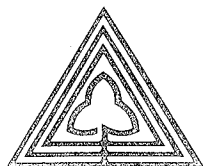


MEMORANDUM

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: June 8, 2006

SUBJECT: **Ministry of Education**
ERC Minutes – March 8, 2006

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,

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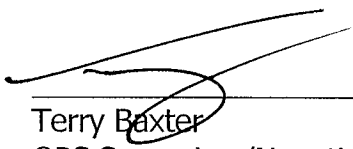
Toll free: 1-800-268-7376

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 EMPLOYEE RELATIONS COMMITTEE

MINISTRY OF EDUCATION

Wednesday March 8, 2006
YMCA Room 3, 20 Grosvenor St., Toronto, Ontario
9:30 a.m. – 12:00 p.m.

For the Employer:

Lisa Sherin (Co-chair)*
David Doherty
Deborah Metrakos
Kit Rankin
Natalia Gonzalez

*Chair of the Meeting

For the Union:

Alicia Czekierda (Co-chair)
Bob Greer
Chris Cormier
Stephen George

REVIEW OF THE AGENDA:

The Agenda was reviewed and approved.

REVIEW OF THE MINUTES:

The minutes were reviewed. Formatting changes were agreed upon. Management and the Union agreed to continue discussions regarding the wording of the IFIS agenda item.

BUSINESS ARISING:

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

The Union confirmed that it had received the evaluations of the Provincial Schools Branch WDHP training session which was held in September. Management indicated that it would include the Workplace Discrimination and Harassment Prevention policy amongst the policies reviewed during the annual orientation sessions. The Union asked whether there is an existing Provincial

Schools Branch orientation package it could review. Management indicated that there is a common agenda and a checklist. Some policies are reproduced in the materials provided, others are referenced in the material with an indication of where the full policy can be obtained. Management distributed a copy of the Ministry orientation package including the associated Management Guide. The package includes the WDHP handout distributed at a previous MERC meeting.

Commitment: Management will provide copies of the employee orientation checklist and copies of the handouts that were used at the staff orientation session at the beginning of the school year, prior to the next MERC meeting.

2. Computer Access at Provincial Schools

Management reported that Information Technology (IT) training labs are now available at all of the Provincial Schools. It reported that MyOPS and WIN training sessions have been held regularly at E.C. Drury School, with Provincial Branch IT staff acting as facilitators in scheduled sessions with Help Desk staff. Similar sessions will be offered at Robarts School. Management noted that IT staff have reported that no training or access issues have been reported to them. A training survey will be released in the next couple of weeks, which will include a survey of computer training needs.

The Union stated that its members have indicated that there are training issues at W. Ross Macdonald School.

Commitment: Management will have Provincial Schools Branch IT staff follow-up with the W. Ross Macdonald OPSEU local president to further identify the training concerns.

3. Seasonal Employee Benefits

Management reported that it has discussed this issue with the Director, Business Support Services, Ontario Shared Services, in a further attempt to rectify the problem. Unfortunately, no technology solution exists at this time, but one may be developed in the future. A commitment was obtained from Ontario Shared Services to work with the Ministry to track the process in the next cycle from preparation of the annual list through the inputting of the names by the insurance carrier.

4. IFIS Meal Allowance

The Union raised a concern over the defaults in the iexpense system. It noted that notwithstanding that the new meal limits are allowances, the iexpense system does not default to the allowance amount if the actual expenditure is recorded.

Commitment: Management will relay this concern to the Ministry of Government Services through the Ministry IFIS coordinator.

5. Education Quality and Accountability Office (EQAO) Request for Proposal

Management reported that clarifying communications were sent to EQAO staff on December 12 and 16, 2005, and that these appear to have resolved the issue. The Union confirmed that EQAO staff are satisfied with the assurances received in those communications.

6. Local Employee Relations Committees (LERCs):

Management circulated the list of LERCs including the names of Management and Union Co-chairs as well as the last and next meeting dates. Management explained that at Centre Jules-Léger there is a Union / Management executive committee that meets on an as needed basis instead of a traditional LERC.

The Union expressed concern over the difficulty in holding meetings at W. Ross Macdonald School. It indicated that meetings are often cancelled by Management and re-scheduled some significant time later. As indicated on the current list the February 6, 2006 meeting was cancelled and re-scheduled for April 12, 2006.

The Union also raised the issue of training for LERC members. A discussion ensued over existing materials, such as those developed by the Ministry of Community and Social Services, which may be suitable for adaption for Ministry of Education LERC members.

Commitments: Management will relay the Union's concerns over the cancellation and re-scheduling of LERC meetings at W. Ross Macdonald School, and will reiterate to the school management the importance of these meetings. Both the Union and Management will review the Ministry of Community and Social Services LERC training materials in preparation for a fuller discussion on training options for LERC members.

7. Changes in Hours of Work - Provincial Schools Classroom Assistants

Management indicated that Provincial Schools Branch senior management is still reviewing the issue in light of operational needs as well as retention and recruitment issues. No changes are anticipated this school year.

