

MEMORANDUM

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

FROM: Brian Gould, OPS Supervisor/Negotiator

DATE: 20 July 2007

SUBJECT: **Ministry of Environment**
ERC Minutes – February 15, 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.

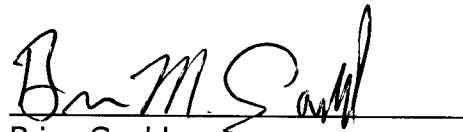
PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,



Warren (Smokey) Thomas
President



Brian Gould
OPS Supervisor/Negotiator

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cc: MERC Chairs
Ministry ERC

**MINISTRY OF THE ENVIRONMENT
MINISTRY EMPLOYEE RELATIONS (OPSEU) COMMITTEE
MINISTRY HEALTH & SAFETY (OPSEU) COMMITTEE**

**Thursday, February 15, 2007
Human Resources Boardroom
5th Floor, 40 St. Clair Avenue West**

In attendance:

Management

Janet O'Grady
Gayla Campney
Dean Hustwick
Jacques LeGris H&S Co-Chair

Union

Rhéal Delaquis, Co-Chair
Michael Ladouceur
Larry Lefebvre (via-teleconference)
Janis Pechinger, H&S Co-Chair

Advisors:

Doug Milic
Sandra Harper

Regrets:

Allan Gunn, Co-Chair

ITEM	DISCUSSION	ACTION
A. Review of Previous minutes	Previous minutes (September & November 2006) reviewed, amended and signed by the Union & Management.	Post on HRB website
B. Previous Business		
1. Unclassified Usage Reports	<p>i) Responses to the August & October questions from the Union were forwarded to the Union.</p> <p>ii) The December report was sent to the Union with the end of February report.</p> <p>iii) At the previous meeting it was agreed that letters notifying unclassified employees that they have been converted will include their continuous service date. Management indicated at this meeting that a copy of the e-mail or memo issued would be provided.</p>	Management subsequently provided the union with a copy of the instructions on the conversion letter.
2. Transformation Agenda (Standing Item)	There were no updates on this.	Management to update on status
3. II&E Secretariat (Standing Item)	<p>Management advised the Union as follows:</p> <ul style="list-style-type: none"> • The Regulatory Modernization Act is still waiting for a date to go to Committee (passed 2nd reading). IIE hopes that the bill will go to committee before the end of March; however, no date has been set. • There was a recent II&E conference “Advancing Regulatory Compliance through Innovation” held at the Ontario Room on January 30th. MOE had a large presence with EO/staff level participants (mostly from Operations Division) <p>The Union advised that they are waiting for the report</p>	Management and Union to update as appropriate

	from the joint workshop held in October 2006.	
4. LERC training & revitalization	<p>The MERC teams were advised that the Union is reviewing the draft memorandum of agreement and will be providing management with comments, proposals or changes.</p> <p>Representation for the Dorset office was discussed.</p>	Update in between meetings by both parties
5. DWMD	<p>i) Well Inspection Review: Management advised that no decisions have been made. Issues related to Reg. 903 were discussed.</p> <p>ii) After Hours Response Program (Pilot) This is the equivalent of the ERP. Management will report back to MERC after the review is completed at fiscal year end.</p> <p>iii) Source Protection – Update on position descriptions & classifications. Management advised that the manager position was finalized and classified at the PRP21 level with copies sent to the Union on January 30th.</p> <p>The other job descriptions are under review and management will provide copies to the Union when they are completed.</p>	<p>Management to update Union</p> <p>Management to provide copies of job descriptions when available</p>
6. HWIN RFI Update	Management advised the Union that no decisions have been made on this matter.	Management to update
7. Restructuring in EMBRB- Trans-boundary Air job descriptions	Management advised that other than the manager's job that was provided the job descriptions are not available.	Management to provide job descriptions when they are available
8. DWMD- Outsourcing of Laboratory Samples	<p>The Union is asking management to look into other regions as it is felt that the information provided in the Eastern Region may simply be reflective of when the testing is required and accordingly it becomes problematic.</p> <p>Rather than the ministry attempting to search for this kind of activity, management indicated that it would be</p>	Union to follow up.

