

**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:** Cameron Walker, Supervisor Contract Enforcement

**DATE:** March 10, 2004

**SUBJECT:** **Ministry of Education**  
**ERC Minutes – December 12, 2003**

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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.**

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Leah Casselman  
President

/ms  
att.

cc: MERC Chairs  
Ministry ERC

Cameron Walker  
Supervisor, Contract Enforcement

## MINISTRY OF EDUCATION

### Ministry Employee Relations Committee

December 12, 2003  
Room 1952, Mowat Block  
9:30 a.m. – 12:00 p.m.

#### **For the Employer:**

Donna Marafioti\*  
Co-Chair  
David Doherty  
Kim Bellissimo  
Astrid Young (intern)  
Deborah Metrakos (by teleconference)

#### **For the Union:**

Alicia Czekierda,  
  
Bob Greer  
Bob Belontz  
Stephen George

\* chaired the December 12, 2003 meeting

#### **PRE-MEETING:**

Prior to the commencement of the formal meeting Donna Marafioti met with the Union team to indicate that after this meeting she would be withdrawing as the Management MERC Co-Chair to be replaced by Kim Bellissimo.

At the request of the Union, Management clarified the roles of the Management Team members as follows:

Kim Bellissimo - Co-Chair (effective the next meeting)  
Deborah Metrakos - representative for the Provincial Schools Branch  
David Doherty - staff support  
Labour Relations Intern - assistant to David Doherty for taking minutes

Management also indicated that another management representative would be invited to join the table.

The Union questioned the effectiveness of having Management's Provincial and Demonstration Schools representative attend by teleconference. It was agreed that in future the representative would attend in person.

#### **REVIEW OF AGENDA**

- After review, it was agreed that "**WIN Update**" be added, and "**Boarding of Students on Weekends**" be removed from the agenda.

**STANDING ITEMS****1. Seniority Lists, True Vacancy Report, Unclassified Contracts:**

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

The Union asked whether tracking staff conversions is possible. Management responded that there is currently no database that allows the HR branch to do this. The Union responded that some ministries do have such a database. It also indicated that start dates of some staff do not appear to be accurately reflected in the unclassified report.

**Action:** *The union will report back to the next MERC on how CSS and OMAF track conversions. The Union will also provide the Human Resources Branch with information on the seasonal employees whose start date information appears to be incorrect on the unclassified contracts report.*

**2. Provincial Schools Governance**

Management advised that there is nothing new to report on this item.

**3. Term Classified Appointments**

Management advised that there is nothing new to report on this item.

**4. Field Services Branch – Use of Secondees (standing item)**

Management advised that there is nothing new to report on this item. The Union requested that this remain a standing item, at least for the next meeting.

**5. OAG Learning Strategies Update**

Management advised that the October 24, 2003 Thunder Bay OAG Conference went very well. The OAG staff that attended indicated that they felt valued and enjoyed the opportunity to network.

The administrative staff Community of Practice (CoP) had its first meeting in November, involving 25 members from the ministries of EDU/TCU in the GTA (it will roll out regionally based on interest). It was very well received. Its purpose is to bring staff of like functions together to share and learn on an informal basis, with no pre-set agenda.

The Union has received several calls from OAG staff regarding their interest in the OAG Learning initiative. The Union stressed the importance of keeping the momentum going, especially in the regions. Management suggested that

the Lunch and Learn tapes could be distributed to regional offices upon request.

**Action:** *Management will provide an update on the OAG initiatives including information on upcoming activity.*

## **BUSINESS ARISING**

### **1. WDHP Update**

Management provided an update on the roll-out of the Workplace Discrimination and Harassment Prevention (WDHP) / Information and Information Technology (I&IT) training program referenced at the previous MERC. It indicated that Management Board Secretariat (MBS) has prepared a package of materials to be used by Ministries to provide training on I&IT issues including the use of I&IT in ways which may offend the WDHP Policy. Divisional meetings have been held to provide the training to directors and managers. The training is now being provided to employees through unit meetings. Hard copies of the MBS slide presentation will be available to staff as part of this process. Management confirmed that the training is mandatory for all staff.