The Union expressed frustration over the time taken to review the issue, and suggested that management did not appear to appreciate how angry staff are with respect to the change. It suggested that the reason there may not be a recruitment issue is that staff accept jobs with the Provincial Schools only until a job opens up at a school board.

The Union claimed that the schools for the learning disabled appear to be treated differently from the schools for the deaf, blind and deaf-blind on this issue. It warned Management that if this issue is not addressed by the end of April it would refer the issue to the Central Employee Relations Committee (CERC).

Commitment: Management committed to look into the allegation that staff are being treated differently depending on whether they work for the schools for the learning disabled or the schools for the deaf, blind and deaf-blind. It also committed to re-emphasising to Provincial Schools Branch management the need to move forward expeditiously with a decision on this matter.

8. Criminal Reference Checks

Management reported that 22 employees across the Provincial Schools Branch have not yet submitted their Annual Offence Declarations. A breakdown by school was given to the Union at the meeting. Managers have been instructed to follow-up with staff who have not yet filed their declaration. Management agreed to provide the Union MERC Co-chair with a list of names of those who had not yet filed an Annual Offense Declaration, for transmittal to local OPSEU executives

A discussion ensued over ways to ensure better compliance in the future, including distribution of a notice with new contracts each fall, and using the annual orientation to reiterate to staff the importance of filing the declarations.

9. Lifeguard Re-Certification

Discussions had occurred between the MERC meetings over the use of the pool at Robarts School for the re-certification. The Robart's pool was considered because that school does provide re-certification to residential counsellors who

have aquatics responsibilities but who were not required at hire to have such certification. The Union indicated that the training is normally 2 days long, and that it would not be economically feasible for staff from Belleville to attend the London sessions. It was agreed to remove this item from the agenda.

10. Residential Counsellor I Job Descriptions

At the last MERC, in response to a request from the Union, Management circulated a copy of the current Residential Counsellor 1 job specification. The Union asked for a copy of the prior RC1 and RC2 job descriptions (ie the pre-2000 descriptions), as well as the relevant class standard.

Commitment: Management committed to provide the Union MERC Vice-Chair the class standards, and the pre-2000 RC1 and RC2 job descriptions if they are still available.

11. Posting of MERC Minutes

The union noted that the MERC membership list on the Ministry intranet site is out of date and that Management is behind in the posting of the MERC minutes. Management acknowledged the problem and explained that there has been a delay due to the illness of the staff member who does the posting.

Commitment: The MERC team membership list and MERC minutes on the intranet site will be updated as soon as possible.

12. TV Ontario Update

At the previous MERC meeting the Union had asked whether the change in reporting relationship of TV Ontario from the Ministry of Training, Colleges and Universities to the Ministry of Education would have any impact on OPSEU represented staff. Management confirmed that there was no impact on such staff.

13. Seniority Lists, True Vacancy Report, Unclassified Contracts

The above reports were distributed at the meeting.

14. Provincial Schools Governance

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

15. Office Administration Group (OAG) Learning Strategies Update

Management reported that the OAG Learning and Development Initiative, originally launched in 2002, is being reviewed with the goal of developing strategies and learning activities that will build on, and enhance, the work that has already been done in this area. The review involved:

- ▶ interviews with 19 senior staff in both Ministries,
- ▶ a focus group with Human Resources Consultants
- ▶ an on line survey distributed to all OAGs in the Ministries
- ▶ focus groups with a number of OAG representatives (GTA and regional)
- ▶ focus groups with members of the Union MERC teams

The data is currently being analysed. The report will include a series of recommendations.

The Union asked whether the review will track the success of the program in terms of advancement of individual participants. Management responded that the review hopes to obtain this information, but it will be on an anecdotal basis not a statistical one.

Commitment: Management will share the report with MERC, once finalized.

16. Results Based Planning

Management reported that Results Based Planning is a process to ensure the alignment of Ministry resources with government strategic priorities. The plan has received approval by the Minister and has now been sent to Treasury Board for its review and approval. The strategic priority identified for the Ministry of Education for purposes of the Plan is 'Success for Students', which will be measured through higher literacy and math achievement and lower school drop out rates. No significant impacts on staff are expected to arise from the Plan.

17. Human Resource Plan for the Ministry of Education

Management reported that it is continuing to review the alignment of Ministry human resource initiatives with the OPS Human Resource Plan. It noted in

particular initiatives such as the Youth Strategy, the OAG Learning initiative and the internship program. A discussion ensued as to how these and other initiatives were reflected at Provincial Schools. The Union noted that there was more interaction with colleges and universities as part of the youth initiative and that the schools had an active internship program, and made use of summer students. It also noted that so far the Ministry of Education and the Ministry of Training Colleges and Universities were the only Ministries to have an initiative dedicated to the OAG group.

18. Ontario Works Program

Management reported that the Ministry does not currently have anyone working under this program.

19. Workplace Safety and Insurance Board (WSIB) Summaries

A summary of WSIB claims filed for accidents within the Ministry was distributed.

NEW BUSINESS:

1. Attendance Threshold

Management reported that the Attendance Support Program threshold remains unchanged at 8.4 days. The Union expressed concern that the Provincial Schools Branch wellness initiative appears to have died. Management noted that the Human Resource Transformation will result in the creation of a centre of expertise dedicated to issues of health and wellness. In response to a question from the Union, Management indicated that it was not yet known what corporate funds would be available for health and wellness initiatives.

