

MEMORANDUM

OPSEU



SEFPO

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

TO: All Presidents with members in the Ministry of Education
All Stewards in the Ministry of Education

FROM: Terry Baxter, OPS Supervisor/Negotiator

DATE: December 13, 2004

SUBJECT: **Ministry of Education
ERC Minutes – September 28, 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.

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,

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

Leah Casselman
President

/jm
att.

cc: MERC Chairs
Ministry ERC

Terry Baxter
OPS Supervisor/Negotiator

MINISTRY OF EDUCATION

Ministry Employee Relations Committee

September 28, 2004
Room 1952, Mowat Block
9:30 a.m. – Noon

For the Employer:

Kim Bellissimo, Co-Chair
David Doherty
Deborah Metrakos
Paul De Sadeleer

For the Union:

Alicia Czekierda, Co-Chair*
Bob Greer
Stephen George

Regrets: Bob Belontz

* chaired the meeting

PRELIMINARY ISSUES:

The item 'Compressed Work Week Agreements' was added to the agenda. The minutes of the May 28, 2004 meeting were approved and signed by the Co-Chairs.

BUSINESS ARISING

1. WDHP Update

Management reported that on June 29, 2004 Provincial Schools managers received mandatory full-day Workplace Discrimination and Harassment Prevention Policy training. Similar training was provided to approximately 500 OPSEU staff at the Provincial Schools through 18 half-day sessions held between August 31 and September 2, 2004. The training was developed by the Shared Services Bureau, and delivered by the Bureau or through contract with private trainers.

The Union inquired as to how many OPSEU staff missed the sessions and what arrangements would be made to provide WDHP training for them. Management indicated that it had not yet identified how many had missed the training. It had, however, videotaped two sessions – one in English and one in French - to be used for review by those who normally communicate using ASL. Approval of the training provider can be sought to use the videotapes to provide training to those unable to attend the original sessions.

Commitment: *Management will assess how best to provide WDHP training to those OPSEU represented employees who missed the training, once their number has been determined. Management will share the results of the training evaluations at the next MERC*

2. Computer Access at Provincial Schools

Management indicated that it has just recently learnt that the Provincial Schools Branch has been approved for a 'refresh' of the operating platform supporting the computers at the schools. The new operating platform will necessitate new computers, as the existing computers are incapable of supporting the upgrade. A decision has been made, therefore, to delay the implementation of a computer kiosk at E.C. Drury until after the refresh. The need for the kiosk has been incorporated into the refresh plan. Employees will be notified both by e-mail and by a posted memo of the refresh, and will be informed that they should contact their manager should they need to arrange access to a computer.

A discussion ensued as to whether a kiosk with a single computer was sufficient and whether a similar arrangement should be made for other schools.

Commitment: *Management will inform employees through both e-mail and a posted memo of the plan for a refresh of the computer platform, and that employees needing access to a computer should contact their manager. The Union will inquire as to whether additional sites and/or more computers at the E.C. Drury site are needed, and will report back to the MERC.*

3. OPS Ideas Campaign

Management indicated that there is nothing new to report.

4. Security Issues at Provincial Schools

Management indicated that it is working with the Ontario Realty Corporation on a review of lighting at Robarts and W. Ross MacDonald schools including a review of the external lighting from a safety perspective. A meeting was held with the consultants performing the review at W. Ross MacDonald School on June 17, 2004. A preliminary report of the scope of the work was received in August.

The Union raised the issue of theft and vandalism at Robarts School resulting from the lack of a fence between Robarts School and John Paul II Secondary School. The OPSEU MERC Co-Chair indicated that she had raised this issue in late July with the Manager Business, Finance and Human Resources, who agreed to look into the issue.

Commitment: *Management will report back at the next meeting on the feasibility of erecting a fence between Robarts School and John Paul II Secondary School.*

STANDING ITEMS

1. Seniority Lists, True Vacancy Report, Unclassified Contracts:

The seniority, true vacancy, and unclassified contract reports were distributed at the meeting.

2. Provincial Schools Governance

Management advised that there is nothing new to report on this item. The Union indicated that it had been informed by some members of the Parents Council that the Ministry was requesting that Governance be added to the agenda of the October 7, 2004 Provincial and Demonstration School Council meeting.

