

MEMORANDUM

TO: All Presidents and members in Ministry of Labour
All Stewards in Ministry of Labour

FROM: Ruth Hamilton, OPS Supervisor

DATE: April 21, 2010

SUBJECT: **Ministry of Labour**
MERC Minutes – April 14, 2011

Attached, for your information, please find the minutes of the above captioned meeting(s).

Please post or otherwise make them available to the members in your workplaces.

You will also find attached a MERC referral form which should be used when referring unresolved local issues to the ministry level. We request that you provide the Job Security Group with all supporting documentation, (i.e. 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



Ruth Hamilton
OPS Supervisor

/SK
att.

cc: MERC Chairs
Ministry ERC

**Ministry of Labour
MERC Meeting Minutes**

Date and Time: April 14, 2011 9:00 am – 1:00 pm.

Location: 400 University Ave., Boardroom 7A

For OPSEU: Leonard Elliott (co-chair), Gib McIlwrath, Marty Petruccio, Stephen George

For the Employer: *Len Marino (co-chair), Fil Savoia, Peter Augruso (alternate), Wendy Chadwick, Anna Barrett, Marcellina Galvan * chaired meeting

Guests: Rosemary Horvath, Jody Young

Regrets:

Issue	Discussion	Action Required
<p>A. Business Arising from Previous Minutes – MERC minutes Follow Ups</p> <p>2011-001 Lateral Transfers</p> <p>Date tabled: May 21, 2010</p>	<p>April 14, 2011: The parties have agreed to do a joint referral of this matter to the CERC.</p> <hr/> <p>Jan. 25, 2011: The Coordinator of the Employment Mobility Unit recommended that the issue be escalated to CERC.</p> <p>The Ministry's position is:</p> <ul style="list-style-type: none"> a) that the headquarters is the physical location. b) that the lateral process should only be triggered as part of the recruitment process. <p>OPSEU's position is:</p>	<p>The Employer will contact Employee Relations Division to clarify the correct process for referring matters to CERC.</p> <hr/> <p>Management will provide MERC members with their position in writing by the end of the week.</p>

Issue	Discussion	Action Required
	<p>c) OPSEU believes there are two headquarters in London;</p> <p>d) The lateral transfer process should be used as per the Lateral Transfer Policy</p> <p><u>Dec. 20, 2010:</u></p> <p><u>Sept. 28, 2010:</u> The Employer and OPSEU agreed that it will be helpful to discuss this matter with a representative of HR Ontario. There are two issues</p> <ol style="list-style-type: none"> 1) what constitutes a lateral transfer 2) when can a lateral be triggered. <p><u>Aug 24, 2010:</u> The Employer agreed to set up a meeting with a staff member of the HR Ontario, Recruitment Centre to discuss this matter of unresolved issue.</p> <p>e) OPSEU believes there are two headquarters in London;</p> <p>f) The lateral transfer process should be used as per paragraph of the OPSEU Lateral Transfer Process Sheet</p> <p>g) The Employer's position is that the headquarters is the physical location.</p> <p>h) The Employer's position is that the lateral process should only be triggered as part of the recruitment process.</p>	<p>Employer to follow-up with Coordinator of Employment mobility Unit</p> <p>The Employer will make arrangements for OPSEU to meet with a representative from HR Ontario to discuss the lateral transfer process. OPSEU will hold their decision in abeyance pending the outcome of the meeting. Meeting tentatively scheduled for October 15, 2010.</p> <p>OPSEU to advise the Employer what their next steps will be.</p>

Issue	Discussion	Action Required
	<p>OPSEU has requested that the draft document be held in abeyance until further notice.</p>	
<p>2011-002 Alternate Work Agreements Date tabled: Nov 27, 2007</p>	<p><u>April 14, 2011:</u> The Employer advised OPSEU that they are waiting for the revised OPS Flexible Work Arrangement guideline to come out and will then revisit MOL's materials.</p> <p>OPSEU advised the Employer that they would like work at home arrangements to remain status quo.</p> <hr/> <p><u>Jan. 25, 2011:</u></p>	<p>The Employer will revisit MOL's pending policy after the revised corporate policy has been finalized.</p> <p>The Employer to discuss the possibility of sending a consistent message to Managers at the Divisional Executive Committee meeting regarding how flexible work arrangements and/or work at home arrangements will be handled in the interim.</p> <hr/> <p>OPSEU will provide Management with dates to have a meeting to discuss Qs & As, and AWA Guidelines.</p> <p>Management will follow-up with managers in the East to ensure CWW requests have been considered.</p> <p>OPSEU will compile a list of offices having current issues with AWA, and once provided, management will follow-up with Directors.</p> <p>CWW at the Provincial Claims Centre will be effective April 1, 2011.</p> <p>OPSEU and the Employer to have an off-line discussion with regard to Q&A and arising local issues.</p>
	<p><u>Dec. 20, 2010:</u> Discussed outstanding and emerging issues</p>	

