

MEMORANDUM

TO: All Presidents and members in the Ministry of Community and Social Services
All Stewards in the Ministry of Community and Social Services

FROM: Ruth Hamilton, OPS Supervisor

DATE: April 27, 2011

SUBJECT: **Ministry of Community and Social Services
ERC Minutes – April 21, 2011**

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
OPS Supervisor

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att.

cc: MERC Chairs
Ministry ERC

**Ministry of Community and Social Services
MERC Meeting Minutes**

Date and Time: April 21, 2011, 9am-2pm

Location: 2 Bloor Street West, 30th Floor Boardroom 30C

For OPSEU: Roxanne Barnes (co-chair), Stephen George, Stuart McInnes, Gail Williams, Shawn Lavery

For the Employer: *Josephine Fuller (co-chair), Shelley Unterlander, Gary Holling, Les Babbage, H  l  ne Bigras *chaired meeting

Guests: Jasvinder Mahal, Maureen Forbes

Regrets: Sean Lee

Issue	Discussion	Action Required
<p>A. Standing Items</p> <p>Review of I&IT</p> <p>Date tabled:</p>	<p>April 21, 2011: The issue of the number of Systems Officers that have been recently surplus and the use of consultants is subject of a policy grievance, therefore there are no updates.</p> <p>Surplus employees have received resume writing and interviewing skills workshops. The Employer will provide further updates.</p> <p>Feb. 3, 2011: OPSEU said they were aware of 4 surplusses and the creation of SO2 positions in MGS. They asked if it was possible for the surplus employees to be matched to the new positions.</p> <p>Management responded that the matching would be done during the clearance process.</p> <p>OPSEU advised that their greatest concern is with employees being surplus while a number of consultants are still in the workplace.</p> <p>Management reiterated that the work being conducted by the consultants is different than that performed by OPSEU represented employees.</p> <p>OPSEU advised they were considering filing a policy grievance.</p>	<p>Next MERC</p> <p>No further action is required.</p>

<p>FRO Updates</p> <p>Date tabled: 2011-011: April 21, 2011</p> <p>2011-012: April 21, 2011</p> <p>2011-009: Feb 3, 2011</p> <p>2011-010: Feb 3, 2011</p>	<p>April 21, 2011: 2011-011: Call Centre Review: The Employer advised OPSEU that a review of the current state of its call centre is underway by PWC Consulting. FRO is looking for short term and medium term recommendations regarding ways to improve the overall function of the call centre and in preparation for the new FRO Case Management System. The review is expected to be completed by late spring.</p> <p>The Union asked if a written report will be provided and shared with employees and the bargaining agent. The Employer responded that recommendations will be shared.</p> <p>The Union asked if disclosure was made to the corporate bargaining agent for the review. The Employer responded that disclosure was not provided.</p> <p>Review of Registration Processes: The Employer advised OPSEU that a review is underway to look at current registration processes, to improve efficiencies and address backlogs and prepare for the new FRO Case Management System. Deloitte Consulting has been engaged to review processes, building on studies that had taken place in the past, registration of incoming cases. The review is looking at process changes that do not include legacy system changes. The review is scheduled to be completed in early June.</p> <p>The Union asked if a written report will be provided and shared with employees and the bargaining agent. The Employer responded that recommendations will be shared.</p> <p>The Union asked if disclosure was made to the corporate bargaining agent for the review. The Employer responded that disclosure was not provided.</p> <p>Employees were involved, on a voluntary basis in both reviews, providing subject matter expertise.</p> <p>2011-012: Federal support Deduction Notices: FRO has completed a project to electronically transfer federal support deduction notices to the Department of Justice in Ottawa replacing the existing paper-based process. The project was implemented March 28, 2011.</p> <p>OPSEU inquired as to job losses and workload in the Trace and Locate Unit.</p> <p>Management responded that there were no job losses and is not aware of work increases in the Trace and Locate Unit.</p> <p>Feb 3, 2011: 2011-009: ERC Training: OPSEU said that since the LERC is comprised of new members, they believe that the Parties should be looking at offering them training.</p> <p>The Parties agreed that training would be beneficial and will look at scheduling this in the near future.</p> <p>2011-010: The Parties also discussed the use of Employer resources for Union Business.</p> <p>2011-010: The Parties also discussed the use of Employer resources for Union business.</p>
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The Parties will schedule.