	<p>appreciated if the Union would point specifically to the situations they are definitely aware of.</p> <p>The Union asked for statistics.</p> <p>Management had advised that the shelf life of samples precluded sending materials from the North and this has been a long standing practice.</p>	<p>Management to follow-up.</p>
<p>9. Kingston Accommodation</p>	<p>The Union indicated that locally it is believed the matter should be at MERC. The Union indicated that if the ministry has not done a functional analysis it should. It was indicated that at the local level it was felt that if such an analysis is not conducted it is a sign of reaction to staff/union complaints relating to air and other issues at their previous offices.</p> <p>The Union reminded the employer that the environment that staff are working may result in serious errors and omissions.</p> <p>Management indicated that a horizontal initiative to reduce spending on accommodations had been undertaken by the OPS. (i.e. employer wide) As changes and relocations occur work stations will be getting smaller. However, this does not necessarily happen in all situations.</p> <p>Management indicated it was not sure what the Union calls a functional analysis; however, a space analysis was done as the basis of developing an office plan. Further management indicated that the results are in line with the guidelines. The Union's presentation suggested that the OPS norms were not followed.</p>	
<p>C. NEW BUSINESS</p>		
<p>1. Rebuilding the Public Service</p>	<p>The Union made the following statement:</p> <p>In the 2003 election, Premier McGuinty promised to rebuild public services. This has not happened. In many cases, the Liberal government has continued to freeze or cut operating budgets and programs. In general, at the Ministry of Environment there is a trend towards downloading and delegation of responsibility to lower tier agencies and governments. In many cases these bodies lack the resources and skills base to adequately protect public safety. This is a replay of the situation that led to</p>	

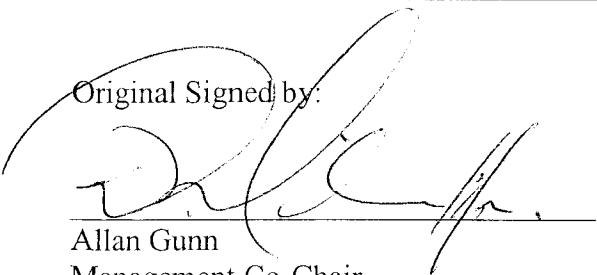
	<p>the Walkerton tragedy. The government must recognize and support its non-transferable obligations to public safety. OPSEU is loath to have to repeat the messages delivered to the government at that Inquiry. Rebuild public services.</p> <p>Ontario can do better! The 2007-08 provincial budget represents one of the last opportunities for the government to live up to its promise and restore public services before the next election. We therefore ask the employer to provide the Union with details of its plan to restore operational funding and public-service delivery in the Ministry to pre-1995 levels.</p> <p>Management indicated to the Union that the ministry has grown by approximately 600 positions but concurred that it is not at 1995 numbers.</p>	
<p>2. Changes in Operations Division</p>	<p>Management representatives from Operations Division provided an overview of the following:</p> <p>Operations Business Improvement Initiatives; Tech support; IEB changes and visual identity (personal identity, vehicle identification and clothing). The Union raised several comments and inquired when the new procedure is expected to be implemented</p> <p>The Union indicated that employees received more detailed information on the ADO changes than the Union received. The Union expressed concerns with the indirect communication of certain elements such as changes to job descriptions which are more than cosmetic. Considering the moratorium on classification grievances, the Union wants assurance that the Job Description changes will not result in negative impacts once the Job Evaluation/Pay Equity review is completed.</p>	<p>Management will follow up on the Union's concerns and arrange for a special meeting</p>
<p>3. Outsourcing of Source Target Air Compliance (STAC)</p>	<p>The Union asked what if any impacts were there on OPSEU staff with the hiring of a consultant to address STAC related items on a short term basis.</p> <p>Management advised that there was no impact on OPSEU bargaining unit staff related to engineering type work.</p> <p>The Union claimed that some of these activities were OPSEU work in the past.</p> <p>Management agreed to hold a Teleconference with the</p>	<p>Management to</p>

