handwritten signatures for OPSEU are present. The top signature is large and stylized. Below it are two smaller signatures, one of which appears to be 'George'.

For the Ministry:



Three handwritten signatures for the Ministry are present. The top signature is large and stylized. Below it are two smaller signatures, one of which appears to be 'Ray Datt'.

For The Crown in Right of Ontario:



A single handwritten signature for the Crown in Right of Ontario, which appears to be 'Edward Palmer'.

APP. 25-JOINT DISPUTE RESOLUTION COMMITTEE - REFERRAL FORM

Name:		OPSEU Local
Court Location:		
Phone:		
App. 25 Steward:		
Phone:		
Type of dispute / Special case:		
Supervisors name:		
Date of referral to Supervisor:		
Please explain your dispute in detail (attach supporting documentation if necessary):		
Outcome of Dispute (Dispute Committee only):		
Signature:		
Date:		
Signature:		
Date:		
<p>Send completed form to: OPSEU Job Security Unit Fax: 416-448-7462</p>		