

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 9, 2007

**SUBJECT: Ministry of Education
ERC Minutes – March 29, 2007**

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.

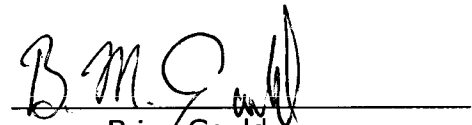
PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,



Warren (Smokey) Thomas
President



Brian Gould
OPS Supervisor/Negotiator

/fs
att.

cc: MERC Chairs
Ministry ERC

**MINISTRY EMPLOYEE RELATIONS COMMITTEE
MINISTRY OF EDUCATION**

MINUTES

**Thursday March 29, 2007
OPSEU Regional Office, 31 Wellesley Street
Toronto, Ontario
9:30 a.m. – 1:00 p.m.**

For the Employer:

Lisa Sherin (Co-chair)*
Mercedes Gagnon
Mel Thompson
David Doherty
Deborah Metrakos

For the Union:

Alicia Czekierda (Co-chair)
Chris Cormier
Sue Blackford
Stephen George

*Chair of the Meeting

Guest:

Leslie McLeod
Victoria Evans

INTRODUCTIONS

The Chair introduced Leslie McLeod, who was invited by the co-chairs to observe the meeting and to provide the MERC with feedback on ways it might improve its effectiveness.

REVIEW OF THE AGENDA

The agenda was reviewed and approved with the addition of two items.

REVIEW OF THE MINUTES

The minutes of the December 19, 2006 meeting were approved as written.

BUSINESS ARISING:

1. Workplace Discrimination and Harassment Prevention (WDHP) Policy Update

At the last meeting the Union asked for information on the WDHP training that had been provided at the Ministry Offices at 777 Bay Street, Toronto, Ontario, in February 2006. Management reported back that the training was provided by the Information and Information Technology cluster to its management and staff that had not previously had WDHP training. The training was the standard training provided through the Centre for Leadership and Learning. Managers were provided with one day of training and staff with half a day.

The Union responded that the training provided was in fact refresher training, and reiterated its position that all staff should be provided regular refresher training on the WDHP policy.

It was agreed that this item would be removed from the agenda.

2. Local Employee Relations Committees (LERCs) / Training Module

There was a discussion of whether the Ministry should proceed with developing a LERC training program at this time in light of the OPS LERC training pilot which had just commenced, and the decision to work with Ms McLeod to improve the effectiveness of the MERC. The Union noted that other ministries are continuing to roll out LERC training, generally using the "COMSOC" model or a variant of it, during the pilot.

Leslie McLeod was able to update the MERC on the nature and extent of the LERC training – currently a half day session on LERCs combined with a half day session on conflict resolution. She suggested that it was important to assess the differing needs of the MERC and the various LERCs in determining an appropriate training program for each. There was mutual agreement that the LERCs would benefit from a comprehensive training program.

Commitment: *The MERC subcommittee (Alicia Czekierda, Chris Cormier, Deborah Metrakos, Mel Thompson, and David Doherty) will meet as soon as possible to map out a training strategy for Ministry LERCs.*

3. Seniority Lists, True Vacancy Report, Unclassified Contracts

Management noted that the unclassified contracts report had been revised as requested by the Union to identify on-call supply staff at Provincial Schools. The Union noted that the list still did not distinguish between irregular unclassified staff (less than 36.25 hours) and on-call supply staff. Management explained that there was no separate code within WIN which would allow Management to generate a list identifying these groups separately. It agreed, on a one-time only basis, to conduct a manual review of the contracts and provide MERC with a breakdown of on-call supply versus irregular unclassified contracts.

Commitment: Management will provide MERC, on a one-time only basis, with a breakdown of on-call supply versus regularly scheduled unclassified contracts at Provincial Schools.

4. Provincial Schools Governance

Management indicated that there was nothing new to report on this item.

