

MEMORANDUM

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

FROM: Brian Gould, OPS Supervisor/Negotiator

DATE: October 8, 2008

**SUBJECT: Ministry of Education
ERC Minutes – June 24, 2008**

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 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,



Warren (Smokey) Thomas
President



Brian Gould
OPS Supervisor/Negotiator

/gj
att.

cc: MERC Chairs
Ministry ERC

**MINISTRY OF EDUCATION
 MINISTRY EMPLOYEE RELATIONS COMMITTEE (MERC)
 OPSEU Regional Office, Boardroom D, 31 Wellesley Street East, Toronto
 JUNE 24, 2008**

For Management:
 Pat MacDonald-Rea, Acting Co-Chair
 David Doherty
 Deborah Metrakos
 Mercedes Gagnon

Regrets: Lisa Sherin
 Simon Ouellet

For OPSEU:
 Chris Cormier, Acting Co-Chair*
 Susan Blackford
 Stephen George

Regrets: Alicia Cziekerda

*Chair of the Meeting

AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
Confirmation of Agenda	The agenda was confirmed as written with the reordering of four items.	
Minutes	Minutes of the prior meeting have been signed.	
BUSINESS ARISING		
Local Employee Relations Committee (Local Employee Relations Committee) Training	Management reported that the training is not currently available in French, though it could be offered if there is sufficient demand in the Ottawa area. There is currently a bilingual Union trainer but not one from Management.	Management will stress to MGCS the need for bilingual training before bargaining.

AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
Module		
Seniority List, True Vacancy Report, Unclassified Contracts List	<p>These reports were circulated to all MERC members June 17, 2008.</p> <p>The Union requested assistance in learning how to sort the information in these lists.</p>	<p>The Union will contact Management regarding a good time to provide this assistance.</p>
Provincial Schools Governance	<p>Nothing new to report</p>	<p>N/A</p>
Residence Review	<p>Management reported that it sent out the review report and the implementation report to the MERC members in accordance with its commitment. The reports are available for viewing at each site. Rolling Qs and As are being used to communicate with staff.</p> <p>The Union had concerns with the Qs and As as raising more questions than they answered – especially with respect to service levels and job security. There is also a sense that local managers are uninformed on this issue and unable to answer staff questions. There is an implementation report but nothing which clearly sets out the implications for staff, especially with respect to potential lay-offs. There has been a lot of misinformation from local managers. This is having significant negative impact on morale. People are looking for other work.</p> <p>Management responded that it had hoped that by controlling communications at the centre these problems would have been avoided. Sessions were held with residence managers to provide them with information. The Qs and As are the most reliable source of information as they have been centrally prepared. Management indicated that it is important to distinguish between the Memorandum of Settlement and</p>	<p>The Union will refer to Management specific concerns with respect to inconsistencies between the report and its recommendations. The Union will provide its concerns by June 27, 2008. Management will consider these concerns in drafting its response to the report due by September 2008.</p>

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	<p>the residential review. Detailed implementation of the residential report recommendations is still under discussion. Most of the questions relate to the Memorandum of Settlement and the creation of a unified job specification. Any lay-offs that occur will be based on operational need – largely resulting from declining enrollment.</p> <p>The Union also indicated that there are concerns over the validity of some of the recommendations, and perceived inconsistencies between the recommendations and information found earlier in the report.</p> <p>Management invited the Union to refer these issues to it so that it can then follow-up with the consultants through a response document. The Union also raised concern over how comprehensive the review is when the team spent only one day at each site.</p> <p>The Union asked what actions are being taken to address the declines in enrollment. It asked what Management is doing to make the schools Centres of Excellence for the deaf.</p> <p>Management indicated that it does not have a mandate to market its programs. Part of the issue is that most parents are opting for a non-ASL environment. Alternatives are being considered to promote the program such as summer camps and short term programs for the deaf.</p>	
Workplace Safety Insurance Board Summaries	The WSIB summary was sent to all MERC members June 17, 2008.	
Results Based Planning Update	Management is reviewing the Cabinet Minute. It will be preparing Corporate disclosure.	
Workplace Violence and Prevention	Management reviewed the OPS Physical Security Program as part of the OPS Corporate Emergency Management and Security Program. It	

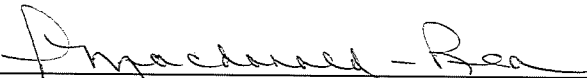
AGENDA ITEMS	DISCUSSION	ACTION REQUIRED
	<p>indicated that there are 3 components to the Program: a threat risk assessment, a building security plan, and a ministry security plan. MGCS will be responsible for the TRA for the Queen's Park complex. The Ministry is engaging a consultant to perform the TRA on the remaining 96 sites (Education and Training, Colleges and Universities)</p> <p>The Union raised concern that it was hearing different responses at each MERC table. Management noted that the risk assessment is merely the first step in dealing with this issue. Following an assessment of the risk Ministries then have to develop plans to address the issues which arise. Ministries may be at different levels in dealing with the broader issues.</p> <p>The Union reiterated that the employer has not been clear as to its approach to this issue. The Union expects that management would have given a higher priority to an issue such as this. This is a very real issue – there is violence, there is bullying in the workplace.</p>	
Human Resource (HR) Transformation Update	<p>Management shared the May 23, 2008 communication prior to the meeting. It distributed the most recent information on the Recruitment Centres, which are to commence on June 30, 2008. The next step to go live will be the Strategic Business Units.</p>	
Provincial Schools Branch Employee Relations Committee	<p>The Union deferred developing its questions at this time due to the need to address the issues arising out of the recent surplus activity. It anticipated resuming this work in September.</p>	<p>The Union will provide its questions to management prior to the next MERC meeting.</p>
Systems Officer 1 (W. Ross Macdonald School)	<p>Management reported that a Memorandum of Agreement has been signed restoring employee status to the individuals concerned.</p>	<p>Item to be removed from the agenda.</p>
Resource Services (London) Potential Surplus	<p>The School Secretary was directly assigned to a Financial Officer position. The School Secretary work was then assigned to the Resource Secretary as the Resource Secretary position was no longer necessary as</p>	

