

MEMORANDUM

OPSEU



SEFPO

Syndicat des Employé-e-s
de la Fonction Publique
de l'Ontario

TO: All Presidents with members in the Ministry of Attorney General
All Stewards in the Ministry of Attorney General

FROM: Terry Baxter, OPS Supervisor/Negotiator

DATE: December 01, 2005

SUBJECT: **Ministry of Attorney General
ERC Minutes – October 19, 2004**

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.

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Leah Casselman
President

/jm
att.

cc: MERC Chairs
Ministry ERC

Terry Baxter
OPS Supervisor/Negotiator

MINUTES

Ministry of the Attorney General

MINISTRY EMPLOYEE RELATIONS COMMITTEE MEETING (MERC)

October 19, 2004

10:00 a.m. – 1:00 p.m.

HR Boardroom, 3rd Floor, 720 Bay St. Toronto, ON

For the Ministry

Jan Ogden (Co-Chair)
Wendy Eastaugh
Mike Uhlmann

Regrets:

Karen Pashleigh

Guests:

Betti Merlin
Casey Fallon

Recording Secretary

Talya Schapiro

For the Union

Elaine Young (Co-Chair)
Pauline Tapping
Allison Kabayama
(OPSEU Job Security Officer)

Paul Myers

Agenda Item	Issue	Follow-Up/Action
PRELIMINARY ITEMS:	Management and Union Co-Chairs signed off on MERC minutes dated June 22, 2004, April 20, 2004, February 10, 2004 and April 15, 2003. The MERC minutes from the October 21, 2003 and June 24, 2003 meetings have yet to be approved and signed.	Management to finalize the MERC minutes from the October 21, 2003 and June 24, 2003 meetings and provide to the MERC Co-chairs for approval.
PRESENTATIONS/ DISCLOSURES:	<p><u>a) Legal Services Division</u></p> <p>Wendy Eastaugh and Betti Merlin delivered a presentation on a new Legal Services Information System (LSIS), developed by the Ministry of the Attorney General, Legal Services Division for distribution to its Legal Services Branches. This automated system enhances file and case management, enables time docketing and provides local Branch, corporate and client ministry reporting and integrated billing, as required.</p> <p>This system was successfully piloted from January – July 2004 in three Legal Services Branches: Ministry of Municipal Affairs, Ministry of Labour and the Financial Services Commission of Ontario. Branch staff at all levels will be using the system in a variety of capacities. There will be approximately 550 users when fully deployed. The rollout of this system in the remaining branches began in September 2004 and involves a wavel approach, whereby one or two branches implement the system every other month, until completed.</p> <p><u>b) Results Based Planning</u></p> <p>Management was unable to provide an update on Results Based Planning, as this information had not yet been disclosed at the corporate level. Once corporate disclosure occurs, Management will provide the appropriate disclosure to the MERC.</p>	<p>No follow-up required.</p> <p>Management to provide disclosure on Results Based Planning (pending corporate disclosure).</p>

STANDING ITEMS:		
Conversion	<p>a) <u>Article 31A. 15 – Conversion of Unclassified Positions to Classified Positions</u></p> <p>Management was unable to prepare this report in time for the MERC. It will be provided to the Union as soon as possible.</p> <p>b) <u>Appendix 25 – Conversion of Unclassified Regular Part-Time Employees:</u></p> <p>The Revitalized Workforce Project for the Courts Division has been announced and letters detailing the project and the current pilot sites have been distributed to staff. The pilot sites established at College Park and Newmarket will continue until December 31, 2004. The Appendix 25 subcommittee will continue to meet on a bi-weekly basis.</p>	<p>Management to provide this report to the Union.</p> <p>Management to continue to provide updates at the MERC.</p>
Courts Update	<p>The Court Services Division is in the process of developing a Client Satisfaction Survey. The purpose of the survey is to measure organizational performance. A total of 21 sites will be surveyed. The Union will be provided with a copy of the survey once it is finalized.</p>	<p>Management to provide the Union with a copy of the CSD Client Satisfaction Survey electronically, once questions are finalized.</p>
Grievance Administration Project (GAP)	<p>The Old City Hall - Workplace Labour Relations Committee (WLRC) met on June 24, 2004, September 23, 2004 and will be meeting on October 28, 2004. The OMB/ARB WLRC recently met on October 14, 2004.</p> <p>Both Committees have achieved consensus in recommending a resolution to each grievance brought before it.</p> <p>GAP will be expanding to include a new site in Criminal Law Division, Brampton. The training for this committee took place October 1/04 and the committee has courts staff, but will review strictly Criminal Law Division grievances. The first meeting is scheduled for early November.</p> <p>The GAP team was nominated for an HR Council Award of Excellence.</p>	<p>Management to continue to provide updates at the MERC.</p>