<p>RbP Updates</p> <p>Date tabled:</p>	<p><u>April 21, 2011:</u> There are no updates at this time. Disclosures will be provided to the bargaining agent prior to the next MERC.</p> <p><u>Feb 3, 2011:</u> There are no updates at this time.</p>	
<p>ODSP Modernization</p> <p>Date tabled:</p>	<p><u>April 21, 2011:</u> Management was not able to provide a fulsome report on accommodations planning for ODSP.</p> <p><u>Feb 3, 2011:</u> The Parties have signed a memorandum of agreement relating to personnel screening checks for ODSP employees and a joint communication to employees is coming.</p> <p>Management advised they would provide a fulsome report on accommodations relating to ODSP Modernization at the next MERC.</p>	<p>Will provide an update at the next MERC.</p> <p>No further action is required.</p> <p>Management to provide report at next MERC.</p>
<p>Regional Office Functional Review</p> <p>Date tabled:</p>	<p><u>April 21, 2011:</u> 2011-011: Management provided a presentation that will be made available to employees in the upcoming weeks.</p> <p><u>Feb 3, 2011:</u> 2011-011: OPSEU asked if the review for the re-organization announced for the Operations Division was completed as scheduled, by the summer of 2010.</p> <p>Management responded that the review has been completed.</p>	<p>Management to provide update prior to next meeting.</p>
<p>B. Business Arising from Previous Minutes – MERC minutes Follow Ups</p>		
<p>Update: Diversity Initiative</p> <p>Date Tabled:</p>	<p><u>April 21, 2011:</u> Management advised that planning is underway for the next 2 fiscal years. The diversity team is working on a draft plan incorporating priorities areas and various initiatives.</p> <p>OPSEU enquired about the number of OPSEU members in the mentoring program. Management will provide an update.</p> <p><u>Feb 3, 2011:</u> Management advised that the expansion of the program criteria will be given consideration for the next round of mentoring.</p> <p>Management further advised OPSEU that the 2011-2014 Diversity Plan is being developed and will be brought to MERC for discussion with OPSEU.</p>	<p>Management to invite the diversity team to the next MERC.</p> <p>No further action required.</p>

<p>Bill 168 Implementation Update</p> <p>Date tabled:</p>	<p><u>April 21, 2011:</u> Management advised that they continue to monitor progress. As of April 6, 2011, the overall ministry completion rates are for Bill 168: An Overview 90% (OPSEU 89%), for WDHP 90% (OPSEU 88%), Workplace Violence Prevention 88% (OPSEU 87%).</p> <p>Management further advised that, as of April 18, 2011, the ministry has completed 100% of the WVRAs. Of those, 89% have been shared with JHSCs and 70% have been signed off by the accountable directors.</p> <p>OPSEU enquired about the status of the Threat Risk Assessments (TRAs).</p> <p><u>Feb 3, 2011:</u> Management advised that the training uptake is marginally higher. They further advised that reminders are sent out regularly to Managers for follow-ups.</p> <p>OPSEU asked if Management could provide the breakdown of OPSEU represented employees having completed the training.</p> <p>Management responded that they will provide if the information is captured in this format.</p> <p>Management advised that 98% of the MCSS locations have completed the workplace violence risk assessments (WVRA). Of those, 88% have gone to the Joint H & S Committees (JHSCs) and 70% of those have been signed off and are ready for implementation.</p> <p>OPSEU asked why the one location of the Ministry has not yet completed their WVRA.</p> <p>Management responded that it is nearing completion and would provide an update at the next meeting.</p> <p>OPSEU indicated that the Ministry of Education developed tip sheets for employees relating to aspects of Bill 168 and asked if similar tip sheets would be developed at MCSS.</p> <p>Management to review and respond.</p>	<p>Management to provide update at the MERC.</p> <p>Management will enquire with Capital and Accommodation Services Branch (CASB).</p> <p>Management to provide update at the MERC.</p>
<p>Local 222 (Burlington) LERC referral</p> <p>Date tabled:</p>	<p><u>April 21, 2011:</u> Management engaged internal resources to undertake specific training for Local 222 ERC. Representatives of the dispute resolution office of the MOL are prepared to provide support to the Local 222 LERC.</p> <p>OSPEU advised Management that they have withdrawn from all Joint ERC training until further notice.</p> <p><u>Feb 3, 2011:</u> The Parties will prepare a joint memo to the LERC co-chairs to support them in their LERC function including providing Ministry of Labour (MOL) facilitation and targeted LERC training.</p>	<p>Parties to prepare memo.</p>

