

OPSEU



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Syndicat des Employé-e-s
de la Fonction Publique
de l'Ontario

MEMORANDUM

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

FROM: Terry Baxter, OPS Supervisor/Negotiator

DATE: October 26, 2006

SUBJECT: **Ministry of Environment
ERC Minutes – May 24, 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.

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Leah Casselman
President

/jm
att.

cc: MERC Chairs
Ministry ERC

Terry Baxter
OPS Supervisor/Negotiator

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

**Wednesday, May 24, 2006
Boardroom 1040, 10th Floor
40 St. Clair Avenue West
Toronto**

In attendance:

Management

Allan Gunn, Co-Chair
Janet O'Grady
David Bradbury
Jacques LeGris, H&S Co-Chair

Union

Rhéal Delaquis, Co-Chair
Sam Chopra
Janis Pechinger, H&S Co-Chair

Advisors:

Doug Milic

Sandra Harper

Absent:

Michael Ladouceur (OPSEU)

ITEM	DISCUSSION	ACTION
A. Review of Previous Minutes	Minutes of February 16 th meeting were reviewed and signed.	Post on intranet
B. Previous Minutes		
1. Unclassified Usage Reports	<p>The Union was provided the end of April report. The Union raised some questions and will be forwarding the questions and any additional ones to the management team for review and response.</p> <p>Management confirmed that reports will be produced and made available to the team every two months.</p>	<p>Union to forward questions to management.</p> <p>Next report due for period ending June, 2006</p>
2. Transformation Agenda	This is a standing item. Management indicated that there was nothing new to report. When there is something available the Union will be advised.	Update Union as appropriate.
3. Nutrient Management	<p>Management sent the Union MERC team a copy of the posting for the 10 positions at the time of the posting.</p> <p>Management advised the Union as follows:</p> <ul style="list-style-type: none"> • Competition closed April 18th. • Interviews were held by 3 panels the week of May 1st (London, Guelph & Kingston). • Reference checks are underway the week of May 16th with offers to follow. • Management is working on a planned start date of May 29th. • Level 1 compliance training for those who require it is in June. • Agricultural training is scheduled for July and August on a two weeks on/two week off format to accommodate the vacation season. • Staff are expected to be trained and operational in the field for September. 	No longer a standing item.

<p>4. II& E Secretariat</p>	<p>The Union inquired about the status of Bill 69. The Union has concerns relating to provisions in the bill that allow for cross ministry delegations. The concerns are about the possibility of a “super ministry” or “super-investigators” covering all II&E or general inspectors. The Union also asked how the ministry will conduct business if the legislation is passed.</p> <p>Management indicated that first reading of the bill was in February and that at this juncture the dates for the next 2 readings, committee work, etc., are unknown.</p> <p>Management indicated it was their understanding that there is no intent for a super-ministry, no intent for super-inspectors or for generalists. Further, it is recognized that there will be a need for training and implementation as well as working closely with the bargaining agent.</p> <p>Management indicated that they understood that the union through two senior representatives have raised a number of questions related to this legislation and that the Ministry of Labour is working diligently to provide answers to those queries. At this juncture management is not able to provide the union with information on what or how the legislation will be implemented within the ministry.</p>	<p>Standing Item: Management to provide updates as appropriate.</p>
<p>5. LERC Revitalization and training</p>	<p>The MERC was advised that once clarification of the mandate has been completed a meeting of the sub-committee working on the matter will be scheduled probably mid to end of June.</p>	<p>Meeting of team to be scheduled.</p>
<p>6. DWMD</p>	<p>Well Inspection Review:</p> <p>Management advised the union that at this juncture no decisions have been made.</p> <p>Expert Panel Report:</p> <p>Management advised the Union that the ministry has not received any direction related to the report.</p>	<p>Advise Union as appropriate.</p>

