

**MEMORANDUM OF AGREEMENT
BETWEEN
THE MINISTRY OF CITIZENSHIP AND IMMIGRATION
AND
THE ONTARIO PUBLIC SERVICES EMPLOYEES UNION**

Preamble

The purpose of this agreement and the Ministry Employee Relations Committee is to foster and maintain:

- (a) satisfactory working conditions and terms of employment for all employees who are subject to this Agreement, within the terms and provisions of the Collective Agreement,
- (b) effective and productive communication between the parties and the promotion of constructive and harmonious relations,
- (c) the recognition by the Ministry that staff are the Ministry's most valuable resource and that the effective utilization of staff is vital to the work of the Ministry,
- (d) a climate of mutual trust and respect,
- (e) an efficient, fair internal resolution of concerns and/or complaints,
- (f) a non-discriminatory workplace as per the *Ontario Human Rights Code* and the OPSEU Collective Agreement, Article 3.

Article 1 – Authority

- 1.1 This Agreement is made in accordance with Article 16, Local and Ministry Negotiations of the Collective Agreement with respect to 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.

Article 2 – Unit Covered

- 2.1 This Agreement covers all employees in the Ministry of Citizenship and Immigration, including employees in the Regional Services Branch where there is not a MCI LERC present, who are in the "Bargaining Unit" as defined in Article 1 – Recognition, of the Collective Agreement.

Article 3 – Function

- 3.1 The function of Ministry, Local and Regional Employee Relations Committees is to facilitate negotiations and discussion of matters of concern to the Ministry and/or the employees who are in the Bargaining Unit within the Ministry and to promote and maintain a work environment which fosters broad employee participation in Ministry business.
- 3.2 Every reasonable effort will be made by both parties to provide representation from Ministry Bargaining Unit employees and from Management at Employee Relations Committees.

Article 4 – Ministry Employee Relations Committee

- 4.1 There shall be up to five (5) members from the Union, which may include an OPSEU staff representative, and an equal number from Management. The Deputy Minister will designate a co-chairperson from the Ministry's senior management group to represent the Ministry, and that official may designate up to three (3) others to assist him/her plus a human resources representative as a resource person. One member of the Union team will be identified as a co-chairperson of the MERC.
- 4.2 Notwithstanding 4.1 above, either party may invite one or more persons to provide expertise and advise on specific items, or as an observer or trainee, provided prior agreement of the other party is secured. Agreement by either party will not be unreasonable denied.
- 4.3 Ministry Employee Relations Committee meetings shall be held a minimum of four (4) per year, with notification of agenda items at least ten (10) working days in advance. Items may be raised at the meeting itself, upon mutual agreement of the parties. Otherwise, it will be for the purpose of being scheduled for discussion at a subsequent meeting. The agenda as developed by the Co-Chairs shall be circulated to members of the committee three (3) days in advance of the meeting. The meetings will be hosted and chaired alternately by the Ministry and the Union.
- 4.4 Notwithstanding 4.3 above, either party to this agreement may formally request that a special meeting of the Employee Relations Committee be held, and provided both parties concur, the meeting shall be convened at a mutually acceptable date.
- 4.5 An agenda at the Ministry level may include at the request of either party, suitable items for discussion or negotiation that are Ministry wide in scope, or that have not been, or cannot be resolved at the local or regional level, provided every reasonable effort has been made to first seek resolution at the local or regional level.

- 4.6 A quorum shall consist of a minimum of two representatives from both sides.
- 4.7 The Ministry agrees to provide the Ministry Employee Relations Committee with appropriate resources and support necessary to ensure that the Committee purpose and function can be satisfactorily accomplished.