Issue	Discussion	Action Required
	<p><u>Sept. 28, 2010:</u> The Employer provided OPSEU with a revised document for review.</p> <p><u>Aug. 24, 2010:</u> The AWA document worked on by OPSEU and the Employer is currently with DEC for approval</p>	<p>OPSEU and the Employer will meet on October 15, 2010 to finalize the document.</p> <p>The Employer will provide OPSEU with a final document (with DEC approvals) incorporating changes by August 26, 2010.</p> <p>OPSEU to review and reply by September 7, 2010.</p>
<p>2011-003 LERC Training</p> <p>Date tabled: April 23, 2010</p>	<p><u>April 14, 2011:</u> Defer to next meeting</p> <p><u>Jan. 25, 2011:</u></p> <p>2) April 4 & 5 as dates for interest based problem solving training for MERC.</p> <p><u>Dec. 20, 2010</u></p> <p>1) Dates set for trainings in the North (Feb. 9: Sudbury, Mar. 24: Thunder Bay and Mar. 31 Sault Ste. Marie)</p> <p>Dates for trainings in the East (Nov. 30: Peterborough, Dec. 2: Toronto, Kingston group was excused because they participated in the pilot last</p>	<p>1) OPSEU will confirm with management about what date they will be attending LERC training in the North to ensure conferencing is set up with other North locations.</p> <p>2) Management will follow-up with MOL Dispute Resolution Services to confirm availability.</p> <p>1) MERC to determine participation. Contact Management to discuss.</p>

Issue	Discussion	Action Required
	<p>year, Ottawa has no LERC but Managers there plan to attend Mar. 8 session)</p> <p>2) OPSEU co-chair and Employer representative attended a meeting with MOL Dispute Resolution Services to discuss interest based problem solving training.</p> <p><u>Sept. 28, 2010:</u></p> <p>1) The Employer advised that the Directors for the North and East have been provided with available dates for the training.</p> <p>2) OPSEU asked that available dates be pursued.</p> <p><u>Aug 24, 2010:</u> OPSEU has clarified that this items has two specific issues,</p> <p>1) North and East LERC training which is outstanding which MERC is to attend; and</p> <p>2) Discussion around MERC interest based problem solving training for MERC members.</p>	<p>2) 2 day training. Tentative dates: March 16, 17 & 18 2011. Employer to check with MOL Dispute Resolution Services to confirm availability.</p> <p>1) The Employer will follow-up with the Directors in the East and North to see if a date for the training has been selected.</p> <p>2) Employer to pursue available dates after November for training.</p> <p>1) Employer agrees to training for all LERC members for the North and East Regions pending availability of dates.</p> <p>2) Employer to pursue available dates for training.</p>
2011-004 Corporate Health & Safety	<u>April 14, 2011:</u>	

Issue	Discussion	Action Required
<p>1. Provincial Health and Safety Advisory Committee</p> <p>2. Designated Substances Exposures/Designated Substance Regulation (DSR) for Health & Safety Inspectorate</p> <p>Date tabled: April 1, 2010</p>	<p>Items 1 & 2 - OPSEU expressed concerns about the delay regarding implementation. The Employer advised OPSEU that they are committed to addressing the issue.</p> <hr/> <p><u>Jan. 25, 2011:</u> OPSEU's position is that the Employer will pay for the costs of the surveillance of employees under DSR.</p> <p><u>Dec. 20, 2010:</u></p> <ol style="list-style-type: none"> 1) Consensus reached with MGS on the protocol that was drafted. 2) Proposed Health & Safety Program discussed <p><u>Sept. 28, 2010:</u></p> <ol style="list-style-type: none"> 1) Meeting was held between OPSEU and Ministry reps on September 20, 2010 to discuss DSR. 2) On the same date discussion on proposed health and safety program. <p><u>Aug 24, 2010:</u> The Employer provided OPSEU with a copy of the sub-committee minutes form July 27, 2010.</p>	<p>The Employer will provide a status update by the end of April 2011.</p> <hr/> <p>Management will follow-up with ADM on what stage the protocol is at.</p> <ol style="list-style-type: none"> 1) Protocol will be tabled with the Deputy minister of MOL. 1) & 2) When feedback received from DM the protocol will be shared with MERC members within 1 week. 1) The policy and program for DSRs once finalized will be tabled at MERC. OHSB to schedule next sub-committee meeting. 2) Once recommendations are drafted, they will be tabled at MERC for discussion to adopt as Ministry wide program. 1) Second sub-committee meeting for interim medical surveillance policies and procedures tentatively scheduled for September 20th