Vacancy Reports	A copy of these reports was provided to the Union at the MERC.	Management will continue to provide these reports to the MERC.
Enforcement Program – Risk Assessment	<p>Management has developed a draft policy for disengagement in response to the first Ministry of Labour Order. This order required the Ministry to develop policies and procedures regarding situations when the disengagement policy is not an option for Enforcement Officers. The draft policy is currently being circulated for review. The Ministry is already in compliance with the second and third Ministry of Labour Orders</p> <p>Management had undertaken to consult with Enforcement Officer representatives across the province on the risk assessment once the compliance plan process was completed. This process is currently stalled due to concerns arising from the local level, particularly at the LJH&SC in the Toronto Region. These concerns are being discussed and addressed at the Central Enforcement Table and with the Ministry of Labour. Among the outstanding concerns is the issue of whether enforcement officers require pepper spray and handcuffs to perform their duties.</p> <p>The Union had asked for clarification regarding the way in which the Employer reports fatalities and critical injuries that occur in the workplace, as per Sections 51 and 52 of the <i>Occupational Health & Safety Act</i>. Management provided a copy of the 'Personal Accident and Investigation Form' to the Union. This form is completed following the occurrence of an injury in the workplace. Upon completion it is provided to the President of OPSEU, in accordance with Sections 51 and 52 of <i>The Act</i>.</p>	This issue is to remain on the agenda as a standing item.

REPORT BACK ITEMS:		
Criminal Law Division – Administrative Review	Management did not have a copy of this report to provide to the Union at this time. The Division is in the process of developing a website where this report will be posted. Management proposed that a MERC teleconference be held prior to the launch of this website to review and discuss its contents.	Management to arrange a teleconference with the Union following the completion of the Criminal Law Division website.
New Court Room Computers	Due to inconsistencies that exist across Courts in the province, Management was unable to locate a list of documents that may be completed in-court, using the new courtroom computers, to provide to the Union. Management reiterated that there are no staffing impacts as a result of this initiative. There is nothing further to discuss on this issue.	This item can be taken off the agenda.
Client Services Representative – Class Allocation	Management was to consult with Management Board Secretariat on this issue. There is no confirmed response to provide to the Union at this time.	Management to follow up and provide the Union with a response.
WDHP & IT Policy Training	The Union provided Management with a list of locations where there were WDHP & IT policy training roll-out issues, or where training did not occur. Any outstanding concerns have been resolved.	This item can be taken off the agenda.
OVSS	Management has nothing further to report at this time.	Management to provide an update to the Union when it becomes available.

<p>Ontario Human Rights Commission (OHRC)</p>	<p>Management was to report back to the Union with an organizational chart for the OHRC and the number of OHRC employees represented by OPSEU. Prior to the MERC, the Union indicated that they no longer needed to be advised of this information via the MERC.</p> <p>In response to the Union's suggestion that the MERC assist the OHRC and its LERC, Management proposed that at this time, the MERC refrain from becoming involved and instead remain available as a resource to the parties. The rationale behind this proposal is that a new Executive Director, Nancy Austin, has recently been appointed to the OHRC. As a result, it may be more appropriate for the MERC to allow the parties to work on their relationship at the local level before formally intervening. The Union agreed to this suggestion. It was agreed to keep this item as a standing item on the MERC agenda.</p> <p>The parties have arranged for joint-LERC training to be held on January 17-18, 2005. This training will be co-facilitated by representatives from OPSEU and Management and will involve the materials developed jointly by COMSOC and OPSEU.</p>	<p>To be kept as a standing item on the MERC agenda until further notice.</p>
<p>Essential or Emergency Services – Holiday Pay</p>	<p>This payment has been implemented in accordance with the GSB award (#2002-1510). Any concerns regarding this payment that have been brought forward and have been addressed.</p>	<p>Item to be taken off the agenda.</p>
<p>ASP – Sign-off of Waiver of Representation Form</p>	<p>Management reported that the Management LERC co-chair for Brampton confirmed that Management was aware of the importance of providing employees with sufficient advanced lead-time to secure union representation, prior to attending an Attendance Support Program meeting. The LERC co-chair also advised that this issue had become the subject of a grievance and for that reason, remained unresolved at the Brampton LERC.</p>	<p>Item to be taken off the agenda.</p>

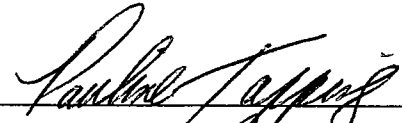
Best Practices for the JDRI Project	Management reported that this information has been provided to the Union. Management also indicated that this item should not remain an item of discussion at the MERC because it is becoming the subject of a grievance.	Item to be taken off the agenda.
OMB/ARB LERC	<p>Management reported that the issue that gave rise to the LERC becoming inactive involved an allegation that Management failed to follow through on a promise made at the LERC table, in December 2003.</p> <p>However, this is a local issue that should be discussed and resolved by the ARB LERC committee, as this is its purpose. The new Management Co-chair has expressed an interest in meeting with the Union at the LERC table.</p> <p>The Human Resources Branch (HRB) can help to facilitate LERC training with the parties in an attempt to bring both sides back to the table, using the training materials that were developed by COMSOC and OPSEU. To further assist this process, the MERC could nominate 2 facilitators to sit with the ARB LERC for their next meeting to help resolve outstanding issues.</p>	<p>Management to provide a copy of the LERC training materials to the Union.</p> <p>Union to indicate to Management who from the Union will assist with facilitating the LERC training and the next LERC meeting.</p>
Court Attire	Management indicated that this item is a local issue and therefore, need not be addressed at the MERC.	Item to be taken off the agenda.
FRANK Software – Q's & A's	Management reported back that it is unclear why the Q's & A's regarding the implementation of FRANK were not disclosed to the Union prior to distribution.	Management to provide update on the status of FRANK.