	<p>CWWA's:</p> <p>How and Where Agreements are negotiated:</p> <p>At the last meeting Management provided the Union with a listing of CWWA's that were signed locally. As well discussion occurred on the revised process which does not require corporate OPSEU signatures.</p> <p>Management indicated that information is being compiled relating to the other three areas with CWWA's. Once completed the Union will be provided with the information.</p> <p>Further, the Employer indicated that DWMD management has been advised of the Union process. An internal MOE process is being developed which will address the process for all the divisions and be approved by all. The Union will be advised once this is finalized.</p> <p>Status of Possible Reorganization in East:</p> <p>The Union had heard of the possibility of more inspectors being hired and an additional supervisor which could result in a reorganization of the area. Management advised the union that no decisions have been made.</p> <p>Manager performing Bargaining Unit Work:</p> <p>The Union raised the issue that an assignment document showed a manager being responsible for specific inspections and facilities.</p> <p>Management referred to the memo it provided prior to the meeting explaining the situation stating that the manager is not conducting inspections and that the listing of permits is to identify who to contact in situations that may arise while recruitment is being undertaken.</p> <p>Discussion occurred relating to circumstances where management may perform some bargaining unit work.</p> <p>The Union indicated that it still had concerns</p>	<p>Provide union with information on DWMD agreements in 3 areas and with finalized internal process for CWWAs when available.</p> <p>Management to advise on any communication to staff when recruitment completed.</p>
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	<p>about the situation. The union stated that inspections and other duties be directed or dispersed among existing bargaining unit staff. It was suggested that there be communications to staff when the situation changes (i.e. vacancies filled).</p>	
7. Scientist Reclassification	<p>A meeting had been prearranged for after the MERC meeting to discuss with the Union any remaining questions relating to the lists of employees captured by the scientist reclassification. This was to ensure that the terms of the letter of understanding were met.</p>	<p>Management to follow up on questions raised at the prearranged meeting.</p>
8. Results Based Planning (update on postings)	<p>Management provided the Union with an updated report identifying the positions that have been posted.</p> <p>Subsequently, management advised the Union that no further reports could be provided as the tracking of RBP recruitment has stopped since there are no changes in the number of positions.</p>	
9. HR- Strategies Drinking Water Inspector Qualifications	<p>The Union raised concerns about postings that included references under qualifications to “<i>..demonstrated knowledge/understanding of industrial/municipal drinking water facilities and their operations..</i>” asking if this was a new qualification.</p> <p>Management advised the Union that the phrase was used in previous advertisements. The point of the phrase is that experience working in a municipal plant would be valuable; in addition, there are many industrial type systems like those at Domtar or EB Eddy across the province which have industrial and waste water operations and, accordingly, someone who has worked in that type of system would also have relevant knowledge/understanding pertinent to the job Drinking Water Inspectors perform.</p> <p>The Union indicated their concern that this would reduce the chances for internal junior staff. Management explained that the situation is one of competing interests (where the skill levels are needed immediately versus developmental opportunities.)</p> <p>The Union advised management of two expressions of interest that were posted in other</p>	

	<p>ministries in SW Region but were not posted in MOE. In the interests of staff morale, the Union asked if management could look into this and if it was possible to post the information and extend the closing date.</p> <p>Subsequent to the meeting, management advised the Union that local management had discovered a problem in the computer distribution system and rectified the situation the previous day by re-issuing the posting in the affected area and extending the closing date.</p>	
10. Vacancy Lists	<p>The Union requested that had asked, in light of the redeployment process being administered centrally, if the ministry could provide vacancy lists. Concerns were related with ministries sometimes “hiding” vacancies.</p> <p>Management advised the Union it is unable to provide this as there was no capacity to maintain an update as vacancies are fluid and are affected by various things including budget management.</p>	
11. Union Activities & Work Plan Adjustment	<p>The Union had provided management with a template for union activity (for various elected positions) and to address potential concerns related to performance management plans.</p> <p>Management advised the Union that this was shared with MGS. MOE will not be agreeing to the template; rather, the ministry will continue with its own practices entailing informal flexibility.</p>	
12. District Boundary Review	<p>In response to the Union’s query on the status of the Eastern Region District Boundary Review, the employer advised no decisions have been made at this time. If a decision is made, the Director will arrange for a teleconference with the local presidents to advise of the changes.</p> <p>Management also indicated that it would be helpful if the MERC could provide the contacts for each location should a teleconference be required.</p> <p>The Union agreed to provide the contacts.</p>	<p>Union to provide names and contact information of the local presidents in the event a teleconference is required.</p>