Issue	Discussion	Action Required
		<p>2) Meeting tentatively scheduled for health and safety program consultation for September 14th</p> <p>3) The draft protocol for escalation of local health and safety issues is being reviewed by DEC and draft will be forwarded to OPSEU for comments.</p>
<p>2011-005 Local Joint Health & Safety Committee</p> <p>Date tabled: August 24, 2010</p>	<p><u>April 14, 2011:</u> Defer to next meeting</p> <p><u>Jan. 25, 2011:</u></p> <p><u>Dec. 20, 2011:</u> OPSEU has provided revisions to the document.</p> <p><u>Sept. 28, 2010:</u></p> <p><u>August 24, 2010:</u> The Employer has clarified that the lateral transfer list are held by the Regional Employee Mobility Employment Coordinator and the Ministry does not have access.</p>	<p>Management to review revisions in the next 2 weeks.</p> <p>Management to review revisions before next MERC meeting.</p> <p>Defer to next meeting.</p> <p>OPSEU to provide the Employer with comments.</p> <p>OPSEU will escalate this issue to CERC.</p>
<p>2011-006 Operations Division – Extended Hours for H & S Inspectors</p>	<p><u>April 14, 2011:</u> Defer to next meeting</p>	

Issue	Discussion	Action Required
<p>Date Tabled: Sept. 28, 2010</p>	<p><u>Jan. 25, 2011:</u></p> <p><u>Dec. 20, 2011:</u> OPSEU has relayed concerns over extended hours of work, and how they will be implemented.</p> <p><u>Sept. 28, 2010:</u> The Employer advised OPSEU that they will be looking at options for extended hours coverage for health and safety inspectors and asked about the possibility of establishing a working group to provide input on this topic.</p>	<p>Expert Panel recommendations to be reviewed by management.</p> <p>OPSEU will be included in the recommendation roll-out process,</p> <p>Expert Panel recommendations to be reviewed by management.</p> <p>The Employer will schedule a separate meeting to have a full discussion regarding this topic.</p>
<p>2011-007 MOL Vehicle Policy</p> <p>Date Tabled: Sept. 28, 2010</p>	<p><u>April 14, 2011:</u> Defer to next meeting</p> <p><u>Jan. 25, 2011:</u></p> <p><u>Dec. 20, 2010:</u> No discussion.</p> <p><u>Sept. 28, 2010:</u> OPSEU suggested that the MOE policy be used to develop a road and vehicle policy specifically for MOL.</p>	<p>Once draft is completed for P & P it will be shared with MERC.</p> <p>A clarifying memo on tires to be distributed to Directors at DEC.</p> <p>Draft will be sent to OPSEU to review prior to next meeting.</p> <p>The Employer will schedule a separate meeting to determine next steps on October 13, 2010.</p>

Issue	Discussion	Action Required
<p>2011-008 RESPAC & ESPAC</p> <p>Date Tabled: Dec. 20, 2010</p>	<p><u>April 14, 2011:</u> Defer to next meeting</p> <p><u>Jan. 25, 2011:</u> Employment Standards Advisory Committee (ESPAC) and Regional Employment Standards Advisory Committee (RESPAC, which is only in the West).</p> <p>OPSEU raised concerns that RESPAC is discussing performance issues, and that the issues raised will be used in future discipline.</p> <p><u>Dec. 20, 2010:</u> RESPAC is Regional ES Advisory Committee.</p>	<p>Management will clarify that ESPAC and RESPAC are not to discuss performance issues, and provide a list of Committee Members to MERC by mid-February.</p> <p>Deferred to next meeting.</p>
<p>2011-009 Temp Agency Staff</p> <p>Date Tabled: Dec. 20, 2010</p>	<p><u>April 14, 2011:</u> The Employer advised OPSEU that they will be seeking corporate direction in terms of providing a snap shot list of temp agency staff.</p> <p><u>Jan. 25, 2011:</u> OPSEU stated that they do not support the use of Temp Agency Staff.</p> <p>Management clarified that there is a protocol in place speaking to the use of Temp Agency Staff.</p> <p><u>Dec. 20, 2010:</u> Location Duration Numbers</p>	<p>The Employer will respond to OPSEU by the end of April 2011.</p> <p>Management will follow-up on whether or not information on Temp Agency Staff (ie. names, positions, location, duration, numbers) can be accessed, and shared with OPSEU by next meeting.</p> <p>Deferred to next meeting.</p>
<p>2011-010 MERC Travel Requests</p>	<p><u>April 14, 2011:</u></p>	

