

Memorandum of Agreement

Between

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

AND

THE MINISTRY OF THE ATTORNEY GENERAL

Re: Ministry 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, resolutions 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 Agreements.

Article 3 – Composition of the Committee

- 3.01 The parties agree to establish a Ministry Employee Relations Committee (MERC) consisting of the following representatives:
- (a) The Union will be represented by up to five (5) employees, as elected by the members of the bargaining unit of the Ministry of the Attorney General. It is understood that one of the five representatives will be responsible for Health and Safety concerns. It is further understood that a Union staff member shall attend as well as part of the Union ERC team.
 - (b) There shall be an equal number of Employer representatives, as determined by the Deputy Minister to form the management 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.

Article 4 – Time Off Work to Attend Ministry and 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 MERC and 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 MERC and LERC to accommodate reasonable travel time.
- 4.04 Bargaining unit representatives of the MERC shall be granted their normal working day time off with pay and no loss of credits on a day before a MERC meeting to attend a bargaining unit caucus meeting.
- 4.05 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. The committee shall meet at least four times per calendar year.
- 5.02 The meetings will be hosted and 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 of local concern or application where such matter has not first been reviewed and referred by the relevant Local Employee Relations Committee (LERC). In the absence of a LERC, such concerns may be forwarded directly to the MERC.
- 6.07 Any matter which is excluded under the *Crown Employees Collective Bargaining Act, 1993* in the spirit of Article 16.1 of the OPSEU Collective Agreements. For greater clarity, any matter which may require amendment, alterations, addition or deletion to any part of the OPSEU Collective Agreements, except where expressly provided for in the OPSEU Collective Agreements. For greater clarity, any matter which might more properly be the subject of Collective Bargaining or is the subject of negotiations for the renewal of the Collective Agreements between parties.

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 An agenda at the Ministry level may include, at the request of either party, matters which have not, or cannot, be resolved at the local level, provided that every reasonable effort has been made to first seek a solution at the local level.
- 7.04 The committee will establish a timeframe within which to respond to an agenda item discussed at a MERC 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.
- 7.05 The Ministry will produce a draft set of minutes within ten (10) days of each meeting. The parties agree to extend these timeframes to finalize the minutes.
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7.06 The minutes will be signed by the Co-Chairs who authorize them for distribution. The signed minutes will be posted on the Ministry's Intranet and on the Union's website.

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.
- 8.02 Unresolved local workload issues may be raised at the MERC.
- 8.03 The MERC will monitor and attempt to resolve specific workload issues, however such issues shall remain at the MERC and shall not be referred to the Central Employee Relations Committee (CERC).
- 8.04 Where service delivery crosses more than one Ministry, the affected MERCs will form a working group to resolve workloads issues. Where necessary, the CERC may be called upon to assist in the establishment of a working group.

Article 9 – Understanding Reduced to Writing.

- 9.01 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 Agreements, as provided in the said Act.

Article 10 - Unresolved Items

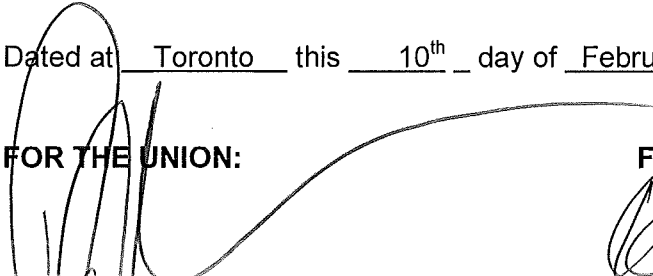
10.01 Unresolved items at the ministry level may be referred to the Deputy Minister who shall respond in writing as per Article 16 of the collective agreement, or to the Central Employee Relations Committee (CERC). The parties may confer with other sources, as appropriate, in an attempt to resolve issues.

Article 11 – Term of Agreement

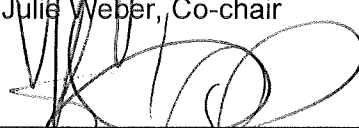
11.01 This memorandum of understanding will remain in force for one year from the date of signing and shall continue automatically thereafter for annual periods of one year unless either party notifies the other in writing, within 60 days prior to the anniversary date of signing, that it desires to amend 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 Toronto this 10th day of February, 2010.


FOR THE UNION:



Julie Weber, Co-chair



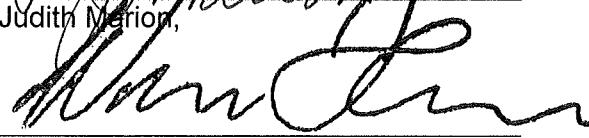
Brenda Clapp



Jim Jurens



Judith Marion,



Warren "Smokey" Thomas

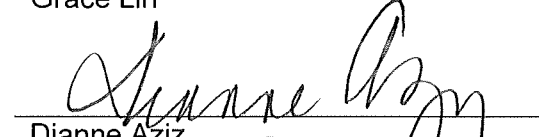
FOR THE MINISTRY:




Valerie Neville, Co-chair



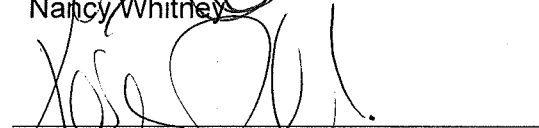
Grace Lin



Dianne Aziz



Nancy Whitney



Karen Pashleigh