

**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:** 06 June 2007

**SUBJECT:** **Ministry of Environment  
ERC Minutes – November 22, 2006**

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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

/rw  
att.

cc: MERC Chairs  
Ministry ERC

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

**1:00 p.m to 4:00 p.m.  
Wednesday, November 22, 2006  
Boardroom 1040, 10<sup>th</sup> Floor  
40 St. Clair Avenue West  
Toronto**

**In Attendance:**

**Management**

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

**Union**

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

**Advisors:**

Doug Milic

Sandra Harper

**Guests:**

Deputy Minister Paavo Kivisto  
Dean Hustwick, Assistant Director, SDWB  
Debra Sikora, Director

ITEM	DISCUSSION	ACTION
<b>A. Review of Previous Minutes</b>	Minutes from September were reviewed.	
<b>B. Previous Business</b>		
<b>1. Unclassified Usage Reports</b>	<p>Management sent Union October report and the Union has forwarded their questions as well as a number of follow up questions on the August Report.</p> <p>The Union asked if the letters to employees who have been converted could contain the Continuous Service Date.</p> <p>Management indicated this can be done.</p> <p>In response to the Union's concerns relating to a specific conversion, management indicated that this was done in error and HR gave an undertaking for this not to occur again in the future.</p> <p>The Union provided examples where unclassified workers are being hired in positions where the work is on an ongoing need. The Union asked that these be posted as classified positions. This would assist in addressing the objectives set out in Appendix 33 of the Collective Agreement.</p>	Management to respond to queries.
<b>2. Transformation Agenda</b>	This is a standing item. Management advised the Union that there is no change in the status, i.e. no decisions have been made.	Update if available at next meeting
<b>3. II&amp;E Secretariat</b>	<p>This is a standing item:</p> <p>Management advised that the joint workshop on the Regulatory Modernization Act (RMA) was held on October 16<sup>th</sup>. The Union indicated that a report is being prepared.</p> <p>The Act went to 2<sup>nd</sup> reading. Management anticipates that a third reading would be scheduled later in November and that the next step would likely be referral to committee.</p> <p>The Secretariat is looking to enhance the</p>	

	<p>Foundations Training (5 day training course that is offered to all regulatory ministries.) The intent is to update it, improve linkages, alignment and relevancy to the ministries. Reduction of duplication and identification of gaps that may need to be addressed are being looked at. There is a working group from the ministries working on this with the Secretariat. Management indicated it did not know the timing for the next steps and the current readiness.</p>	
<p><b>4. LERC Revitalization</b></p>	<p>The final elements of the agreement have been agreed to as they relate to regional level structure, face to face meetings.</p> <p>End of December early January is the target for completion of a revised Memorandum of Agreement for the operations of ERC at all levels.</p> <p>The pilot training by CERC is currently geared to fine tuning the package they developed with roll out in the spring.</p> <p>The MOE team is looking at doing a training package addressing principles of effective ERCs and the operation of the MOE final agreement.</p>	
<p><b>5. DWMD</b></p>	<p><b>Well Inspection Review:</b></p> <p>Management advised no decisions have been made.</p> <p><b>Compressed Work Week Agreements:</b></p> <p>Updated information was shared with the Union on the CWWA agreements and the signatories in the division.</p> <p>It was agreed that should any agreement require renewal as it is expiring it should be processed through the local president and OPSEU staff representative for signatures.</p> <p>It was further agreed to incorporate an</p>	

	<p>automatic renewal clause in any agreements that had not included one before.</p> <p><b>Status of After Hours Response Program:</b></p> <p>Management advised the Union that it anticipates the pilot to be reviewed at the end of the fiscal year. Program language is being reviewed in light of union concerns and the union will be advised of any changes before they are implemented.</p> <p><b>Source Protection: update on position descriptions:</b></p> <p>Of the five positions, one position, Manager, Source Protection Implementation is in the process of completion. When completed it would be forwarded to the Union. Management indicated that nothing was available on the other positions at this time.</p>	
<b>6. Sector Compliance Branch Realignment</b>	The union was to provide a written submission related to the classification of the EO3 VEEU positions. The union asked for the matter to be deferred. Management agreed. Management also agreed to share the revised EO4 job specification.	The Union to provide management with its submission.
<b>7. HWIN RFI Update</b>	Management indicated that no decisions have been made.	
<b>8. Restructuring at EMRB-job descriptions</b>	Management is to provide job descriptions related to the Trans-boundary Science unit. A copy of the Manager's job description, Trans-Boundary Science Unit was provided to the Union.	Management to provide job descriptions as they become available.
<b>9. Accommodations in Kingston</b>	<p>Management advised that the space allocations are in line with the guidelines. Further, lockers have been installed and the filing system is in process.</p> <p>The Union indicated there were concerns related to noise levels in cubicles as employees were used to offices.</p> <p>The Employer stated that if a functional analysis had been done a copy would be provided to the Union. The Union indicated this may not be the case as none was provided when</p>	Management to follow up regarding the functional

