

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: October 21, 2004

SUBJECT: **Ministry of Attorney General
ERC Minutes for– February 10th, April 15th, April 20th, June
22nd/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 our 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.

100 Lesmill Road,
Toronto, Ontario
M3B 3P8
e-mail: opseu@opseu.org
www.opseu.org
100 chemin Lesmill,
Toronto, Ontario
M3B 3P8
courrier électronique
opseu@opseu.org
www.opseu.org

Tel: (416) 443-8888
Fax: (416) 443-9670
Ontario:
Toll free: 1-800-268-7376
TDD:
(416) 443-9898
or
1-800-663-1070

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,

Leah Casselman
President

/ms
att.

cc: MERC Chairs
Ministry ERC

Terry Baxter
OPS Supervisor/Negotiator

**MINISTRY OF THE ATTORNEY GENERAL
MINISTRY EMPLOYEE RELATIONS COMMITTEE (MERC)
MINUTES of the February 10th, 2004 MEETING
720 BAY STREET, TORONTO, ONTARIO
10:00 a.m. – 1:00 p.m.
CHAIR: ELAINE YOUNG**

1. IN ATTENDANCE:

OPSEU:

Elaine Young, Chair
Paul Myers
Judith Marion (OPSEU Job Security Officer)

Employer:

Judy Stamp, Co-Chair
Jan Ogden
Wendy Eastaugh
Mike Uhlmann

Regrets: Pauline Tapping

Karen Pashleigh

Guests: Terry Downey, OHRC

Recording Secretary:

Randal Holloway

2. MINUTES:

The Union submitted revisions to the minutes of the April 15, June 24, and October 21, 2003 meetings.

3. PRESENTATIONS / DISCLOSURES:

a) Human Resources Branch Restructuring:

The Union was provided with the new HRB organizational structure.

The new management MERC Co-Chair will be Jan Ogden, Manager, Client Services, Human Resources Branch.

All lateral transfer requests are to go to Jan Ogden.

Management will notify the Union of any changes in administrative procedures or designated HR contacts.

The Union requested a special meeting of the MERC to attempt to deal with agenda items.

Management will take this request under advisement and respond.

b) ARB / OMB Presentation:

The presentation was deferred.

The Union noted that the presentation has been deferred from January 2003.

c) Democratic Renewal Secretariat:

Management reported that Matthew Mendelsohn has been appointed as Deputy Minister of the *Democratic Renewal Secretariat*, which is currently being established.

d) Enforcement Program Health & Safety Risk Assessment:

A Ministry of Labour Health & Safety Inspector's order issued on July 23, 2003 requires the employer to conduct a risk assessment of the enforcement functions performed by Enforcement Officers within the Toronto Region. A consultant has been retained to assess the health & safety risks faced by the officers. The scope of the consultant's evaluation will be province-wide in order to obtain an assessment of the health & safety risks faced by Enforcement Officers across the province. The consultant will be interviewing Enforcement Officers and union representatives, as well as accompanying Enforcement Officers engaged in performing enforcement activities in the field and at various localities. The consultants will also identify the most prominent or serious risks faced by Enforcement Officers province-wide. Prior to distribution the consultant's risk assessment report will be submitted to the Ministry of Labour to allow the Inspector to determine if the orders have been complied with.

The consultant's March 3rd meeting with the Toronto Region Enforcement Officers was deferred to allow for prior disclosure to MERC.

Management to report back.

4. ITEMS / ISSUES:

A. Standing Items:

1) Article 31A.15 – *Conversion of Unclassified Positions to Classified Positions:*

The parties have agreed to adjourn the arbitration proceedings *sine die*.

2) Appendix # 25 - Conversion of Unclassified Regular Part-Time Employees:

The Joint Employment Stability Sub-Committee of CERC (JESS) has not met recently. This has been raised at CERC as an issue.

5. REPORT BACK ITEMS:

a) Ottawa LERC – OPG&T - Ministry of Attorney Generals policy on Compressed Work-Week (CWW) Agreements:

Management reported that no update has yet been obtained from the Office of the Public Guardian & Trustee (OPG&T) in regard to the tri-partite committee examining the implementation of a CWW agreements with the OPG&T.