<p>ERC Training for MERC</p> <p>Date tabled: Dec 8 2010</p>	<p>April 21, 2011: OPSEU advised Management that they have withdrawn from all Joint ERC training until further notice.</p> <p>Feb 3, 2011: 2011-012: MERC Training: To be scheduled.</p>	
<p>Fixed-Term Merit Increases</p> <p>Date tabled:</p>	<p>April 21, 2011: Management advised that the practice of the Ministry was to pay the merit increase. They have not been able to identify any issues.</p> <p>OPSEU agrees that no issues have been identified or raised.</p> <p>Feb 3, 2011: Management advised that it is their understanding that the practice in the Ministry is to give merit increases to fixed-term employees and will follow-up on the implementation of the Ministry of Government Services correspondence of August 2009 providing merit increases to all fixed-term employees regardless of their hours worked annually.</p>	<p>Remove item from agenda.</p> <p>Management to follow-up for next meeting.</p>
<p>Disclosures</p> <p>Date tabled:</p>	<p>April 21, 2011: Management acknowledges that clarification is required around how to provide information to the Union. They identified that they have 2 options: 1) Formal disclosure process: Where business decisions are made which will materially and substantively affect the working terms and conditions of employees represented by the bargaining agents. 2) Info-Share: Where a business decision has not been made and/or employee working terms are not impacted i.e. review of an organization. In this option, the Employer would notify the bargaining agent in advance of it being shared with employees.</p> <p>Management acknowledges that some organization and business process reviews were not shared and intend on communicating better moving forward.</p> <p>The Parties agree to prepare a communication package on the disclosure process.</p> <p>OPSEU's position is that the Interim Disclosure Directive of 2009 is not being read in its entirety and the above is a misinterpretation of the Disclosure Directive. OPSEU reiterated that if they are not aware of reviews in the workplace they cannot, as the exclusive bargaining agent, properly represent their members.</p> <p>Feb 3, 2011: OPSEU advised that they are concerned with specific disclosures that were issued that did not comply with the disclosure directive.</p> <p>Management indicated that their interpretation of the directive is different on the issue of disclosing organizational reviews.</p>	<p>Draft of package to be prepared for next MERC.</p>