5. Residential Counsellors 1 & 2 Class Standards

The Union requested that Management review its practice with respect to using these two classifications for two different functions – the RC1 for up-night supervision, and the RC2 for daytime supervision. The Union raised the issue of retention of staff. Currently there is no mechanism to progress from a position as a Residence Counsellor 1 to a position as a Residence Counsellor 2 except through a competition.

The Union requested that Management restore the past practice of assigning all Provincial Schools Residential Counsellors to the RC2 position with the RC1 classification used as an underfill for the position, consistent with the class standards. This would allow greater flexibility in scheduling and would allow RC1 staff to progress to the RC2 position without having to win a competition. Management indicated that it was willing to review the practice, but that any review should also include a review of the use of the Child and Youth worker (CCW) classification.

Commitment: Mel Thompson will meet with Chris Cormier Tuesday April 3 to discuss a process for reviewing the use of the RC1, RC2 and CCW positions at Provincial Schools.

6. Workplace Safety and Insurance Board (WSIB) Summaries

The summary was circulated prior to the meeting. Management noted that the new summary includes information on the classification of the employee involved in each injury report, as requested by the Union. It also indicated that “slip and fall” training is being provided at Provincial Schools for those classifications most likely to be at risk for this kind of accident (cleaners, maintenance mechanics, food services staff etc.) The Union asked for further details of the training including the numbers trained. Management agreed to produce a report on the training for MERC.

Commitment: *Management will produce a report of who has been trained and their classification on the “slip and fall” training at the Provincial Schools and will provide the report to MERC at or before the next meeting.*

7. Job Evaluations Project Update

Management had nothing new to report on this item. The Union reported that recent activity related to positions within the Ministry of Corrections and Community Safety. It was expected that the process would be completed before the beginning of the next round of collective bargaining.

8. Drug Cards for Seasonal Employees / Retirees

At the last MERC the Union asked how the implementation of drug cards would affect the ability of seasonal staff at Provincial Schools to receive reimbursement from the beginning of the school year. Management reported back that it has been advised by Ontario Shared Services that the insurance carriers will be given a list of returning seasonal employees during the summer, and that OSS understands that the carrier will input the information into the system so that coverage on the drug plan will be effective September 1 each year. Management indicated that it would monitor the situation in September and asked that the Union relay any problems it discovered so that they could be promptly rectified.

Management indicated that the drug card system would be in place for retirees by November 30, 2007.

9. **Web Based Records of Employment**

At the last MERC the Union asked whether the Ministry would be using web based *Records of Employment* (ROEs) to speed up processing of paperwork in support of seasonal employee's Employment Insurance claims. Management indicated that it had contacted Ontario Shared Services (OSS) and was informed that there had been internal discussions within OSS, but that no decision had been made to use web based ROEs at this time. Movement to the electronic submission of ROEs would have to be made on an OPS-wide basis.

The Union requested an update and Management responded that it had nothing new to report. The Union reiterated the importance of the timely submission of *Records of Employment*. Management agreed to relay the Union's concerns to Ontario Shared Services.

Commitment: *Management will relay to the Ontario Shared Services the Union's concerns regarding its failure to file Records of Employment electronically.*

10. **Changes in Hours of Work / Job Posting of 36.25 Hour Classroom Assistants at Centre Jules Leger**

At the last MERC Management indicated that posting the most recent Classroom Assistant position at Centre Jules Leger as a 36.25 hour position is justified based on extra duties assigned. Management agreed to confirm at the next meeting whether this position is responsible for breakfast supervision.

Management reported to MERC that the position is not responsible for breakfast supervision but is responsible for lunch supervision, which justifies the 36.25 hours. The Union asked whether similar extra duties could justify increasing 32 hour Classroom Assistant positions to 36.25 hours. Management indicated it was prepared to do so where there is additional work, but understood the Union's position to be that this would only be acceptable if applied to all Classroom Assistant positions.

The Union responded that its rejection of Management's prior proposal was based on Management's position that such positions would need to be reclassified. It stated that the addition of extra duties would not justify paying for all work at a lower level; it could not accept blending the Residence Counsellor and Classroom Assistant positions into a new School Aid position paid less than the current Classroom Assistant classification.