	<p>the request was made a the local level. Management agreed to look further into this and report back to the Union</p>	analysis.
<b>10. Job Security</b>	<p>The Union requested the ministry to review Job Information Packages (JIPs) to ensure the appropriateness of the minimal qualifications so not to disqualify or exclude qualified surplus employees.</p> <p>Management indicated it appreciated the concern and the ministry would endeavour to ensure appropriate development of JIPs when a layoff situation should occurs.</p>	
<b>C. NEW BUSINESS</b>		
<b>1. Employee Engagement</b>	<p>The Deputy Minister attended the meeting and provided an overview of the survey and the meetings he had with staff across the ministry.</p> <p>The Deputy expressed his commitment to taking action on the findings and to follow up with future surveys. An implementation team will be established which will be charged to select a few issues that will be addressed in a relatively short time. A communiqué will be going out in mid December to announce the committee members and the plan that will be worked on.</p> <p>The Union provided its perspective on the meetings and some of the issues raised.</p>	
<b>2. DWMD:</b>	<p><b>Outsourcing of Laboratory Samples for Analysis:</b></p> <p>The Union is concerned that samples are being sent for testing to external laboratories raising the issue of bargaining unit integrity.</p> <p>Management advised the union that private labs have been used for many years in the North, for bacti samples only, well before the establishment of DWMD. These samples are perishable and analysis in Toronto is not possible within the “shelf life” of the samples.</p> <p>The union indicated that it had concerns in the</p>	

	<p>Cornwall/Eastern Region area with private laboratories frequently doing the work rather than having them sent to Resources Road.</p> <p>Management advised the Union these related to the timing of the sample collection (late in the day) and delivery problems with couriers locally at that time which is impacted by the shelf life of the samples. Further, these were exceptional occurrences.</p> <p><b>Accreditation &amp; Auditing Functions under the Safe Drinking Act:</b></p> <p>The Union raised concerns that 3<sup>rd</sup> party auditing may, if not now, in the future constitute erosion in union functions or potentially be a bargaining unit integrity problem</p> <p>Management gave an overview of the 3<sup>rd</sup> party auditing and indicated it was not a matter of taking or moving OPSEU bargaining unit work. The process of accreditation was described.</p>	<p>Management to review and respond further</p>
<p><b>3. Trans-boundary Air</b></p>	<p>The Union asked why the Administrative Co-ordinator position had been placed in the AMAPCEO bargaining unit.</p> <p>Management advised that there were two key determinants:</p> <p>When the position was assessed for classification purposes its best fit was in comparison to the benchmark in the AMAPCEO classification system.</p> <p>The administrative functions of the position mirrored to a large degree the home position of the individual who initially was seconded to the job. Accordingly, these duties and the job description were used to develop the position description. The job in the Transformation Office is in the AMAPCEO bargaining unit. The Business Services Administration Management role is needed in this office. Accordingly, the inclusion in the AMAPCEO</p>	

	<p>it to be. The Union pointed out areas in the protocol that conflicted with the provisions of the collective agreement. The Union's concerns were noted.</p> <p>Management expressed its regret that the MERC was not advised. Local management thought it to be a procedural change. There is no significant difference in how staff responds to emergencies.</p> <p>The Union also indicated that it had a concern that the pilot may face the problems of staff availability to attend to an incident as occurred in the situation surrounding the Chipman fire which resulted in the Environmental Response Program in 1986.</p> <p>The Branch advised the Union that the program is currently under review. The Branch undertook to discuss any proposed changes with the MERC when the pilot is evaluated and decisions are made on next steps.</p>	
<p><b>2. Vacancies &amp; Listings</b></p>	<p>The Union indicated that they heard that there was a four month hold on postings in Operations Division to save money. The Union expressed its concerns about the effect on surplus rights for surplus assignments under the new provisions. The Union asked if there is a hold and if other divisions are doing the same.</p> <p>Management indicated that there was no hold on postings. It was indicated that the Deputy was speaking to the fiscal situation in his meetings across the province. With the financial pressures within the ministry each division is dealing with this differently in line with their operational needs. This could include vacancy management i.e. looking at their operational needs. The approval process may delay a posting. Other financial savings by any division are captured through moving to teleconferencing rather than meetings, examining vehicle use, cell phone use, etc.</p>	