***Commitment:** Management will make inquiries and will respond directly to the MERC Co-Chair as soon as possible.*

3. Term Classified Appointments

Management indicated that there is nothing new to report on this item. It was agreed that this item would be removed from Standing Items.

4. Field Services Branch – Use of Secondees

The Union indicated that this item was originally added to the Standing Items list as a result of past cases where unclassified contracts were ended and immediately replaced with secondees. It reported that it is unaware of any recurrence of the problem, but will continue to monitor the situation.

5. OAG Learning Strategies Update

An update was provided on activity under the OAG Learning Strategies project. MERC was advised:

- The Munch n' Movie series is continuing with dates for regional sessions to be determined,
- The most recent edition of the OAG Bulletin was released in July, with the next release scheduled for October/November
- A formal evaluation is being conducted of the Toronto OAG Community of Practice
- New OAG Communities of Practice are being planned for Thunder Bay, Guelph, and Hamilton;
- The OAG Learning Initiative website is being maintained and updated

***Commitment:** Management agreed to send a copy of the next OAG Bulletin to the OPSEU Job Security Officer.*

6. SSB – Seasonal Employee Benefits

The Union reviewed Management's commitment to providing the insurance carrier each summer, through the Shared Services Bureau, with a list of Provincial Schools seasonal employees who would be returning in September. The purpose of the list was to ensure that seasonal employees do not suffer a delay in having their benefit entitlement recognized when they return in September. The Union reported that claims were once again being denied. It expressed its frustration that after two years the system is still not working and suggested that it may have to elevate the issue to the Central Employee Relations Committee (CERC).

Management also expressed concern that the system is not working. It indicated that it had elevated the issue to the Linkages Committee and understood that the problem had been resolved. It indicated that it had sent the name of the one individual that was provided by the Union to the Shared Services Bureau for investigation. Management requested any information the Union had, including additional names, which might give it a better understanding of the size of the problem. The Union indicated that it did not have permission to release further names, but that half a dozen members had approached the MERC Co-Chair and others had contacted the OPSEU Benefits Officer directly.

Commitment: *Management will contact the Shared Services Bureau to request a list of all Provincial Schools claims denied by the insurance carrier. Management will continue to investigate the cause of the failure to recognize Provincial Schools seasonal employees for benefits commencing the beginning of September each year.*

7. Ontarians with Disabilities Act (ODA) Compliance

Management indicated that all managers have received on-line training on the *Ontarians with Disabilities Act*. Training for staff is being developed. The 2004-2005 ODA plan is expected to be released this fall.

8. Council of Directors of Education (CODE)

The Union indicated that it is still concerned that the Council is assuming responsibility for work that should be done within the Field Services Branch of the Ministry, and is prepared to elevate this issue to the Central Employee Relations Committee (CERC). It cited as examples, the school/college/work initiative and monitoring of the implementation of the teacher performance management initiative.

Commitment: *The Union will compile a list of initiatives where it feels that CODE is assuming responsibility for work that should be performed within the Field Services Branch. Management will review the list and respond at the next MERC meeting.*

9. Criminal Reference Checks Update

The Union indicated that it was still looking at the Criminal Background Checks package but sought clarification on who would pay for the checks and what would happen to an employee who was found to have a criminal record. Management indicated that employees would pay for

the checks and be reimbursed by the Employer. With respect to the consequences of a criminal record, Management referred the Union to Question 6 of the Questions and Answers that will be provided to employees:

You will be asked to attend a fact finding meeting with the Human Resources Manager where you may have Union representation. The information you provide will assist in determining the appropriate course of action. Your situation will be reviewed on an individual basis, taking into account such factors as the age of the conviction, the nature of the conviction, and the relevance of the conviction to the your position. Provision of a safe environment for staff and students will remain the paramount consideration.

Where, in light of the conviction, it is not possible to retain you in your current position, every reasonable effort will be made to accommodate you through modification of the your job, or redeployment (with or without re-training). Early retirement and buy-out options may also be considered in appropriate cases. The Employer will work with you and the Union to ensure that an appropriate option is available to you.

The Union asked when staff would be informed of the new requirements, and were told it would be rolled-out in the next couple of weeks with final implementation completed by the end of March. The Union suggested that a sample Criminal Background Check request form be included in the package.