<p>13. 2006-7 Business Plan</p>	<p>Management provided the Union with a slide deck delineating components of the Results Based Plan that have been approved for implementation including a comparison of the operating budget to the preceding year. The report confirmed that there is no negative staff implication anticipated in this current fiscal year.</p>	
<p>14. Seniority Lists -Inaccuracies</p>	<p>Management advised the Union that with the exception of four situations, inaccuracies have been corrected. As location codes can only be amended when there is an incumbent in a position, the codes for two currently vacant positions cannot be corrected at this time.</p> <p>The Union indicated that there may be other problems related to employees who report to supervisors who work in a different office location.</p> <p>Management indicated that there may be problems related to how information is captured and related in field codes. Management indicated it would look into the matter.</p>	<p>Management to look into location code issues.</p>
<p>C. NEW BUSINESS</p>		
<p>1. MERC Role clarification & process for issues from local to corporate levels</p>	<p>1. Process for Issues:</p> <p>A discussion of how issues come to MERC from areas with no LERC occurred, in particular, during the interim period leading to revised terms of reference for the ministry.</p> <p>It is understood that an issue should be discussed with management at the local level and if unresolved should proceed to the Director level. If it is unresolved then it can proceed to the MERC. (In the same way a LERC can forward an issue to MERC). The remaining process is under the collective agreement where matters unresolved at MERC are referred to the Deputy and subsequently may be referred to the CERC.</p> <p>The Union reminded the employer that the LERC revitalization proposal that has been in the works for some time will hopefully improve local negotiations. The Union is anxious to get this task</p>	

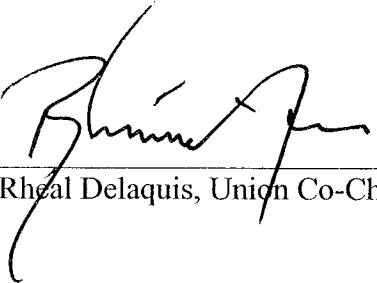
	<p>accomplished.</p> <p>2. LERC (name):</p> <p>It was agreed that the term LERC is an acronym for Local Employee Relations Committee as this is the term used under the Collective Agreement and in the MOE Terms of Reference.</p>	
2. Restructuring in EMRB	<p>The Union inquired about the status of the questions it forwarded to Human Resources Branch</p> <p>Management indicated that the questions are being reviewed and the answers will be provided soon.</p>	Management to respond to questions raised by the Union
3. Business Services Review	<p>The Union had a series of questions on this matter.</p> <p>Management advised the Union that the Operations Division has not proceeded with the initial request for services. However, a broader review within the ministry is being considered which could likely result in a further request for services. At this juncture, no decisions have been made.</p>	
4. DWMD- Source Protection	<p>The Union asked for information on the classification and position descriptions for the new positions.</p> <p>Management indicated that the disclosure showed that there would be 5 positions. Descriptions are being worked on. None of these have been finalized.</p>	Management to provide Union with copies when completed.
5. Creation of a Great Lakes Office	<p>The Union inquired about the tracking and identification of these positions (related to the Canada/Ontario Agreement- COA) which are in the unclassified service to be able to monitor for potential conversion.</p> <p>Management advised that a new agreement is in the process of being negotiated. The ministry does not have a means of tracking COA contracts when they are established. However, the Union will be able to monitor them through the unclassified usage reports the ministry has agreed to provide to the Union on a bi-monthly basis.</p>	