Management will follow-up and report back to the union prior to the next MERC meeting

The Union raised the concern that this has been an agenda item since June 2002.

b) Carvalho Award Update:

The Union elected not to disclose the names of unclassified staff who believe that the “*Carvalho*” Grievance Settlement Board award of Vice-Chair Abramsky is being improperly applied to them. The Union did indicate that it is felt that the discrepancies exist in London and Windsor.

c) Bank Deposits:

Management and the Union jointly endorse that OPSEU employees should **not** be assigned to make bank deposits. The local court offices of the Courts Services Division are proceeding to attempt to make arrangements with third-party service providers for the delivery of back deposits at all court locations where such services can be obtained.

d) Uniforms for Court Services Officers / Court Reporters:

Management confirmed that Court Services Officers are to be provided with (3) shirts in accordance with a Ministry’s policy which applies province-wide.

e) Grievance Administration Project (GAP):

Management reported that the GAP Steering Committee, and MAG representatives have developed terms of reference for the pilot *Workplace Labour Relations Committees* (WLRC) that are to be established within the OMB/ARB and Old City Hall Court.

The GAP Steering Committee meets again on March 12, 2004. Joint training for WLRC members is to take place on March 26, 2004.

f) Courts Services Division – “FRANK” Court Case Management Tracking Software:

Management will provide the Union with the locations of test sites where the FRANK software is in operation.

The Union will provide management with a date the OPSEU members are available.

(A demonstration of the FRANK software has subsequently been arranged following the next MERC meeting on April 20, 2004.)

g) Courts Services Division – Estates Court - Tracking Software:

Management will provide the Union with the locations of test sites where the Estates Court – tracking software is in operation.

The Union will provide management with a date the OPSEU members are available.

(A demonstration of the Estates Court tracking software has subsequently been arranged following the next MERC meeting on April 20, 2004.)

h) Justice Delay Reduction Initiative (JDRI):

Case Management Coordinators have been provided five days training in case management protocols, with another training day scheduled in March. Facilities arrangements have been made for staff on a short-term basis, pending implementation of a long-term accommodations plan.

Management will provide the Union with information regarding staff hired under JDRI prior to next meeting.

i) Article 8.6.3

The Union inquired as to whether classified employees in Crown Operations in Hamilton, Barrie, and Oshawa, who have been acting-in other classified positions for over two (2) to three (3) years could be assigned to the position in accordance with Article 8.6.3.

Management requested the Union to provide the names of the employees.

j) Vacancy Reports:

Updated vacancy reports were provided to OPSEU.

6. NEW ITEMS:

a) Criminal Law Division – Administration Support Review – Crown Attorneys Offices:

The Criminal Law Division has undertaken an independent review of the administrative support functions within the Crown Attorney Offices province-wide. An outside consultant reviewed how the administrative jobs have evolved in light of changes to the program and job duties. Administrative support staff participated in this review.

The consultant made recommendations for changes to administrative support services within the Crowns Offices. Also, as a result of this review, thirty-seven (37) Senior Secretaries were reclassified from the OAG 10 to OAG 11 level and the position description was revised. However, the classification level remains an issue before JSSC.

Management is considering implementing other recommendations made by the consultant regarding upgraded technical support, training and development, job performance measurements, as well as equalizing work-load and staffing levels between offices.

The Union requested a copy of the consultants report and that a meeting be scheduled to discuss this report.

Management explained that the final consultants report has yet to be received. However, consideration will be given to releasing the final report once it has been reviewed by senior management and a response to the consultant's recommendations developed.

Management to report back to the OPSEU Co-Chair.

b) DAR Testing:

Testing of DAR version three was completed and accepted in order to comply with contractual obligations made with the vendor under the defunct Integrated Justice Project. There are no plans to implement DAR at this time. Note: DAR is being used in only 1 ongoing trial in Ottawa and is and is the model electronic courtroom in Toronto.

c) New Court Room Computers:

Courts Services Division is completing the roll out of installation of new computers at all court locations. All in-court staff will have access to a computer. Staff will be able to access the ICON and FRANK software programs, as well as court forms, procedural manuals, and forms.

In-court staff are to be provided updated ICON training.

Management will provide the Union with a list of all the functions that in-court staff are intended to be able to perform with the computers located in the courtroom, and what can be accessed by staff on these computers.