2. Disclosure - Article 1.4 of the Collective Agreement

The Union circulated a template which it asked Management to use for future Article 1.4 disclosures.

Commitment: Management committed to reviewing the template and responding at a later time.

3. Provincial Auditor's Report

The Union asked for an update on the recommendations in the Provincial Auditor's 2005 report. Management indicated that the 2005 report contains an update on the Ministry's response to the recommendations made in the 2003 report, as well as new recommendations related to English as a Second Language and English Literacy Development. Those recommendations relate to the Ministry's role in setting policy, accountability mechanisms, and financing for the school system. None have direct impact on HR/Labour Relations. Management indicated that it is willing to refer any specific questions to the appropriate program area.

4. Interpreter Position - Belleville

The Union indicated that a seasonal interpreter has been on a leave of absence for two years. The employee requested a leave of absence to work for the Canadian Hearing Society, this leave was approved and the employee works for the CHS and one of his assignments includes providing services to managers at SJW who require interpreting services as part of an employment accommodation. The home position was then backfilled through a non-seasonal unclassified contract. The Union asked whether there are plans to backfill the position with a seasonal contract. It also suggested that the employee should have to choose between his home position and his contract.

Management indicated that the current leave expires at the end of June. The employee relations implications will be considered should there be a request by the employee for a further extension.

5. Staff Reclassification

MERC members discussed a pending downward reclassification of an OPSEU member. The Union suggested that if the functions of the position had changed sufficiently to justify the change in classification the employee should be surplus rather than demoted. It argued that by demoting, Management is denying the employee his/her Collective Agreement rights. Management indicated that it had a right to demote and that demotion resulting from a reclassification following the reallocation of job responsibilities is explicitly covered in the Collective Agreement. It noted that certain rights flowed from such a demotion, including red-circled salary protection and the right to the next available job in the higher classification, within the Ministry. In Management's view, the course it has chosen is within its rights and offers the employee the greater benefit. The Union disagreed with Management's assessment of which

approach provides the greater benefit, noting that under the surplus provisions of the Agreement the employee has certain OPS-wide direct assignment entitlements.

6. Travelling MERC Meetings

The Union suggested that future MERC meetings be held at different locations across the province so that LERC members could attend the meetings. Management supported the idea and promised to work with the Union to develop a schedule.

***Commitment:** Management and the Union will work together to develop a schedule for holding future MERC meetings at different locations across the province.*

7. OPSEU Office in Provincial Schools

The Union indicated that it has been attempting to obtain dedicated union space at Robarts, and other Provincial Schools, for a number of years. It hoped that the recent announcement by Gayle Fisher, Assistant Deputy Minister, Employee Relations Division, Ministry of Government Services, of the opening of an OPSEU office in the Macdonald Block, was an indication of a new direction.

Management responded that it has not received any corporate direction on union offices, and that the Provincial Schools Branch has no plans to provide the Union with office space at this time. The Union stated that this approach is inconsistent with the new relationship which OPSEU Corporate and the Corporate Employer are attempting to promote.

***Commitment:** Management will seek direction from the Ministry of Government Services, Employment Relations Division on this issue.*

8. All Chairs Meeting, February 20, 2006

The Union provided a report on the recent OPSEU All-MERC Chairs meeting, held February 20, 2006, at which Gayle Fisher, Assistant Deputy Minister, Employee Relations Division, Ministry of Government Services, was asked to speak. It reported that Ms Fisher had a very positive message, stressing openness and communication as a common goal, and that respect and trust required meaningful dialogue with the union by every level of management. She emphasised the need to improve the ability of MERCs and the Central Employer

Relations Committee to act as a means of problem solving. In this regard she noted the importance of the upcoming joint symposium for MERC Co-Chairs. She also identified the need for more productive essential services negotiations.

9. Joint Labour Relations Symposium

Both the Union and Management declared their support for the joint Labour Relations Symposium, April 5, 2006. The symposium is an opportunity for Union and Management Co-Chairs across the OPS to meet together and address common concerns, and to identify ways of using MERCs to improve Management/Union relations.

10. Strategic Planning Committee and Survey - Provincial Schools Branch

The Union raised concerns regarding the Strategic Planning Committee established at the Provincial Schools this year, and a survey that has recently been distributed to assist the Committee. The Committee includes a number of OPSEU members, but the existence and purpose of the Committee and of the survey have never been disclosed to OPSEU under the *Interim Disclosure Directive*. The Union requested proper disclosure as well as a commitment to share the survey and its results. It asked Management to suspend all activities of the Committee until disclosure is provided.


The MERC Management Team was not familiar with the Committee or the survey. It promised to look into the issue and get back to the Union.

Commitment: Management will make inquiries regarding the Provincial Schools Branch Strategic Planning Committee and survey, and will report back to the Union Co-Chair.

The meeting was adjourned



Lisa Sherin
For Management



Alicia Czekierda
For the Union

June 7/06