<p>6. Sector Compliance Branch Realignment</p>	<p>Between meetings in response to the Union’s query, management advised that the position descriptions were reviewed and found to be properly classified.</p> <p>The Union indicated that the EO3 Inspector Positions in the Vehicle Emission Enforcement Unit are having their position title changed with additional work duties and responsibilities. The Union stated that the changes are considerable and that the positions should be reclassified to at least the EO4 level.</p> <p>In addition, the Union indicated that the ministry should review the position description of the EO4 level (similar to the situation in abatement several years ago) as they believe the use of the term investigate would place the job at the EO5 level.</p> <p>Management indicated that it would review the matter as it relates to the term “investigate” for the EO4s.</p> <p>The Union advised the Employer that the denial to have the EO3 positions reclassified had been referred to the CERC for resolution.</p>	<p>Management to review language in the EO4 level position description.</p>
<p>7. Hazardous Waste Information System –Request for Information (RFI)</p>	<p>Management advised the Union that the RFI was posted on or about May 8 with a closing submission date of June 8th.</p> <p>The Union expressed its concerns with the potential future of the functions and positions in the unit.</p>	<p>Management to update as appropriate.</p>
<p>D. HEALTH & SAFETY COMMITTEE</p>		
<p>1. Off Road Policy - Update</p>	<p>The union had asked about the potential development of a policy related to tires (number of plies) on vehicles that are used for off road purposes.</p> <p>Management advised the Union the issue was referred to the Vehicles and Road Safety Work group. The work plan is still under development.</p>	<p>Management to update as appropriate</p>

<p>2. Air Testing</p>	<p>The Union had been advised by the CERC that MGS would be issuing a communication/information piece to the ministries in workplaces run by ORC.</p> <p>Management indicated that to the best of its knowledge, it had not received any communications from MGS or ORC on this matter.</p> <p>The Union indicated they would follow up through the CERC on the matter.</p>	
<p>3. Participation on Health & Safety Risk Assessment Committees (HSRA)</p>	<p>In response to Union concerns related to committee participation, management advised the Union that all HSRA work plans will be circulated to JHSC's and ERC co-chairs for review and comments.</p>	
<p>4. Personal Protective Equipment & Unclassified staff (PPE)</p>	<p>In response to the Union concerns related to differential access to personal protective equipment between unclassified and classified staff, including sharing of boots, which the Union sees as a hygiene issue, Management indicated the following:</p> <p>MOE has a legislated duty to protect its staff regardless of whether the staff is classified or not. All staff must have access to PPE, based on the nature of the work they are performing. Managers who have staff who only occasionally and irregularly perform field work should provide those employees with pooled equipment. (This was decided at the HSRA Steering Committee in the February 10th meeting.)</p> <p>The Union recommended that the ministry develop a guideline or protocol for pooled or shared personal protective equipment that will ensure a proper cleansing and tracking method, particularly for items that come into contact with the skin. Management indicated it would look into this. The Union also asked if there were any decisions on visual identity matters.</p> <p>Management indicated that these were still in draft.</p>	<p>Management to look into protocol on tracking cleaning of pooled items.</p> <p>Management to update</p>

Original Signed by:


Allan Gunn, Management Co-Chair


Rhea Delaquis, Union Co-Chair

Ministry of Environment MERC
May 24, 2006
Business Between Meetings

February 24, 2006	Reorganization of Environmental Standards and Sciences Division, Environmental Monitoring and Reporting Branch
March 13, 2006	Transfer of Business Solutions Services Section of the Land Resources Cluster to the Ministry of Natural Resources as the host Ministry
March 21, 2006	Creation of Great Lakes Office
March 21, 2006	Integrated Environmental Planning
March 28, 2006	Sector Compliance Branch
March 28, 2006	Transformation Office – Reporting relationship change
March 28, 2006	Duty realignment in Sector Compliance Branch
March 31, 2006	Restructuring of Environmental Monitoring and Reporting Branch; Merger of Bio-monitoring Section and Water Monitoring Section
March 31, 2006	Job Ad – 10 Agricultural Environmental Officer positions
April 3, 2006	Transformation Office update – extend this office until July 2007
April 13, 2006	Creation of Great Lakes Office update on positions

April 19, 2006	Hazardous Waste Information System – Request for Information
May 15, 2006	Drinking Water Management Division staff changes and news
May 19, 2006	Ontario Pesticides Advisory Committee