The next phase of the roll-out will involve six screen pop-ups which will appear over a six-week period upon employee log-in. Each pop-up is linked to a fact sheet. The fact sheets cover conflict of interest, downloading issues, and WDHP issues. An all-staff memo will be sent prior to the commencement of the pop-ups. A copy of the training slides and the pop-ups was provided to the Union at the MERC.

The Union took the position that not enough emphasis has been placed on WDHP training outside of the I&IT context. It argued that there is a need for more in-depth training on identifying discrimination, knowing your rights, and understanding the WDHP complaint process. It stated that true training required at least a half day session away from the workplace - anything less is just information sharing.

Management agreed that the MBS package was focussed on WDHP in the context of I&IT. It indicated that it had provided significant training on WDHP at the time the policy came into effect and will continue to do so where a problem is identified. It also noted that it has added a WDHP fact sheet to the new employee orientation package and that the Shared Services Bureau runs regular half and full day programs on the WDHP policy.

The Union requested an update on the WDHP specific training that was promised for the Provincial Schools. Management indicated that this training program was still in development.

**Action:** *Provincial Schools' Management will follow up directly with the Union on how it can be involved in the development and implementation of the Branch WDHP training initiative*

## **2. Shared Services Bureau – Seasonal Benefits**

The Employer reported that, in keeping with its commitment at the June 2003 MERC, the Provincial Schools Branch submitted to the Shared Services Bureau (SSB) a list of those seasonal employees who were expected to return in September 2003. The understanding was that the list would be forwarded to the insurance carrier to ensure that coverage would recommence for these employees immediately upon their return. For reasons, which are not yet clear, that did not happen. The Branch is working closely with SSB to identify employees who have had their coverage denied. SSB is working with the carrier to reinstate benefits for these individuals on a priority basis. The Branch has also put this issue on the agenda of the Linkages Committee to ensure that this situation does not happen again.

**Action:** *Management will continue to work with SSB to reinstate insurance coverage for Provincial Schools Branch seasonal employees on a priority basis, and to develop a process to ensure that this situation does not occur again.*

## **3. Reporting of Sleep-over Time**

Management reported that the one staff member at Robarts' School whose sleepover time was recorded differently than at other schools has now had her sleep-over hours recorded in such a way that they will be included in her pensionable service. She has been informed accordingly. The OPSEU Pension Trust has been informed, though it may take some time before the Trust incorporates the change into its report.

With respect to the broader issue, UN Appendix 6 was negotiated to deal with classified Schedule A employees performing sleep-over duty. It does not deal with seasonal employees. The implications of the transition from using classified to seasonal employees for this function are still being reviewed

## **4. Library Technician Vacancy**

There was no change in the status of this position. It remains vacant while the home position holder is on leave, as it does not meet the business critical criteria. The Union questioned whether the home position holder will be returning to the position.

**Action:** *Management will report on the status of the position at the next MERC meeting.*

#### **5. Council of Directors of Education (CODE)**

The Union reiterated its concern that the Council of Directors of Education (CODE) is being used to perform bargaining unit work. It reported that it has raised this concern with area directors. It noted as an example the role CODE is playing in rolling out the policy on teacher evaluation.

**Action:** *Management will raise the Union's concern with operational management.*

#### **6. Ontarians with Disabilities Act (ODA) Compliance**

Management advised that the release of the Accessibility Plans was delayed during the election and that the release is expected early in the new year.

**Action:** *The EDU plan will be distributed to the MERC by management prior to its public release.*

#### **7. Hiring Freeze**

The Union asked whether the hiring freeze continues and how does it relate to the Liberal Party election commitment to reduce reliance on consultants.