NEW BUSINESS:		
OPS Ideas Campaign	<p>The ideas submitted through the OPS Ideas Campaign are being reviewed centrally and then distributed to the Ministry for review. The Union expressed interest in seeing a summary of the ideas and whether any patterns or trends exist in terms of areas within the Ministry that are being highlighted for improvement. Management reported that a summary or compilation of this sort has not yet been completed.</p>	Management to provide the Union with a summary of the ideas submitted through the OPS Ideas Campaign that pertain to the Ministry, upon completion.
Temporary Job Opportunities	<p>The Union inquired as to whether there is a policy that governs the posting and filling of temporary job opportunities that are less than six-months in duration.</p> <p>Management reported that no such policy exists.</p>	Item to be taken off the agenda.
Job Descriptions	<p>The Union inquired as to why job descriptions were being revised across the province in different worksites.</p> <p>Management explained that as jobs change to respond to the changing business needs of the organization, so too must job descriptions. It is important that an employee's job description accurately reflect the work being performed. Management indicated that job descriptions are often revised and updated on an as-needed basis.</p>	Item to be taken off the agenda.
Summer Students	<p>The Union requested information regarding the hiring of students and the work that they are permitted to do in the workplace. A copy of the appropriate policy was provided to the Union at the MERC. The Union also raised a specific example of a summer student who was hired and subsequently retained in Sarnia.</p> <p>Management indicated that this item is a local issue and therefore, need not be addressed at the MERC.</p>	Item to be taken off the agenda.

Criminal Records	<p>The Union requested a copy of the Ministry's policy regarding criminal records.</p> <p>Management reported that although it is the policy of the Ministry for all potential employees to complete a security check prior to commencing their employment with the Ministry, there is no formal policy that discusses the issue of criminal records. Management provided the Union with a copy of the 'CPIC disclosure/request' form at the MERC.</p>	Item to be taken off the agenda.
Duty to Accommodate	<p>The Union asked whether there would be any training delivered to address the Employer's Duty to Accommodate with respect to WDHP related matters.</p> <p>Management reported that WDHP training for both Managers and Employees is available through SSB and that the training highlights that failure to accommodate an employee due to a disability may be found to be a violation of the WDHP policy. In addition, training and advice on the duty to accommodate is provided when individual situations arise.</p>	Item to be taken off the agenda.
Pay Stubs	<p>Management confirmed that MAG would be moving towards a system whereby pay stubs are mailed to employees' homes as opposed to being distributed by hand on site. Management explained that courier costs would be somewhat reduced and administrative costs would be significantly reduced as a result of this change. Management also indicated that there would be no job losses as a result of this change in process.</p>	Item to be taken off the agenda.
Article 7 – Pay Administration	<p>The language of Article 7- Pay Administration clarified the Union's question regarding pay administration and promotional increases.</p>	Item to be taken off the agenda.

Next MERC Date	To be determined.	
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For the Union:


Elaine Young ~~PAULINE TAPPING~~
Vice OPSEU Co-Chair

For Management:


Jan Ogden Valerie Nwile
Management Co-Chair

Date:

October 28, 2005

Date:

Oct 28/05

OPSEU



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FOR MERC ACTION

Strategic Action from Local Employee Relations Committee
(to be used when an issue is not resolved at LERC table)

Ministry:

Workplace Location:

Local #:

Please use a Separate Form for Each Unresolved issue.

- ✓ Please include the specific details about the issue.
- ✓ Provide any documentation that may assist the discussion at your Ministry Employee Relations Committee (MERC).

Is the issue related to (please ✓):

- | | | | |
|--------------------------|--|--------------------------|---------------------------------|
| <input type="checkbox"/> | Job Security and Article 20 | <input type="checkbox"/> | Reasonable Efforts - Divestment |
| <input type="checkbox"/> | Employer's Corporate Initiative and work re-organization | | |
| <input type="checkbox"/> | Enforcing the Contract | <input type="checkbox"/> | Contract Interpretation |
| <input type="checkbox"/> | Health and Safety | | |
| <input type="checkbox"/> | Other: (please identify) | | |

Statement of the Issue:

The Resolution sought by your Local Employee Relations Committee (LERC):

Date Issue was declared unresolved by your LERC:

Is the Relevant material attached? Yes No

LERC Minutes dated:

Correspondence. Please list:

Local ERC Member Contact

Name:

Home #:

Address:

Work #:

FORWARD to: OPSEU Job Security Unit, 100 Lesmill, Toronto, Ontario M3B 2P8
Fax: (416)448-7462