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	the Resource Principal has been moved from London. The classified OAG9s have since received surplus notices and there will be seasonal postings to replace these positions.	
Workplace Discrimination and Harassment Prevention Policy Subcommittee Report	The committee is scheduled to reconvene July 4 at 10:00am	
NEW BUSINESS		
Handling of Surplus Notices at Provincial Schools	<p>The Union raised concerns regarding the MERC co-chair being contacted at home while ill and raised the possibility of the action being based on her union activity. It asked whether the same approach was applied to a member absent on maternity leave.</p> <p>The Union also raised concern that at one site the Union rep was asked to leave after which the employee was provided an option for direct assignment to a seasonal position, and asked about whether he/she knew of the surplussing in advance. Management apologized for the way the surplus was conducted at this site.</p> <p>The issue of the notice to the co-chair is currently the subject of an active grievance.</p> <p>Management indicated that employees on maternity leave are informed that they will receive notice of lay-off upon their return.</p>	
Education Officers	The Union asked about the difference between OPSEU and AMAPCEO Education Officers. Concern was expressed over opening international private school inspections to any Ministry staff with Supervisory Officer qualifications. It felt the inspections should only	Management will respond to the issue of international inspections at or before the next meeting.

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	<p>be performed by qualified OPSEU Education Officers.</p> <p>Management responded that the first issue had been raised in a grievance recently withdrawn by OPSEU. With respect to the second issue, Management committed to reviewing the issue and responding on or before the next MERC meeting.</p>	
<p>Consultations Concerning Generic Job Specifications (Provincial Schools)</p>	<p>The Union stated that there is a need to discuss the impacts of the Memorandum of Agreement regarding the creation of a generic job specification. The Union indicated that there were a number of unanticipated impacts, including the temporary closing of some ADHD units. It suggested that attrition should be used to deal with such impacts.</p> <p>Management indicated that the ADHD unit was temporarily closed because there were no applications. Moving to a unified classification may have avoided any lay-offs associated with the lack of admissions as staff could more easily be moved to other areas.</p> <p>The Union argued that there needs to be communication to staff who are concerned that there may be lay-offs, especially given that contracts have not yet been signed for next year.</p> <p>The Union indicated that there was no consultation after the Memorandum of Understanding was signed. Management should have consulted with the OPSEU MERC team. Management responded that it consulted with the OPSEU representative for the Memorandum, there was no intent to exclude input from anyone at the MERC table.</p>	
<p>Temporary Replacement of Cleaning Staff (W.</p>	<p>The Union raised an issue regarding the backfilling of an OPSEU represented staff member with contract staff. It argued that while the Memorandum of Settlement talk about replacing cleaning staff with</p>	<p>Management will review the situation and will respond at or before the next MERC meeting.</p>

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Ross Macdonald School	<p>contract staff when the position becomes vacant through attrition. The Union argues that the MOA only applies when the OPSEU member leaves the position permanently.</p> <p>Management indicated that the contract has not been increased to provide additional cleaning services.</p>	
Emergency Preparedness	<p>Management provided a copy of the recent Ministry Emergency Preparedness Plan. The Plan will be posted on the ministry website: http://w3.edu.gov.on.ca/emergencymanagement/Home.htm It is the responsibility of managers to ensure their staff know the appropriate procedures.</p>	
WHIMIS Training (Provincial Schools)	<p>Management confirmed that the on-line training is to be done on work time at a time to be arranged with their managers.</p>	
Averaging Hours for seasonal staff (W. Ross Macdonald)	<p>Management also indicated that the school year has changed this school year with the result that the averaging period for Schedule A employees will commence on August 27, 2008.</p> <p>The Union asked about the disparity between the hours for 2007/08 – 1560 hrs; and the hours for 2008/09-1528 hrs.</p> <p>The Union raised questions about the benefits implication for work in the last 3 days of August. Management indicated that there is no benefit entitlements for this period as benefits start the 1st of the month following the start of employment.</p>	<p>Management will clarify the benefits issue for staff. It will also explain the implications for staff of the changes in the school year – including clarifying that the LD staff will work an extra week at the end of the current school year.</p> <p>Management will review the number of hours and will respond at or before the next MERC.</p>


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LERC Referral Process	<p>The Union and Management agreed on the need for a better process to refer issues from LERC to MERC. It was felt that both Union and Management representatives at LERC need to provide information to the respective MERC chairs on issues being referred to MERC. That information needs to be accompanied by minutes of the respective LERC meeting(s).</p>	<p>The Union and Management will advise their LERC members of the need to provide information, including the minutes, related to any item referred to the MERC.</p>



 Pat MacDonald-Rea, for Management

October 7/08

 Date



 Chris Cormier, for the Union

October 7/08

 Date