Management advised that the hiring freeze continues and that staffing activity requires business critical approval. It also indicated that there is a discretionary spending freeze for non-salary spending (ODOE). The Government has also moved to fulfill its commitment by tabling legislation dealing with partisan advertising.

#### **8. Criminal Reference Checks Update**

Management indicated that a policy dealing with security checks for staff at the Provincial Schools has been drafted and is awaiting approval. This policy will deal with security checks as mandated by the *Education Act* and is distinct from any policy on security checks being developed corporately. Management agreed to share the policy with the union prior to its release.

The Union Job Security Officer asserted that the Union is the bargaining agent and as such disclosure should be made to the Union. A discussion ensued as to what 'disclosure to the union' entails. The Job Security Officer took the position that disclosure must be to the Corporate Union President, to the Job Security Officer and to the MERC Co-Chair. Management took the position that while there was a requirement to provide disclosure in writing to

the Corporate OPSEU President for Appendix 18 disclosures, the Ministry's practice has been to provide disclosure on other, ministry specific issues, to the MERC Co-chair. It was Management's position that the process of distributing that information within OPSEU is an internal OPSEU matter.

**Action:** *Management will provide the Union with disclosure on the Provincial Schools policy with respect to security checks prior to its release.*

## **9. WIN Update**

Management informed the Union that WIN is being phased back in with the Ministries of Education and Training, Colleges and Universities scheduled to be phased in early in the process. The Union inquired as to whether any allowance will be made for those who miscalculated the amount of vacation they can roll-over as a result of WIN being down for so long. Management indicated that anyone in that position should write to the Director of Human Resources to request a roll-over of vacation entitlements beyond the normal one-year entitlement.

## **NEW BUSINESS**

### **1. Change in Administration**

The Minister has agreed to attend a future MERC meeting.

### **2. Rest Periods/Coffee Breaks**

The Union brought forward an issue from Centre Jules Leger, where it claims local management is removing one rest period per day. It claims that two rest periods per day has always been the practice. The Union first raised this concern with the Branch Director early in the week, with the understanding that he would get back to the Union on the issue.

Management indicated that Provincial Schools' management was reviewing the practice at the Provincial Schools based on concerns expressed over the lack of a consistent practice. At this point no decisions have been made.

### **3. Provincial Schools Branch Compressed Work Week**

Management reported that it is conducting a review to identify what compressed workweek (CWW) agreements are in place and to commit verbal agreements to writing, subject to operational need.

The Union expressed a willingness to work with Provincial Schools' management to ensure that these agreements work effectively.

**4. Provincial Schools Branch Policy and Procedure Manual Parts 1&2**

The Union informed management that hard copies of the manual are available to staff without access to computers but parts 1&2 are only available electronically. The Union expressed concern over how staff can remain current and educated if they do not have computers. The Union suggested that relevant policies be highlighted and provided in hard copy so that staff can be informed and adhere to policies.

**Action:** *Management will look into the content of parts 1&2 to determine access for non-computer users.*

**4. 2004 Dates for MERC**

The following dates were agreed upon for the 2004 MERC meetings (location to be announced):

- February 24, 2004 – 9:30 a.m. to noon
- May 28, 2004 – 9:30 a.m. to noon
- September 28, 2004 – 9:30 a.m. to noon
- December 10, 2004 – 9:30 a.m. to noon

Meeting adjourned.

For the Union: A. Gekunda Date: Feb. 24/04

For the Employer: Kim Bellissimo Date: Feb 24/04

Next meeting: February 24, 2004

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## **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"/> |                                 |
| <input type="checkbox"/> | Enforcing the Contract                                   | <input type="checkbox"/> | Contract Interpretation         |
| <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:  
Address:

Home #:  
Work #:

**FORWARD to: OPSEU Job Security Unit, 100 Lesmill, Toronto, Ontario M3B 2P8**  
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