

## MEMORANDUM

**TO:** All Presidents and members in Ministry of Citizenship and Immigration  
All Stewards in Ministry of Citizenship and Immigration

**FROM:** Ruth Hamilton, A/OPS Supervisor

**DATE:** September 28, 2010

**SUBJECT:** **Ministry of Citizenship and Immigration  
MERC Minutes – June 17, 2010**

Attached, for your information, please find the minutes of the above captioned meeting(s).

Please post or otherwise make them available to the members in your workplaces.

You will also find attached a MERC referral form which should be used when referring unresolved local issues to the ministry level. We request that you provide the Job Security Group with all supporting documentation, (i.e. minutes, correspondence, etc.), with any referrals.

**PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.**

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,



Warren (Smokey) Thomas  
President



Ruth Hamilton  
A/OPS Supervisor

/pb

att.

cc: MERC Chairs  
Ministry ERC

MINISTRY OF CITIZENSHIP AND IMMIGRATION

MERC MEETING MINUTES

Date: Thursday June 17th, 2010

Location: OPSEU Toronto Regional Office

<p><b>FOR OPSEU:</b></p> <p>Nancy Recollet (Co-Chair and Meeting Chair )                  Larry Curley                  Sue Morrison</p> <p>Judith Marion (OPSEU Job Security Officer)</p>	<p><b>FOR THE EMPLOYER:</b></p> <p>Brian Lemire, Co-Chair                  Brian Beattie</p> <p>Jared Friesen (MGS ER Advisor)</p>
<p><b>REGRETS:</b> Susan Seaby</p>	
<p><b>Guests:</b> Janice Millar, Joanne Benard</p>	
<p><b>Recorder:</b> Laura Sullivan</p>	

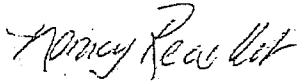

AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
1. PREVIOUS MINUTES	Minutes of March 26th, 2010 meeting signed.	Minutes will be posted on the HR website.
<b>2. BUSINESS ARISING: (Updates)</b>		
a) MERC Terms of Reference	<p>MERC Terms of Reference have been signed by all parties. They are posted on the OPSEU website.</p> <p>Union requested that Terms of Reference be sent to Regional ERC (RERC) co-chairs along with a joint MERC co-chair letter encouraging regional meetings to be set up. Another joint letter will be sent to the Eastern Region as an ERC is not yet established</p> <p>Union requested that LERC and RERC minutes be posted on the HR website</p>	<p>Management will confirm posting of ERC minutes on HR website.</p> <p>Letter to be sent by co-chairs to RERCs.                      Separate letter to be sent to Eastern region.</p> <p>Remove from agenda.</p>

AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
	<p>as well.</p> <p>Union requested whether expenses would be covered related to RERC meetings.</p> <p>Management confirmed expenses would be covered and should be discussed at the RERCs.</p>	
b) Designated Positions	<p>Management will provide a seniority list indicating designated positions. Management will confirm seniority list distribution and look at updating the HR website.</p> <p>Management confirmed that the website content will remain as is. Calls requiring FLS services are to be forwarded to the identified position providing these services. Management confirmed that the ministry FLS Coordinator agrees that this process adheres to requirements under the FLSA.</p> <p>Union inquired as to whether any Tourism Advisor positions will be designated. Management confirmed a commitment has been made to designate a Tourism Advisor position when it becomes vacant.</p>	Management will provide seniority list with designated positions under separate cover.
c) Health & Safety – certification of union members	<p>Management provided results of the Health and Safety Survey conducted in the West Region.</p> <p>Union inquired about the Health and Safety request which was sent to some regional offices.</p> <p>A joint letter was sent by Co-chairs reminding employees of the Health and Safety process.</p>	<p>Management will follow up on results of request.</p> <p>Union will provide detail under separate cover.</p>

AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
d) Workplace bullying	<p>Management confirmed on the Centre for Leadership and Learning (CFLL) website there are 3 e-learning modules: Bill 168, Workplace Violence Prevention and WDHP, Classroom training for WDHP is available through the CFLL. As well there are a number of methods, e.g., brochures and posters to raise awareness of Bill 168 and its requirements.</p> <p>Managers did receive training on Bill 168 at recent management meetings.</p> <p>Union requested whether classroom training on Bill 168 could be held for ministry staff.</p> <p>Management confirmed that employees can request training in their PDLPs and that dedicated classroom training could be requested through CFLL. Union requested that all managers are encouraged to discuss Bill 168 at unit meetings.</p>	
e) Attendance Management Threshold	<p>Sick day usage information by ministry units is not readily available. This information must be requested.</p> <p>The union made a special request for this information.</p>	Management to follow-up on accessing sick day usage information.
<b>3. STANDING ITEMS</b>		
a) Program Updates	Canada Ontario Immigration Agreement has been extended for one year.	
b) Results Based Planning and Expenditure Management Strategy	RbP books are not available at this time but will be provided as soon as they become available	
c) OPS Employee Survey (MCI)	<p>Management provided Employee Engagement Survey update.</p> <p>Recommendations from the Employee Engagement survey have been presented to senior management. Results of employee engagement action plan should be communicated sometime in July 2010.</p>	

AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
d) Fixed-term (unclassified) list	Management provided the fixed-term staff list for this quarter (as of May-31, 2010). Management will provide fixed-term list in advance of meeting to allow union reasonable to review. Union has requested the status of certain staff identified on the fixed-term list.	Management will follow with request.
<b>4. NEW BUSINESS</b>		
a) Implementation of Bill 168	<p>Management provided presentation to committee covering the key provisions of Bill 168, changes to OPS policies and the roll-out plan related to meeting requirements of act.</p> <p>Union inquired whether ministry has completed risk assessments.</p> <p>Management confirmed that threat risk assessments have been done in certain locations and in others, assessments will be conducted as soon as possible.</p> <p>Presentation attached.</p>	Remove from agenda
b) Duty to Accommodate - process	<p>Union requested clarification on the accommodation process.</p> <p>Management confirmed that in most cases, accommodation requests are made by an employee to their manager. Manager will work with employee and with their human resources contact to address the request. Each request is dealt with on a case by case basis.</p> <p>The union encourages the involvement of the OPSEU staff representative.</p>	Remove from agenda
c) Article 20.8 – Temporary Assignments	Union requested a list of ministry employees who are on temporary assignment within their last 2 months of surplus notice.	Management to clarify process.
d) Biometric Scans	Management confirmed that there are currently no biometric scans or plans to implement. The ministry will meet its obligation to disclose as necessary.	Remove from agenda
e) G8/G20 Summits	<p>Union requested information on work arrangements for staff who may be impacted by the upcoming G8 and G20 conferences.</p> <p>Management confirmed that an e-mail was distributed to affected ministry staff outlining work arrangements for G8/G20 Summits.</p>	Remove from agenda

AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
NEXT MEETING:	September 30, 2010	

<b>For the Union</b>  Nancy Recollet	<b>Date</b>  June 17, 2010	<b>For the Employer</b>  Brian Lemire	<b>Date</b>  June 17, 2010
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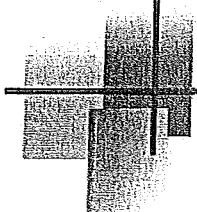
Bill 168

Amendments to the  
Occupational Health and Safety Act

MERC

Ministry of Citizenship and Immigration

June 17, 2010



# Purpose of Presentation

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To provide:

- an overview of the changes to the Occupational Health and Safety Act (OH&SA)
- an overview of the changes to OPS policies as a result of Bill 168
- information related to OPS rollout of policies and programs in support of Bill 168 requirements



# Bill 168 – Key Provisions Harassment and Violence

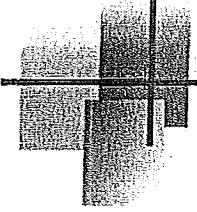
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Requirement for:

- Policies
- Programs
- Risk assessments (for violence)

In addition there are elements that pertain to:

- Training and instruction to workers
- Worker Rights i.e. Right to Refuse Unsafe Work (for violence)
- Domestic violence-related requirements
- Expanded incident reporting requirements (for violence)



# Definition of Workplace Harassment

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Engaging in a course of vexatious conduct or comment against a worker, in a workplace, that is known or ought reasonably to be known to be unwelcome.