Commitment: *Management will include a sample Criminal Record Check application form to the communications package. This item will remain a Standing Item.*

11. Results-Based Planning

Management indicated that there is nothing new to report

NEW BUSINESS

1. AMEX Cards

The Union referenced the all-staff memo sent by the Director, Business Planning and Expenditure Management Branch on June 18, 2004. It expressed concern over the Employer having access to information on an employee's AMEX balance. Management explained that the Ministry is liable to AMEX along with the employee for any outstanding balance on a Corporate AMEX card. Consequently, it receives summary statements from AMEX of accounts which are 30, 60, and 90 days past due. A detailed billing statement can be obtained by the Ministry, but is only requested when abuse of the card is suspected. Management indicated that there should be no privacy concerns over the Employer's access to this information as the policy is clear that the card should only be used for valid business expenditures.

A question was raised as to why AMEX changed its practice to track overdue payments at 30 days instead of 60 days.

Commitment: Management will inquire as to why AMEX changed its practice to track overdue payments at 30 days instead of 60 days.

2. Disclosure Meeting at 880 Bay Street

The Union indicated that staff of the Toronto and Area District Office (TADO), Field Services Branch was upset over the announced move to Etobicoke. A discussion ensued as to whether it was the way the move was announced or the move itself that was at issue. The OPSEU Job Security Officer indicated that he had received a phone call from the Human Resources Branch to indicate that staff had been informed of the move, along with an explanation as to why the Union had not been informed in advance, and an apology. He indicated that the Union accepted the apology, and that the issue before MERC was that staff were upset by the move itself. Management indicated that its information was that staff was supportive of the move.

Commitment: The Manager of TADO will speak to the staff to determine the nature of their concerns. The Management Co-chair will then report back to the OPSEU Job Security Officer.

3. WSIB Summaries for Provincial Schools Branch and Ministry

The Union requested a summary of WSIB claims for the Ministry. Management indicated that WSIB claims are processed through the Shared Services Bureau, the Ministry does not track such claims and has no way of generating the requested data. The OPSEU Job Security Officer stated that he regularly receives such information at the Ministry of Agriculture and Food (OMAF) MERC.

Commitment: The Union will provide a copy of the OMAF report. Management will follow-up with OMAF and the Shared Services Bureau and will report back at the next MERC.

4. Allegation of Abuse Policy - Provincial Schools

The Union asked for a review of the procedure for investigating allegations of abuse by staff within the Provincial Schools. Management indicated that where an allegation has been made the School is obliged to contact the Children's Aid Society (CAS) or the police. Generally the employee is suspended with pay pending the investigation. Management indicated that the police and CAS have requested that the employee not be told the nature of the allegation pending the investigation. Consequently, the employee is given a letter, usually in person by their manager, indicating that an allegation has been made and that they will be contacted in the course of the investigation. A discussion ensued about the right of the employee to be told the nature of the allegations against him/her at the time of the suspension with pay.

The Union asked whether the employee is notified of the nature of the allegations before being asked to attend a Ministry investigative or pre-disciplinary meeting. Management indicated that the employee is not normally informed of the nature of the allegation until the meeting itself. Where, however, the process is a ministry process rather than a CAS or police process, the employee is generally given additional time to respond to the allegations, if requested.

Commitment: Management will confirm the instructions it has received from the CAS and police, and will review its procedures with respect to informing employees of the nature of allegations in advance of any investigative or disciplinary meeting.

5. Payment of Orthotics Benefits - Provincial Schools

The Union indicated that notwithstanding a grievance settlement that clarified the entitlement of Provincial Schools Employees to two pairs of orthotics in a calendar year, claims were being denied. Documentation relating to one such denial was presented at the MERC. Management indicated that it agreed with the Union's position on entitlement, and has intervened to rectify one such denial already.

Commitment: Management will look into the claim and try to determine why such claims are being denied.

6. Compressed Work Week Agreements:

The Union announced that compressed work week agreements would now be signed by the local OPSEU Staff Representative, rather than by the OPSEU President. It was suggested that any Ministry-wide agreements should be discussed by the MERC and would be signed by the MERC representative.

Meeting adjourned.

For the Union: A. Galvez Date: Dec. 10/04

For the Employer: Kim Bellissimo Date: Dec 10/04

Next meeting: December 10, 9:30 a.m. - noon



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"/> | Contract Interpretation |
| <input type="checkbox"/> | Enforcing the Contract | | |
| <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