Management to report back on the progress of the computer installation roll-out.

d) WIN Update:

Deferred to next meeting.

e) Staff Working Late:

The Union raised concerns regarding Court Services Officers and Court Registrars staff assigned to monitor jurors in the evening and particularly staff who must leave to go home after 9:00 p.m. The Union asked if any policy exists in this regard or practice of providing taxi fare?

Management to report back.

f) Conflict of Interest:

Deferred to next meeting.

g) Office of the Public Guardian & Trustee (OPG&T) – Local Joint Health & Safety Committee (LJH&SC) Composition:

Management confirmed that LJH&S Committees should be composed of an equal number of management and bargaining unit members. LJH&S Committees for larger workplaces normally consist of three management along with three bargaining unit members. Should more than one bargaining agent wish representation on a LJH&SC, then the respective bargaining agents would need to determine between themselves the relative number of representatives from each respective bargaining agent.

The Union's position is that all the LJH&SC representatives should be from OPSEU.

To be discussed further at the next meeting.

h) Attorney General:

The Union inquired as to whether the new Attorney General, The Honourable Michael Bryant, has any new plans for the Ministry.

Management explained that all Ministries adhere to a business planning process in which each Ministry establishes its priorities. No instructions have yet been received from Management Board Secretariat regarding priority setting and no decisions have yet been disclosed regarding the Ministry of Attorney General's priorities for the fiscal year 2004-05.

Management will arrange for a presentation and/or provide disclosure in regard to the Ministry's priorities, once this information is released.

i) Client Services Representative – Position Descriptions:

The Union inquired as to why differences exist between two recent Client Services Representative job postings. The Union asked why one posting referred to an “integrated office”, while the other, which was a posting for a twelve (12) month temporary acting assignment, could not have been run as a classified position?

Management explained that as job competitions are run locally, it is unlikely that different managers will choose similar wording for their respective job postings. While the Client Services Representative is a generic position description, different court locations may emphasize different aspects of the job description in the job posting.

Management to report back.

j) Hiring Unclassified Staff - Short Term Temporary Assignments:

The Union asked why “calls-for-interest” are not conducted for temporary assignments under six (6) months duration, and inquired as to whether a policy existed regarding “calls-for-interest”?

Management explained that while no policy relating to staff being asked to indicate interest in short term temporary assignments exists, the use of developmental assignments is encouraged.

The Union noted that in London there exists a protocol on the posting of temporary assignments under six (6) months duration.

k) IT - WDHP Training:

Deferred to next meeting.

m) Lateral Transfers:

Deferred to next meeting.

n) Ontario Human Rights Commission:

The Union discussed labour relations issues and concerns pertaining to the Ontario Human Rights Commission. The Union noted that the LERC is not working well and requires revitalization.

The Union suggested that some form of assistance, such as Leslie MacLeod facilitating a LERC meeting may be beneficial to the parties and help them to address the issues between them.

o) Crown's Office – Job Descriptions:

Deferred to next meeting.

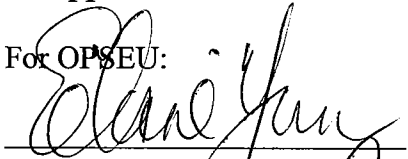
7. Next Scheduled Meetings:

MERC meeting dates for 2004 were confirmed on April 20th, June 22nd, and October 19th.

The next meeting will be on April 20, 2004 from 10:00 a.m. to 1:00 p.m., at 720 Bay Street, Toronto, Ontario.

8. Approvals:

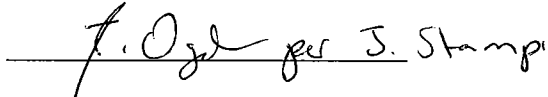
For OPSEU:



Elaine Young – OPSEU Co-Chair

Date: Oct 19th, 2004.

For the Ministry:



Judy Stamp – Management Co-Chair

Date: Oct 19, 2004.

**MINISTRY OF THE ATTORNEY GENERAL
MINISTRY EMPLOYEE RELATIONS COMMITTEE (MERC)
MINUTES of the April 15th, 2003 MEETING**

**10:00 a.m. - 2:30 p.m.
Human Resources Boardroom (3rd Floor, 720 Bay Street, Toronto)**

Meeting Chair: Elaine Young

1. IN ATTENDANCE:

OPSEU:

Elaine Young - Chair
Pauline Tapping
Paul Myers
Judith Marion (OPSEU Job Security Officer)

Employer:

Judy Stamp
Mike Uhlmann
Karen Pashleigh
Margaret Dwyer

Regrets:

Guests: Lindsey Lin, Sandra Tychsen, April Takeda, Michele Leonard,
Karen Cohl, and Casey Fallon.