	<p>OPSEU said that their concern with not complying with the disclosure directive relating to organizational reviews stems from the Employer conducting the reviews in the workplace (eg. focus groups and meetings with employees that could impact their jobs) when the bargaining agent has not been advised and is not aware of that a review is occurring. It is their contention that this hinders their ability to properly represent their members.</p> <p>Management indicated that the Ministry will develop a procedure document that will assist Managers and Human Resource Advisors with the disclosure directive.</p>	<p>OPSEU will address their concern with the Employee Relations Division.</p>
<p>Regional Reviews Date tabled:</p>	<p><u>April 21, 2011:</u> Management canvassed the Regional Directors for organization and business reviews that occurred in the last 18 months. They will provide OPSEU with a comprehensive package including the nature of the review as well as the disclosures undertaken.</p> <p><u>Feb 3, 2011:</u> Management asked for clarification regarding OPSEU's request. Specifically which reviews they were interested in.</p> <p>OPSEU responded that as discussed above with respect to disclosures, they are not made aware of reviews, which makes the request for a list difficult to clarify.</p>	<p>Management will canvass Regional Directors for reviews of the last 12 months for discussion at the next MERC.</p>
<p>Strategic Workforce Planning Initiative Date Tabled: Oct 22, 2010</p>	<p><u>April 21, 2011:</u> Management advised that there are no plans to further this initiative.</p> <p><u>Oct. 22, 2010:</u> The SBU presented a concept for strategic workforce planning for discussion and input. The concept will be further developed following appropriate notification and disclosure.</p>	<p>Remove item from the agenda. The item will be returned to MERC within 6 months.</p>
<p>2011-001: Long-Term Affordable Housing Strategy Date tabled: Dec 8 2010</p>	<p><u>April 21, 2011:</u> No update at this time.</p> <p><u>Feb 3, 2011:</u> The Ministry does not have any further updates.</p>	<p>Place in pending business for follow-up in 6 months.</p>
<p>2011-002: Local 615 (Sudbury) LERC Referral</p>	<p><u>April 21, 2011:</u> Management advised that the Ministry sees no need to formalize the understanding that employees can bring a bargaining agent representative to accommodation and return to work meetings if they</p>	<p>OPSEU to raise</p>

<p>Date tabled: Feb 3, 2011</p>	<p>choose to do so (particularly given that employees are not being denied representation when requested).</p> <p>OPSEU advised that they will raise this issue at CERC.</p> <p>Feb 3, 2011: OPSEU advised that a waiver of representation form is in use at the Ministry of Labour and apparently sanctioned by the Ministry of Government Services.</p>	<p>item at CERC.</p> <p>Management will review and respond.</p>
<p>2011-003: Licensing Transfer to Ministry of Education</p> <p>Date tabled: Feb 3, 2011</p>	<p>April 21, 2011: Management provided an update on the Early Learning/Child Care transfer to the Ministry of Education. Planning for phase 3 is underway and includes the transfer of the Licensing and Enforcement program. They advised that no decisions have yet been made with respect to the impact and timing of the transfer. As information becomes available it will be shared.</p> <p>MCSS MERC agreed to work with the Ministry of Children and Youth Services (MCYS) and the Ministry of Education (EDU) on joint communications.</p> <p>The Parties will engage their counterparts in the other ministries.</p> <p>Feb 3, 2011: OPSEU indicated that, due to disentanglement issues, they did not receive disclosure of MCSS employees transferring to the Ministry of Education. They asked that as the Employer proceeds with this transfer the MCSS MERC Co-Chair also be included on the distribution list for this disclosure.</p> <p>Management agreed that further disclosure updates will be sent to the MCSS MERC Co-Chair.</p> <p>OPSEU asked that the Project Lead be invited to provide an update at the next MERC.</p>	<p>No further action is required.</p> <p>Management to arrange for an update at the next MERC.</p>
<p>2011-005: Lateral Transfers</p> <p>Date tabled: Feb 3 2011</p>	<p>April 21, 2011: Management advised that they are not prepared to review the process for lateral transfers at this time.</p> <p>Feb 3, 2011: OPSEU said that the Parties agreed at MERC, several years ago, to review the lateral transfer process for the Ministry and asked that this be re-opened and reviewed.</p> <p>Management responded that they will review this request and determine if it would be feasible.</p>	<p>No further action.</p> <p>Management to review and respond.</p>
<p>2011-006: Ministry File Review Committee (MFCR) Referral</p> <p>Date tabled: Feb 3 2011</p>	<p>April 21, 2011: Both Co-chairs were unavailable to attend today's meeting.</p> <p>The Parties discussed a H&S concern with respect to information provided in a FIPPA request that was subject of a discussion at MFCR.</p>	<p>Defer to June.</p> <p>Management will address the concern with the FIPPA Unit.</p>