Article 5 – MERC Agreements

- 5.1 It is agreed that the following items will not be subject of an Agreement:
- i. Any matter which may involve amendments to legislation or regulations, or which may lead to the amendment or withdrawal of any directive of Service-wide application.
 - ii. Any matter which may require amendment, alteration, addition or deletion to any part of the Collective Agreement. 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 the Parties.
 - iii. Any matter arising out of the exercise of exclusive authority of the Public Service Commission or Management Board of Cabinet under the *Public Service of Ontario Act* S.O. 2006 c. 35 Schedule A. For clarification only, examples of such matters include but are not limited to the establishment of classification systems and the evaluation of positions in respect of them, the recruitment and hiring of qualified persons for the Ontario Public Service, and the provision and co-ordination of staff development programs.
 - iv. All matters contained in the Central Collective Agreement or a Bargaining Unit Collective Agreement with respect to working conditions and salaries, except where expressly provided for in the applicable Collective Agreement.
 - v. Any matter which requires Central Agency approval.
 - vi. Any matter which might more properly be the subject of an individual grievance.
 - vii. At the local level or regional level any matter which is of Ministry-wide application.

Article 6 – Time off Work to Attend Employee Relations Committee Meetings

- 6.1 Leave of absence with pay shall be granted to accommodate reasonable travel time.

- 6.2 At the Ministry level, time off work with pay not to exceed four (4) hours shall be granted to the Union team for caucus meetings prior to scheduled Employee Relations Committee meetings.
- 6.3 Each Union committee member – will notify his/her supervisor of the annual MERC schedule and at least 10 working days in advance of the committee meeting of the need for a leave of absence giving the date, time and place of the meeting.
- 6.4 All time off described in Article 6 may be granted in a manner so as not to unduly interfere with operational requirements, but shall not be unreasonably denied.
- 6.5 Leave of absence with no loss of pay and with no loss of credits (including service or seniority) shall be granted to permit the attendance of employees elected as Union representatives at Committee meetings. Members who are not on duty will attend the meetings on their own time.

Article 7 – Travel Expenses

Travel expenses to attend Ministry Employee Relations Committee meetings incurred by the Union committee members will be borne by the Union.

Article 8 – Local /Regional Employee Relations Committee

- 8.1 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.

This Committee will consist of the following representatives:

- i. on the Management side up to four (4), Ministry Management appointees, but not fewer than two (2), Ministry management appointees employed at the respective local or regional level as determined by the Deputy Minister will form the local/regional ERC Management Team. A Human Resources Officer may attend to assist the designated management representatives.
 - ii. on the Union side up to four (4) but not fewer than two (2), Bargaining Unit Employees, of the Ministry at the respective local/region elected by the local union. A staff representative of the Union may attend to assist the local/regional Team.
- 8.2 Notwithstanding the above, where a need has been identified by either party for increased representation on the Committee, the composition of the Local/Regional Employee Relations committee 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.

- 8.3 Both parties may be further represented and assist at the committee meetings by additional persons provided both parties mutually agree to their attendance and to the nature of their participation. Agreement by either party will not be unreasonable denied.
- 8.4 Meetings at the Local/Regional level will generally be held once every 3 months with notification of agenda items at least 10 working days in advance, and may be held more often as agreed by both parties. Agenda items will be mutually agreed upon and confirmed by the co-chairs.
- 8.5 Minutes of the Local/Regional Employee Relations Committee meeting shall be kept and maintained and posted in the most efficient manner accessible by all staff and management. Local/Regional Employee Relations Committee Meeting minutes shall be forwarded to the Ministry's Employee Relations Committee.
- 8.6 Employees on the Committee shall be released from duty without loss of pay or credits, unless operational requirements preclude their attendance.
- 8.7 The Ministry agrees to provide the local/regional Employee Relations Committee with appropriate resources and support necessary to ensure that the Committee's purpose and function can be satisfactorily accomplished.

Article 9 – Minutes of Employee Relations Committee Meetings

- 9.1 At the conclusion of the meeting the Co-Chairs shall ensure that draft minutes of the meeting are prepared and circulated to members of the committee within ten (10) working days from the date of the meeting. These minutes shall be signed by the co-chairs who authorize them for distribution within 15 days. The signed minutes will be posted on the Ministry's intranet and on the Union's website.
- 9.2 Minutes of the Local/Regional Employee Relations Committee meetings will be kept and maintained and accessible for review by both Union and Management. Copies of Local/Regional Employee Relations Committee meetings minutes shall be forwarded to the Co-Chairs of the MERC.