The Union suggested that there may be Classroom Assistant work beyond the 32 classroom contact hours especially in circumstances where a Classroom Assistant is assigned on a one-on-one basis to a special needs student.

The Union indicated that the Director of the Provincial School's Branch has agreed to meet with the Union MERC Co-chair to discuss this issue further.

Commitment: *This issue will be removed from the agenda at this time.*

11. Work Boot Allowance

The Union read a letter from a Maintenance Mechanic 2 indicating that work boots now cost about \$200 per pair and have a life expectancy of approximately 6 months. It requested a revision to increase the current work boot allowance from \$100 every 2 years to \$150 per year.

Management agreed that there was a need to increase the allowance. It indicated that it would consider the Union's position and develop a draft revision which it would share with the Union for its input prior to finalization.

Commitment: *Management will develop a draft revision to its work boot allowance which it will share with Alicia Czekierda and Chris Cormier for the Union, for their review, prior to its finalization.*

12. Secondments within the Ministry

The Union indicated that Local 503 (Toronto) had raised concerns around the process of seconding staff to temporary positions and asked whether there was a written policy on secondments. Management responded that secondments are just temporary assignments restricted to existing staff. They are, therefore, treated like any other temporary assignment under the *Staffing Operating Policy*. Consequently, a competition is required where the position is for 6 months or more, but the position can be filled by direct assignment in other cases. Where a direct assignment is used the manager would be expected to consider the requirements of the position, the qualifications of potential candidates, and any expression of interest of employees as part of their learning plan discussions.

The Union expressed concern that this is too subjective a process and suggested that at a minimum there should be a call for an expression of interest. The Union stated the process needs to be fair and transparent in order that there is a level of confidence with the staff. It is concerned that assigning staff to temporary positions without a written policy could be seen as a base for favouritism as the

process is not transparent; Concerns were also raised over cases where employees are denied the opportunity to take part in a secondment by their managers.

Commitment: Management will forward to the MERC Union members a copy of the Staffing Operating Policy. The Union will review it with the president of Local 503 to determine whether it addresses that local's concerns.

13. Driver's Licenses

At the last MERC Management committed to inquire as to whether it is necessary to keep a copy of employee driver's licences on file when employees drive Ministry vehicles. Management reported that it had confirmed with the insurance carrier that copies of driver's licences must be on file; however employees have the option of blacking out any personal information so long as the name, licence number and licence class remain visible.

The Union raised concerns over the insurance implications for Residential Counsellors at Provincial Schools driving Ministry vehicles where they are not required to drive as a condition of their employment. In particular, it felt there was a need to address the extent of Ministry insurance coverage in these circumstances and the implications, if any, for employee's personal insurance coverage.

The Union also expressed concern over the ability of staff to supervise students while driving and inquired as to whether Residential Counsellors, when driving, are counted for purposes of ensuring that minimum staff / student ratios are not exceeded.

Commitment: Management will prepare and distribute a Q. & A. communication to all Residential Counsellor staff at Provincial Schools addressing the following:

- *The extent of Ministry insurance coverage where RC2 staff (not required to drive as part of their employment) drive Ministry vehicles;*
- *The implications of RC2 staff driving Ministry vehicles in these circumstances on staff personal insurance;*
- *The expectations of RC2 staff with respect to supervising students while driving.*

NEW BUSINESS:

1. Labour Relations Training

This item was addressed as part of the discussion on LERC training, see above.

2. Change to the *Insurance Act* and its Impact on Staff

Management informed the MERC that an information package, prepared by the Ministry of Government Services, was distributed through an all staff e-mail on March 27, 2007. The information has also been posted to the MyOPS website. As indicated in the memo, in order to ensure that there are no claims against an employee's personal automobile insurance if an accident should occur when driving a rental vehicle, the rental should be made through the government travel agent in the name of Her Majesty, using the Corporate MasterCard. If this procedure is followed the primary claim in an automobile accident will be against the Government's insurance with any remaining liability resting with the rental insurance.