# Definition of Workplace Violence

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Exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.

This physical force could be:

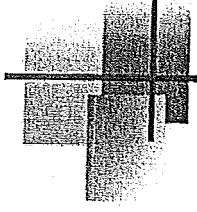
- Actual
- Attempted
- Threatened



## OPS Policies

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- Occupational Health and Safety Policy  
(revised)
- Workplace Discrimination and  
Harassment Prevention Policy (revised)
- Workplace Violence Prevention Policy  
(new)



# Occupational Health and Safety Policy *(revised)*

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- 2009 update added responsibilities for Management Board of Cabinet and Commission Public Bodies
- Further changes to reflect references to the OH&S Act amendments that came into effect on June 15, 2010

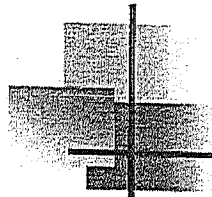


# Workplace Discrimination and Harassment Prevention Policy and Program *(revised)*

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## Addresses:

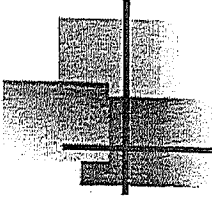
- Discrimination (based on any of the prohibited grounds of the Human Rights Code)
- Harassment (engaging in a course of vexatious comment or conduct against an employee or other worker)
  - Includes personal harassment (e.g. bullying) and harassment based on prohibited grounds
  - Does not include exercise of managerial responsibilities in a fair, respectful and appropriate manner



# WDHP Policy – Content Changes

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- Prevention (revised content)
  - Employee behaviour to be consistent with policy's principles
  - New employee education/training as part of orientation; existing employees required to complete as well
  
- Consequences for Policy Violation (new content)
  - Remedial education/training for policy violators
  - Managers to monitor future behaviour of policy violators as part of performance management



# WDHP Policy – Content Changes (2)

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- Timeframes (new content)
  - All parties expected to act quickly
  - All parties expected to demonstrate full and complete cooperation in issue resolution
  - Complaints to be filed within 6 months of alleged incident
  
- Addressing Discrimination or Harassment Concerns (new content)
  - Managers and HR Advisors to contact the WDHP Section, CEHSW, MGS when they receive a complaint or become aware of a potential policy violation
  - Complaints to be in writing
  - WDHP Advisor conducts preliminary assessment
  - Resolution mechanism(s) explored and acted upon
  - Workplace restoration conducted



# Workplace Violence Prevention Policy and Program *(new)*

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## Policy Elements:


- General intent is that employer will take every reasonable precaution for the protection of workers
- Defines violence (uses OH&SA definition)
- Defines workplace (includes lunchrooms, clients' homes or worksites, vehicles, conference/training venues, etc)
- Provides examples of policy violations (e.g. touching, hitting, shoving, spitting, throwing objects, making threats to exercise physical force)

# Mandatory requirements of Violence Prevention Policy

- Workplace Violence Risk Assessment
  - Assessment of potential violence risks required for each workplace
- Prevention
  - Measures and procedures to mitigate risks and prevent workplace violence are to be developed
- Management Response
  - Provide reasonable precautions to protect workers from domestic violence in the workplace
  - Duty to inform workers about risks including information related to a risk of workplace violence from a person with a history of violent behaviour

# Mandatory requirements of Violence Prevention Policy (2)

- Management Response (*cont'd*)
  - Information and instruction to workers regarding the policy and related program(s)
  - Responding, reporting and investigating incidents, threats, and complaints
  - Reassessment of workplace as required
- Confidentiality and Privacy



# OPS rollout

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## May – Early June

- Employee and manager communications
- Bargaining agent disclosure

## June 14

- OPS-wide communications
- Policies, program guides, support tools and links to e-learning modules posted (OPS Wellness portal)

## Late June and ongoing

- Phased rollout of classroom training
- Annual communications