Recording Secretary: Randal Holloway

2. MINUTES:

- The minutes of November 27, 2002 meeting were signed.
- Union to review the minutes of the January 28, 2003 meeting.

3. MERC Co-Chair Teleconference:

The teleconference is scheduled for May 28, 2003 at 9:15 a.m.

4. ITEMS / ISSUES:

A. Standing Items:

1. Integrated Justice Project Update:

Sandra Tychsen confirmed that the Integrated Justice Project (IJP) has been wound-down and that this would be the final project report. Effective March 31, 2003, OPSEU staff were no longer engaged in the IJP and have returned to their respective home-base or new positions.

Ongoing work regarding technology improvements to the courts is now the responsibility of the Courts Services Division. E-Filing continues at the Toronto Small Claims Court test-site, and is being managed by MAG staff.

.../2

Page 2

Two employees with an OPSEU home-base position are working on the "electronic courtroom" located at 393 University Avenue, Toronto. DAR testing in the Court of Appeal, located at Osgoode Hall has ceased. Consultants continue to work on DAR, under contracts negotiated separately from the IJP. The Ministry is examining DAR options.

The IJP sub-committee of MERC will cease. IJP to be removed as a standing item.

Management will brief MERC of any DAR, E-Filing, or electronic Case Management initiatives undertaken by the Courts Services Division.

2) Article 31A.15 – Conversion of Unclassified Positions to Classified Positions:

The parties are awaiting the decision of GSB Vice-Chair Felicity Briggs arising from the January 28, 2003 arbitration.

Management to report back.

3) Appendix # 25 - Conversion of Unclassified Regular Part-Time Employees:

Management and union representatives from MAG participated in a meeting of the *Joint Employment Stability Sub-Committee (JSSC)* of CERC.

Management to report back.

5. REPORT BACK ITEMS:

A) Weekend and Statutory Holiday (WASH) / Bail Courts:

Management provided the Union with a final chart summarizing the staffing and security arrangements at each weekend bail court. OPSEU requested clarification regarding staffing at the Hamilton Courthouse. OPSEU requested that emergency contact phone numbers be posted in the "WASH" bail courts.

B) Local Joint Health & Safety Committees - Training:

Management is developing a report outlining the membership of each Local Joint Health & Safety Committee (LJH&SC) or identifying each Health & Safety Representative within MAG.

Management is awaiting the Union's response to the proposal that joint refresher training be provided to local Joint Health & Safety Committees.

In response to the union's inquiry, management confirmed that current LJH&SC members representing other bargaining agents would be included in the joint training.

Union to report back.

**C) Local Enforcement & Renewal (Employee Relations) Committees (LERCs)
– Joint Training:**

Management is developing a report to identify the members on each LERC, and where LERCs currently exist. This report will be provided to the Union when it is completed.

The Union reported that the LERC members of the ministry of the Attorney General have been invited to participate in a pilot Grievance Administration Project (GAP) training initiative that is scheduled for June 19th and 20th, 2003.

The Union suggested that further discussion regarding LERC training within MAG be deferred pending proposed training arising through the "Grievance Administration Project" (GAP).

D) Ottawa LERC – OPG&T - Ministry of Attorney Generals policy on Compressed Work-Week Agreements:

Management reported that the Office of the Public Guardian & Trustee (OPG&T) has established a Committee to consult locally with OPSEU, AMAPCEO and ALOC – OCAA regarding the introduction of compressed work-work arrangements within the OPG&T. This committee will examine various CWW models and provide recommendations for management's consideration.

E) Carvelho Award Update:

The Union raised a number of issues arising in London, Brampton, and Ottawa, related to the implementation of GSB Vice-Chair Abramsky's consent order dated October 18, 2002, (which clarifies the March 14, 2002, "Carvelho Award"), including inconsistent application of the "Carvelho Award", the impact of scheduling changes upon "reporting-pay" entitlements, the use of in-court staff as "spares", and the reduction of unclassified staff hours as a punitive measure.

Management to investigate.

Management requested the Union provide specific details, locations, and the names of any unclassified employees whose hours have been reduced as a form of reprimand.

Union to provide details.

.../4