	<p>Feb 3, 2011: OPSEU asked Management if they have received the workload grievance referrals from MFRFC. Management responded they have not.</p>	<p>Both Parties will follow-up and will invite the MFRFC Co-Chairs to attend the April MERC.</p>
<p>2011-007: ODSP Compensation Date tabled: Feb 3, 2011</p>	<p>April 21, 2011: The issue is subject to a policy grievance which is at Stage 2.</p> <p>Feb 3, 2011: OPSEU asked that the new compensation for Case Workers at the maximum of their former pay range receive a pay increase effective the day they started work as Case Workers and not just starting at January 1, 2011.</p> <p>Management responded that the agreement was for implementation of the new compensation in January, 2011.</p> <p>OPSEU responded that the agreement was made when the Parties agreed that Modernization would be implemented at January 1, 2011. However, the Employer implemented a phased approach which, in their perspective, changes the agreement.</p> <p>Management indicated that this was not intended during collective bargaining, nor is the Union's perspective in compliance with the compensation policy, but will review.</p>	<p>No further action.</p> <p>Management to review and respond.</p>
C. New Business		
<p>2011-013: Telework Agreements Date tabled: April 21, 2011</p>	<p>April 21, 2011: OPSEU asked how many of their members in the Ministry have telework agreements and asked to see templates.</p> <p>Management is gathering the information.</p>	<p>Management will provide at the next MERC.</p>
<p>2011-014: Tracking of Employees under Article 7.2.1 Date tabled: April 21, 2011</p>	<p>April 21, 2011: OPSEU asked how the employees protected under the provisions of 7.2.1 are being tracked for appointment under 7.2.2.</p> <p>Management is looking into this matter.</p>	<p>Management will report back at the next MERC.</p>
<p>2011-015: Training and Development</p>	<p>April 21, 2011: OPSEU asked if the Ministry provides a set number of days and training for employees.</p> <p>Management responded that it is a ministry objective that employees have a minimum of 5 days of</p>	<p>Management to invite a representative</p>

<p>Date tabled: April 21, 2011</p>	<p>learning, including training pertaining to their job functions, in a fiscal year.</p> <p>OPSEU expressed that they find that there are not enough learning and development opportunities for employees in the OPS as is evidenced in the findings of the employee engagement survey.</p> <p>Management disagreed as there are mentoring and job shadowing programs in parts of the ministry. Furthermore, these programs are championed and employees encouraged to participate.</p> <p>Management will look at sharing best practices within the ministry.</p>	<p>of the Renewal Strategies Office to a future MERC to speak about employee engagement.</p>
<p>D. Pending Business</p>		
<p>2011-004: Programs in MCSS Date tabled: Feb 3, 2011</p>	<p>Feb 3, 2011: OPSEU indicated that several programs provided by the Ministry have been moved, transitioned to other ministries or divested. They asked for a list of programs that continue to be provided by OPSEU represented employees in the Ministry.</p> <p>Management will endeavour to obtain a comprehensive list for discussion at the June MERC meeting.</p>	<p>Management to obtain and share a list.</p>
<p>E. Reports Shared</p>		
<p>1) Fixed Term Report</p>	<p>April 21, 2011: OPSEU raised a concern with a fixed-term assignment on the list.</p> <p>Feb 3, 2011: OPSEU raised concerns with the length of some fixed-term contracts where there may be conversion entitlements.</p> <p>Management provided explanations in the form of a report.</p>	<p>Management will review and respond prior to next MERC.</p> <p>OPSEU will review and respond.</p>
<p>2) ODSP Modernization: Personnel Screening Checks</p>	<p>April 21, 2011: OPSEU asked for an updated report and asked for information pertaining to the replacement of an employee in 1 of the offices.</p>	<p>Management to review and respond prior to the next MERC.</p>

Ministry of Community and Social Services MERC Minutes of April 21, 2011:



Roxanne Barnes
OPSEU



Josephine Fuller
Co-Chair, Management

DATE: April 21/11