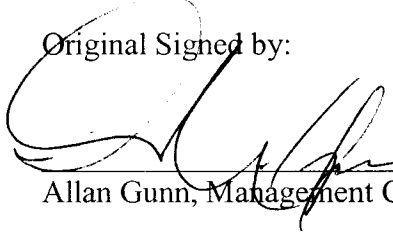
	bargaining unit is both congruent and consistent with the nature of the function.	
<b>4. Changes in Operations Division</b>	<p>Management advised the Union of having two directors in the EAAB to handle policy &amp; operational work, specifically, the assignment there of the Director of West Central Region.</p> <p>Further, the Union was advised the Director of South West Region is leaving. The current assistant directors in the regions will be acting as the directors.</p>	
<b>5. End of Term for Union Members of MERC</b>	<p>The Union advised management that at the end of November, the Union divisional meeting and elections are to be held. As the membership of the union team may change the Union wanted to take the opportunity to reflect on the past year.</p> <p>The Union indicated that the open and frank discussions at the MERC table were appreciated. Further that although the parties did not agree on every matter, the approach to discussions was positive.</p> <p>Management indicated it appreciated the work, candour and efforts of the union team to define and resolve problems. Management wished the members well in the future.</p>	Union to advise management of members for the next term
<b>D. HEALTH &amp; SAFETY COMMITTEE</b>		
<b>1. Update on Off Road Tire Use Policy</b>	<p>Management advised the Union that the issue was referred to the Vehicle &amp; Road safety work group under the H&amp;S Risk Assessment Project. The group is scheduled to provide its recommendations in December of 2006. The draft recommendations will be shared with the ministry JHSCs &amp; ERC co-chairs for review and input before it is finalized.</p>	Management to provide update at next meeting
<b>2. Personal Protective Equipment &amp; Unclassified Staff</b>	<p>The Union had raised the issue of equipment for unclassified staff including consistency and improvement in access to requisite safety equipment.</p> <p>Management advised the Union that a ministry</p>	Management to provide an update at next meeting

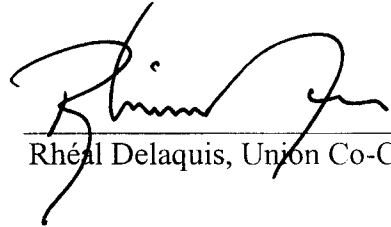
	<p>wide standard operating procedure (SOP) on the maintenance and cleaning of shared or pooled field equipment has been drafted. It was reviewed and approved by the Ministry HSRA steering committee on November 10th. The SOP was released to the JHSCs and ERC co-chairs the day before this meeting.</p> <p>The matter of a generic list of equipment was discussed with the possibility of local variations. The Union was concerned that without a minimal listing of equipment, it would again lead to inconsistency and issues of accessibility. The Union also expressed concern that with the absence of a clearly defined list, some equipment that should not be shared will be overlooked.</p>	
<p><b>3. H&amp;S Risk Assessment Update</b></p>	<p>The Union raised concerns that very few reports have been completed and requested a schedule of releases. The Union is further concerned that the turnaround time for review and responses is too short thus not allowing sufficient time for the Union to be able to assist in the identification of errors and omissions.</p> <p>Management advised that to date four draft SOPs had been released for review and comment. Usually the ministry provides for 3 weeks turnaround time. Management stated that the Union comments have been noted and that Management will endeavour to cycle the work plan schedule for consultation to avoid having more than one work plan out for consultation at a time.</p>	<p>Management to provide schedule if available</p>
<p><b>4. Northern Region: Egress Equipment &amp; Self Defence Training</b></p>	<p><b>Self Defence:</b></p> <p>The Union indicated that staff are concerned about confrontational situations.</p> <p>Management advised that the Personal Security Training Work Group under the HSRA project is currently developing a guideline addressing this issue. The group is scheduled to report back in December. Once reviewed by the Steering Committee the resulting guidelines will be released to the JHSCs and ERCs for review and</p>	

	<p>comments. This is anticipated to occur in December.</p> <p><b>Egress Equipment:</b></p> <p>The egress pack is being addressed at the HSRA Steering Committee table. The ministry is reviewing the current practice and will be formulating a ministry position on this issue.</p>	
<p><b>5. Defibulator machine distribution in government buildings</b></p>	<p><b>Management provided information on this matter.</b></p> <p><b>The Union raised questions on who and how training will be provided to staff in those work locations where the equipment will be installed.</b></p>	
<p><b>Business in between meetings</b></p>	<p>November 23, 2006 Updated EO4 position – Sector Compliance Branch</p> <p>November 30, 2006 Draft SOP - Pool PPE</p> <p>December 1, 2006 Health and Safety Action Plan</p> <p>Dec. 7/06: Operations Division Reorganization Initiatives</p> <p>Dec. 14/06: Laboratory Services Branch - Staffing Change</p> <p>Dec. 14, 2006: Peer Review Initiative: Launch of Corporate Management Division Pilot</p> <p>January 22, 2006: Article 1.4 disclosures</p> <p>January 25, 2006: Agency Cluster Pilot Project – initial report</p> <p>Feb. 1, 2007 : Agency Cluster Pilot Project – update along with copy of updated reports</p> <p>Feb. 1/07: Water Quality Sampling Monitoring</p> <p>Feb 2, 2007 Article 1.4 disclosures</p> <p>Feb. 9, 2007: Unclassified usage Report ending December 31, 2006</p> <p>February 9, 2007: Article 1.4 disclosures</p> <p>February 2, 2007: Notice of Management Team Representatives</p> <p>February 13, 2007: Operations Division - Moving</p>	

	Towards Our Total Health February 14, 2007: Operations Division Project Updates	
<b>NEXT MEETING</b>	<b>February 15, 2007</b>	

Original Signed by:

  
Allan Gunn, Management Co-Chair

  
Rhéal Delaquis, Union Co-Chair