

Memorandum of Agreement

Between

LOCAL _____ of the

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

AND

THE MINISTRY OF THE ATTORNEY GENERAL

Re: Local Employee Relations Committee Terms of Reference

Article 1 – Preamble

- 1.01 The parties recognize the value of discussing issues of mutual interest in order to achieve understanding and where required resolution and thus enhance the relationship between Management, the Union and the Employees. It is understood that resolutions reached at these meetings respect the rights and entitlements contained in the collective agreement.

Article 2 – Authority

- 2.01 This agreement is made in accordance with Article 16 (Local and Ministry Negotiations) of the Collective Agreement on Central Working Conditions and Employee Benefits, between the Ontario Public Service Employees Union and the Crown in Right of Ontario represented by Management Board of Cabinet.
- 2.02 This agreement covers all employees in the Ministry of the Attorney General who are members of the bargaining unit as defined in Article 1 – Recognition, of the OPSEU Collective Agreement.

Article 3 – Composition of the Committee

- 3.01 Upon request of either party at the local level, the parties may agree to establish a Local Employee Relations Committee. Agreement by either party will not be unreasonably denied.
- 3.02 This committee shall consist of the following representatives:
- a) On the Management side, up to four (4) Ministry management appointees employed at the respective local or regional level as determined by the Deputy Minister will form the local ERC Management team. A Human

Resources Officer may attend to assist the designated management representative.

- b) On the Union side, up to four (4) Bargaining Unit representatives of the Ministry at the respective local, elected by the local. An OPSEU Staff Representative may attend to assist the local ERC Team.
- c) Both parties may be further represented and assisted at committee meetings by additional persons provided that the parties mutually agree to their attendance and the nature of their participation. Agreement by either party will not be unreasonably denied.

3.03 Notwithstanding the above, where a need has been identified by either party for increased representation on the ERC, the composition of the ERC may be expanded to provide for additional Union and Management representatives, provided the committee retains at least a 50 percent union member composition and there is mutual agreement by the parties.

3.04 The Ministry agrees to provide the LERC with the appropriate resources and support necessary to ensure the Committee's purpose and function can be satisfactorily accomplished.

Article 4 – Time Off Work to Attend Local Employee Relations Committee Meetings

4.01 Leave of absence without loss of pay or credits shall be granted to the bargaining unit representatives of the LERC for the purposes of attending meetings, unless such leave unduly interferes with the operational requirements of the Ministry. Leave requests shall not be unreasonably denied.

4.02 Bargaining unit representatives will not be entitled to receive pay for attending meetings on their own time.

4.03 Leave of absence with pay and with accumulation of credits shall be granted to the bargaining unit representatives of the LERC to accommodate reasonable travel time.

4.04 Bargaining unit representatives of a LERC shall be granted reasonable time off with pay and no loss of credits to caucus in advance of the LERC meeting.

Article 5 – Meetings

5.01 Meetings will be held at times and locations that are mutually agreed upon.

5.02 Meetings at the local level will be held once every three (3) months with notification of the agenda items at least 10 working days in advance, and may be held more often as agreed by both parties.

5.03 The meetings will be chaired alternately by the Ministry and the Union.

Article 6– Exclusions from the Agenda

It is agreed that the following items will not be the subject of discussion or agreement, at either the Ministry or Local level:

- 6.01 Any matters specified in Section 4 – Duties of the Commission, of the Public Service Act, (R.S.O.1990, c. P47 as amended) and which are directly controlled by the Civil Service Commission, and any matter specified in Section 18(1) of the Crown Employees Collective Bargaining Act (R.S.O. 1993.c. 38 as amended).
- 6.02 Any matter specified in Section 7 – Arbitration provision, of the Crown Employees Collective Bargaining Act.
- 6.03 Any matter which may involve amendments to legislation or regulations, or which may lead to the amendment or withdrawal of any directives of service-wide application.
- 6.04 Any matter which requires central agency approval.
- 6.05 Any matter which might more properly be the subject of an individual grievance.
- 6.06 Any matter which is excluded under the *Crown Employees Collective Bargaining Act, 1993* in the spirit of Article 16.1 of the OPSEU Collective Agreement. For greater clarity, any matter which may require amendment, alterations, addition or deletion to any part of the OPSEU Collective Agreement, except where expressly provided for in the OPSEU Collective Agreement.

Article 7 – Agenda and Minutes

- 7.01 The parties will exchange annotated agendas at least ten (10) working days prior to the scheduled date of the meeting.
- 7.02 Items may be raised at the meeting but only for the purpose of being scheduled for discussion at a subsequent meeting, unless otherwise agreed to by the parties.
- 7.03 The committee will establish a timeframe within which to respond to an agenda item discussed at a LERC meeting. In determining the time frame the parties shall consider the complexity of the issue and allow sufficient time to investigate and respond. In the event that the parties cannot determine a timeframe, a response must be given within thirty (30) working days from the date of the meeting at which the issue was discussed.
- 7.04 Issues which have been discussed at the LERC and have not been resolved may be referred to the MERC at the request of either parties.

- 7.05 The Ministry will produce a draft set of minutes within ten (10) days of each meeting. The parties will agree to extend these timeframes to finalize the minutes.
- 7.06 The minutes will be signed by the Co-Chairs who authorize them for distribution.
- 7.07 Minutes of the LERC meeting shall be kept and maintained and posted in a manner accessible by all staff and management, for example, on the OPSEU bulletin board(s). LERC meeting minutes shall be forwarded to the Ministry's Employee Relations Committee.
- 7.08 The Ministry agrees to provide the LERC with the appropriate resources and support necessary to ensure the Committee's purpose and function can be satisfactorily accomplished.

Article 8 - Workload Issues

- 8.01 If an employee or employees have a concern(s) regarding workload, it should first be discussed with the appropriate manager and/or LERC.
- 8.02 Unresolved local workload issues may be referred to MERC.

Article 9 – Understanding Reduced to Writing.

- 9.02 Where, as a result of negotiation under this Agreement, an accord is reached on any matter, the Ministry or Union or their respective representative appointed under this Agreement, may require that the accord be reduced to writing. Such negotiations shall not be subject to the mediation and arbitration procedures under the Act provided, however, that nothing shall preclude a grievance alleging a violation of the OPSEU Collective Agreement, as provided in the said Act.

Article 10 – Unresolved Items

10.01 Issues which have been discussed at the LERC and have not been resolved may be referred to the MERC at the request of either party.

Article 11 - Term of Agreement

11.01 This memorandum of understanding will remain in force for one year from the date of signing and shall continue automatically thereafter for annual periods of one year unless either party notifies the other in writing, within 60 days prior to the anniversary date of signing, that it desires to amend the agreement. It is further understood that the current agreement will remain in force and effect until a new agreement is entered into by the parties.

Dated at _____ this _____ day of _____.

FOR THE UNION:

FOR THE MINISTRY

[Add names.]