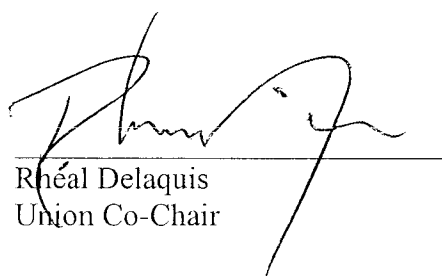
	OPSEU MERC before any decisions are made	facilitate a T/C meeting
4. Reorganization of Laboratory Services Branch	<p>The Union indicated that it had been advised that a vacant OAG-8 position had been eliminated and the duties were dispersed to other staff. The Union asked for information on effects on classification of these jobs.</p> <p>Management indicated that the work was dispersed to 3 employees at OAG 8, 9 & 10 levels. All have done this work routinely but just for other managers. At this juncture it does not appear that new job descriptions are needed as the current ones have statements such as “as needed to other sections” in the preface. The assessment by HR is that this does not impact on the classification of any of the jobs.</p>	
5. Employee Engagement Survey	<p>The Union asked what direction the ministry is taking on the issue raised by employees on restrictions on area of search as impediments to staff movement.</p> <p>Management indicated that it is promoting broader areas of search and analyzing other options.</p> <p>The Union also indicated that there are staff that have been appointed by Management that are identified as from the OPSEU Bargaining Unit participating on 4 review committees of the key plans. The Union stated that it wants management to have a clear understanding that these appointments are not there to represent the union or its views.</p> <p>Management indicated that it recognizes this and appreciates the clear statement.</p>	

<p>6. Auto Insurance & Leased/Rental Vehicles</p>	<p>The Union raised the issue of the Vehicular Insurance Act regulations requiring, in an accident, primary reliance on the user's (employee's) own auto insurance with the others being secondary. The Union sees this as an inappropriate liability that the employer needs to rectify or address in some fashion. The Union asked what the ministry intends to do either as an interim or other measure.</p> <p>Management indicated that they understood the matter is under review and being discussed at the CERC level. This is an OPS wide issue and the ministry is not in a position to take its own action. Further, management indicated that there is a considerable exchange of information at corporate levels on the reviews and activities. Accordingly, the ministry is waiting instructions from MGS on how to deal with the situation.</p>	<p>Bring Forward.</p>
<p>7. Health & Safety Risk Assessment Process</p>	<p>The Union expressed its disappointment with how the development and review process has been handled. Among the issues is that there has been insufficient consultation with the bargaining agent throughout the original study and then with the policy development groups. In addition, policies are taking too long and the turn around time is too short on each for providing comments.</p> <p>Management indicated that it recognized there were some problems at the start up. However, there has been an effort to remedy the situation, part of which is ensuring the MERC & H&S teams/co-chairs have the opportunity to review the policies and make recommendations for changes. Management also listened when the union indicated the turnaround rates were too quick and worked to address that.</p>	<p>Management to Update</p>
<p>(RABA) Regional Administrative Boundaries</p>	<p>The Union asked if there were any plans to reorganize the Ministry in 4 regions to coincide with statements made by the Secretary of Cabinet in a most recent internal publication.</p> <p>Management indicated that each Ministry was asked to look at it but no decisions were made at this time. There are no timelines regarding this initiative. Management assured the Union that it will be consulted before any decisions are made.</p>	
<p>D. Health & Safety</p>		

Committee		
1. Off Road Tire Use Policy	<p>Management informed the Union that 2 ply tires are no longer manufactured. Consequently is it now the minimum standard that all fleet vehicles be equipped with 4 ply tires.</p> <p>Management advised the Union they anticipate the Vehicle & Road Safety Committee workgroup will provide an update to the H&S Steering Committee at the next meeting which is scheduled for February 28th.</p> <p>Item removed from the agenda</p>	Management to Update
2. PPE & Unclassified staff	Management advised the Union the protocol has been revised based on comments received from various key stakeholders. It has been approved by the H&S Steering Committee and it will be issued shortly.	
3. H&SRA update	February update summary to be sent via e-mail to the Union MERC team.	
4. Air Testing	Instructions were to be issued to ministries on leased space contracts and air testing requirements. Management indicated that they had not received any new information and suggested that this issue be tabled back with CERC.	
5. COOP (continuity of operations plans)	<p>Management advised the union that the Emergency response and continuity of operations plans are posted on the MOE internet website. The link is: http://intra.ene.gov.on.ca/divisions/cmd/Branches/HumanResources/coop/index.shtml</p> <p>Both documents are living documents and are revised and updated annually. Management will be including the bargaining agents in its list of key stakeholders for consultation for the current and future years.</p>	

Original Signed by:


 Allan Gunn
 Management Co-Chair


 Rhéal Delaquis
 Union Co-Chair