Article 10 – Dispute Resolution

- 10.1 Unresolved items at the local or regional level may be forwarded to the MERC, in writing, specifying the nature of the unresolved concern. The MERC will respond in writing to the ERC within a reasonable period of time, advising of the status and disposition of the unresolved issue.
- 10.2 Unresolved items at the Ministry level committee may be referred to the Deputy Minister and/or service-wide negotiations on working conditions and employee

benefits and/or the Central Employee Relations Committee (CERC) and/or the Joint Employment Stability sub-committee (collective agreement article 19.2). The Deputy Minister shall respond in writing to the matters raised within 21 days of receipt by the Deputy Minister of the unresolved item.

- 10.3 The Ministry, in recognition of its commitment to positive employee relations with the staff, agrees to provide prompt, efficient and fair internal resolution of all unresolved concerns and complaints brought to its attention.

Article 11 – Understanding Reduced to Writing

- 11.1 Where, as a result of negotiations under this Agreement, an accord is reached on any matter, the Ministry or the Union or their respective representatives appointed under this Agreement may require that the accord be reduced to writing. Such negotiations shall not trigger the parties' right under the bargaining cycle pursuant to the *Crown Employees Collective Bargaining Act* and/or the *Ontario Labour Relations Act*. The accord may be relied upon by either party at the GSB as determinative on the subject matter of the accord.

Article 12 – Ratification

- 12.1 This Agreement and any Minutes of Understanding as referenced in Article 11 shall be given effect by the signature of responsible officials of both parties. The responsible official for the Union includes approval by the President of the Ontario Public Service Employees Union and for the Ministry includes the Deputy Minister or his/her designee.

Article 13 – Term of Agreement

- 13.1 This Agreement will remain in force for one year from the date of signing and shall continue automatically thereafter for annual periods of one year each, unless either party notified the other, in writing within the period of sixty (60) days prior to the expiration date, that it desires to amend this Agreement. It is further understood that the current Agreement will remain in force and effect until a new agreement is entered into and subject to the continuation of Article 16 of the Collective Agreement.

Article 14 – General

- 14.1 This Agreement is the only agreement made between the Ontario Public Service Employees Union and the Ministry of Citizenship and Immigration, relating to the establishment of Ministry and Local/Regional Employee Relations Committee and

supersedes any previous Agreement.

Article 15- Confidentially

15.1 To encourage a full and open discussion of issues and promote a collaborative resolution process, the details of all discussions taking place at committee meetings shall remain confidential unless specially agreed by both parties (excluding minutes).

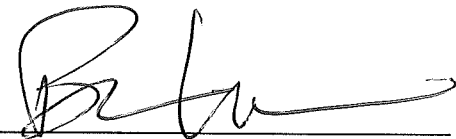
AGREEMENT MADE THIS 26 DAY OF March 2010.

For Ontario Public Service Employees Union

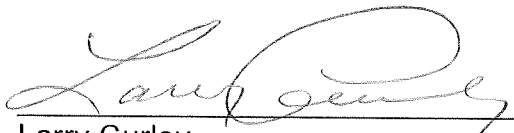
For the Ministry of Citizenship and Immigration



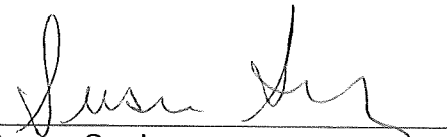
Nancy Recollet (Co-chair)




Brian Lemire (Co-chair)



Larry Curley




Susan Seaby




Sue Morrison



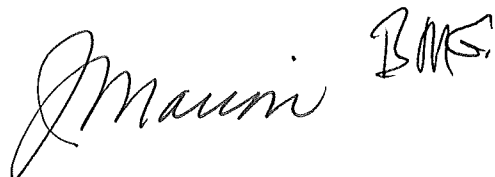
Brian Beattie



Warren Thomas, OPSEU President



Chisanga Puta-Chekwe, Deputy Minister



Maura BMS

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