The Union raised a case at a Provincial School where the policy could not be followed as an employee, who did not normally travel on Ministry business, does not have a Corporate MasterCard.

Management committed to address that particular case, but reiterated the importance of staff applying for Corporate Cards to ensure these situations do not arise in future.

3. Wellness Policy

The Union indicated that a number of Ministries, including the Ministry of Municipal Affairs and Housing, and the Ministry of Community and Social Services, are conducting wellness surveys. It stated that while these surveys are being coordinated by the Ministry of Transportation as part of the wellness centre pilot project, the surveys themselves appear unique to each Ministry. The Union asked whether the Ministry of Education will be conducting such a study. Management responded that it was unaware of these surveys but that it would make inquiries and report back to the MERC.

Commitment: Management will inquire into the wellness surveys being conducted by the Ministry of Municipal Affairs and Housing and the Ministry of Community and Social Services, and will report back to the MERC on whether the Ministry of Education will be undertaking a similar survey.

4. Report on the OAG Learning Conference in London

Victoria Evans attended to provide a brief update on the recent OAG Learning Conference held in London. She submitted a summary of feedback from participants. The Union indicated that it had received very positive feedback from its members.

The Union inquired as to whether the Ministry was tracking whether participation in the OAG initiative was resulting in improved upward mobility for employees. Management responded that this is not being formally tracked at this time, though there was anecdotal evidence that this is the case. It noted that while improving the potential for advancement is an important result of the initiative, its focus is on providing staff with the skills and information to perform their existing jobs better. Management noted that tracking upward mobility would be part of the evaluation for the next phase of the initiative.

5. Attendance Threshold

Management reported that the Attendance Support Program threshold remained unchanged at 8.4 days.

6. OPS Ideas Campaign

The Union asked whether there is anything new to report on the OPS Ideas campaign. Management committed to forwarding to MERC any new Ministry related ideas submitted as part of the campaign.

Commitment: Management will refer to the MERC any new Ministry related ideas submitted as part of the OPS Ideas Campaign. The OPS Ideas campaign will become a standing item.

7. **Employee Accommodation at Provincial Schools**

The Union reported that the Sir James Whitney Local Employee Relations Committee (LERC) has agreed on a number of initiatives regarding accommodations for deaf staff including:

- American Sign Language (ASL) training for hearing staff
- English as a Second Language (ESL) training for deaf staff
- Improved TTY functions
- Improved emergency warning systems
- Translating policies and procedures into ASL

Management indicated that it supported these initiatives and that work on a number of them is already underway. It noted that the translation of policies and procedures is being undertaken at Roberts School on behalf of the Provincial Schools system, and that a review of the TTY and emergency warning systems is being conducted from the Branch's main office in Milton.

8. **Provincial Schools Branch 2007 Strategic Plan**

Management tabled the Provincial Schools Branch Strategic Plan for 2007. The Union asked about the status of the report, and whether there would be an opportunity for further input. Management responded that the report is the final report of the working group but Management still needs to determine which recommendations will be adopted and how they will be implemented. It indicated that input from the Union on these issues would still be useful.

The Union reiterated its position that the OPSEU staff who participated on the strategic planning committee did not represent Corporate OPSEU and did not act as representatives of OPSEU.

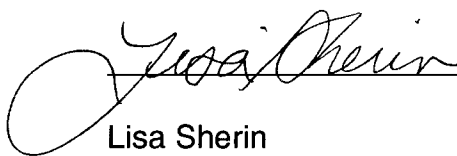
9. **Reporting Back**

Commitment: *It was agreed that, in future, whenever there is an agreement to report back to the other party, the report will be made simultaneously to all members of the MERC.*

Next Meeting: June 15, 2007

The meeting was adjourned.

Minutes signed 2007: / Oct. 4th



Lisa Sherin
For Management



Alicia Czekierda
For the Union