

## 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:** April 30, 2009

**SUBJECT:** **Ministry of Environment**  
**ERC Minutes – October 28, 2008**

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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 Job Security Unit with all the supporting documentation, (e.g. minutes, correspondence, etc.), with any referrals.

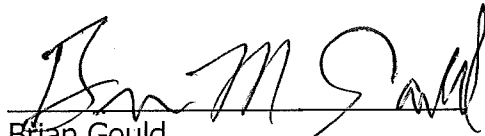
**PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.**

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,



Warren (Smokey) Thomas  
President



Brian Gould  
OPS Supervisor/Negotiator

/az  
att.

cc: MERC Chairs  
Ministry ERC

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

**Tuesday October 28, 2008  
1:00 p.m. to 4:00 p.m.  
Room 1044, 10<sup>th</sup> Floor  
40 St. Clair Avenue West**

**Management:**

Debra Sikora  
Jacques LeGris  
Gayla Campney  
Dean Hustwick

**Union**

Janis Pechinger  
Larry Lefebvre  
Charles Wakefield  
Rheal Delaquis

**Advisors:**

Doug Milic  
Fatimah Krabi

Sandra Harper

ITEM	DISCUSSION	ACTION
<b>A. Review Previous Minutes</b>	Minutes reviewed, modified & signed	
<b>B. Previous Business and Standing Items</b>		
<b>1. Fixed Term Usage Report</b>	<p>Management provided a copy of the end of August report earlier. Short discussion related to types of backfills and contracts where time can be counted towards conversion.</p> <p>A discussion occurred relating to ensuring that training plans are in place for individuals performing on an under fill basis.</p> <p>Management indicated there are policies in place and these should be part of the PMPs.</p>	<p>Management to review and respond about identified situations.</p> <p>Management to ensure that established timelines are in place to move from under fill to full working level of position.</p>
<b>2. II&amp; Secretariat – Update (Standing item)</b>	Management indicated that there was nothing new to report other than MOE is continuing its work on implementation of the Regulatory Modernization Act, including the development of guidance material on publication of conviction/compliance information and “heads up provision.”	
<b>3. Health &amp; Safety Risk Assessment</b>	<p>The Union inquired at an earlier meeting about personal liabilities of an employee who has been assigned the task of Office Designate under the Field Communications Tool.</p> <p>Management advised the Union as follows: The office designate will not be liable beyond their normal duties. Discipline may be appropriate if the duties are not performed (as under normal circumstances):</p>	

	<ul style="list-style-type: none"> <li>i) Under the OHSA- duties to report unsafe or dangerous occurrences is a responsibility that all employees have. Designates would have more information on potential dangers and would need to report any that arise. Accordingly, actual responsibility does not change.</li> <li>ii) WSIA prevents a worker from bringing forward a claim of action against other employees who were working in the capacity while the worker was injured.</li> <li>iii) Criminally, not likely criminally responsible for injuries that occurred to the worker in the field even if they were negligent and forgot to report the missing employee.</li> <li>iv) Civilly, WSIA prevents civil action against other employees.</li> <li>v) Sect. 28(1)d of the OHSA- Workers have a duty to report to his or her employer or supervisor any contravention of the act or regulations of the existence of any hazard of which he or she knows. This re-enforces duty to report to supervisor any missing employees.</li> <li>vi) Duties do not involve any duties given to a supervisor. Even if labelled supervisors, it would be nominal as they have not control over the other employees.</li> </ul> <p>Essentially, the designate (worker) is fundamentally the contact person. The employer is taking the appropriate steps for the protection of the worker.</p>	
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	This tool demonstrates the employer commitment to employee safety.	
<b>C. New Business</b>		
<b>1. Shift Work- Standing item</b>	<p>Management indicated that there may be a need for a discussion about competitions/lateral transfers relative to shift workers and day positions.</p> <p>The Union indicated that it felt that the Shift Workers should be assigned ERP duties. In response to Union queries management indicated the following:</p> <ol style="list-style-type: none"> <li>1. Job description is the same as a regular EO. Operations Division had determined that they would not perform ERP for one year. Training would be provided when needed.</li> <li>2. The shift work positions are not replacing ERP duties performed by senior EO's.</li> <li>3. Shift workers are not replacing day workers for overtime needs.</li> </ol>	TBD if needed
<b>2. Visual Identity</b>	Management indicated the lead Director was unable to attend as she was called to an urgent meeting. Future arrangements will be made.	
<b>3. Pandemic Planning</b>	Management forwarded a slide deck in advance of the meeting and a presentation was made. Various	
<b>4. LERC meetings</b>	<p>The Union was concerned that R/LERC meetings at various locations are not occurring.</p> <p>Management advised that with the recent changes at the Director and Business Services Administrative</p>	

	<p>Manager positions delayed the meeting there and encouraged the Union to approach the new director.</p> <p>Management further advised that the Kingston, Central Region and the Northern Region R/LERC's are meeting or will be proceeding with meetings.</p> <p>Management asked the Union to identify any other areas and management will contact the area. The Union recognized that in a number of areas it was unable to get sufficient workers to step forward as members.</p>	
<b>5. Compressed Work Week Agreements</b>	<p>The Union raised the concerns of employees who are asking how the ministry is reviewing this issues and how the compression cycles are being determined.</p> <p>Further that the Core Green Team, the Transportation Group has had discussions on allowing different compression cycles, flex time, working at home, etc to reduce the number of carbon emissions related to commuting to work. The continuance of 4 week cycles has caused a negative reaction to employee engagement.</p> <p>Management indicated that this issue would be raised at the Human Resources Planning Committee.</p>	
<b>6. Employee Engagement-Focus group</b>	<p>The Union had expressed concerns related to recommendations and the approach with the focus groups.</p> <p>Senior management subsequently had arranged a large meeting to address a number of issues. The</p>	Management to update.

	<p>Union indicated that this was a positive and beneficial meeting. A brief discussion of the next steps and about a website to communicate developments to employees occurred.</p>	
<b>7. Well Inspection Review</b>	<p>Management advised the Union that the regulations were completed. Hydrogeologists can do their work as normal. Sir Sanford Fleming College is helping in writing a best practices manual. One of the regions Tech Support staff is working on this. Online training is being looked at.</p>	
<b>8. Job Postings</b>	<p>Union indicated that there was some difficulty in getting access to historical job postings on the website.</p> <p>Management advised that job postings now go through HR recruitment (through HR Ontario) not through the ministries. Accordingly, CERC would be the more appropriate forum to raise this matter. The HR delegations have now changed with MGS having the authority.</p> <p>The Union had some concern relating to the ranking of employees in past competitions and want to ensure that the next most qualified person receives the job should the competition be accessed in accordance with the collective agreement. Management indicated that the best method would be to ask local management.</p>	
<b>FAREWELL TO RHEAL DELAQUIS</b>		
	<p>Rheal Delaquis attended this last meeting as he was stepping down from his position with the Union MERC team.</p>	

	<p>Management expressed appreciation for his effective efforts, contributions and approaches in continuing to improve management-employee-union relations with the Ministry over a period of at least 10 years.</p> <p>The Union members expressed their appreciation for his leadership in representing the membership and the union.</p> <p>In a moving tribute, all joined it to thank him and express their respect for him and his demonstrated commitment to his role!</p> <p><b>Rheal: Farewell and thank you for a job well done.</b></p>	
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D. Steyn

Met. Co. Chair

J. Leckinger

Union - Cochair