Issue	Discussion	Action Required
Date Tabled: Dec. 20, 2010	<p><u>Jan. 25, 2011</u>: Emerging and outstanding issues discussed.</p> <p><u>Dec. 20, 2010</u>: Concerns about confusion around travel approval and denial, and how travel requests are processed were raised.</p>	<p>Management to have an off-line meeting to develop a communication protocol for managers regarding meeting dates.</p> <p>Protocol to be clarified.</p>
Pending Items – Quarterly Updates/Waiting for GSB Decisions – All pending items to be removed and if needed to be reintroduced as new items		
<p>2011-011 Critical Incident Stress Program</p> <p>Date tabled: June 29, 2009</p>	<p><u>Dec. 20, 2010</u>: OPSEU raised the issue of attaching a timeframe to this item.</p> <p><u>Sept. 28, 2010</u>: No discussion.</p> <p><u>Aug 24, 2010</u>:</p>	<p>CSIM Coordinator to attend MERC on a quarterly, or as needed, basis.</p> <p>Program is ongoing. This agenda items is completed at this time. Item will be rescheduled as needed. Move to Pending agenda item area Bring forward in May 2011 after review of recommendations</p>
2011-012 Underground Economy	<p><u>Dec. 20, 2010</u>:</p> <p><u>Sept. 28, 2010</u>: No discussion.</p> <p><u>August 24, 2010</u>:</p>	

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<p>2011-013 Bargaining Unit Work (work refusal) Date tabled: Dec. 11, 2009</p>	<p><u>Dec. 20, 2010:</u> No discussion. <u>Sept. 28, 2010:</u> No discussion.</p>	<p>Pending GSB decision.</p>
<p>2011-014 TQM Project Update – lists Date tabled: April 1, 2010</p>	<p><u>Dec. 20, 2010:</u> No discussion. <u>Sept. 28, 2010:</u> 1) Meeting was held on August 31, 2010. 2) Meeting held August 31, 2010. <u>Aug 24, 2010:</u> In response to request for “checklists” the Employer has scheduled a meeting with OPSEU for August 31st, in Hamilton regarding 1) IRS Audit Pilot and 2) the TQM/Quality Assurance, Quality Control (QAQC) checklists.</p>	<p>Quarterly updates to be provided as needed.</p> <p>1) A meeting has been scheduled for September 29, 2010 to review OPSEU’s input. 2) The Employer to table comments to TQM working group and provide new version.</p> <p>The Employer will send out a meeting invitation request for the meeting.</p>
<p>2011-015 Diversity Program Date tabled: April 1, 2010</p>	<p><u>Jan. 25, 2011:</u> <u>Dec. 20, 2010:</u> Management advised OPSEU that updated documents posted on intranet site.</p>	<p>Documents to be provided to MERC prior to next meeting. Documents to be provided to OPSEU prior to next MERC meeting. To be discussed at next meeting.</p>

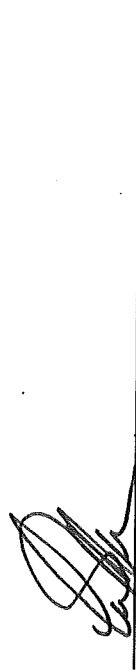
Issue	Discussion	Action Required
	<p><u>Sept. 28, 2010:</u> Staff members of the Strategic Business Unit and Communications and Marketing Branch attended the meeting to provide a presentation on MOL's diversity plan.</p> <p><u>Aug 24, 2010:</u> Discussion about Ministry's plan and perceived lack of communication and strategy.</p>	<p>Any further questions that OPSEU has regarding the initiative can be forwarded to the Lead of the Diversity Program with a copy to the Director of the SBU.</p> <p>The Employer will distribute diversity materials ahead of the next meeting.</p> <p>Deferred to next meeting.</p>
<p>2011-016 Parkas Date Tabled: Jan. 25, 2011</p>	<p><u>April 14, 2011:</u> Defer to next meeting</p> <p><u>Jan. 25, 2011:</u> OPSEU has raised concerns that parkas are not being replaced when they become worn, possibly in contravention of Article 9.4.</p> <p>The position of DEC is that the parka was a one-time purchase, and will be going to DEC to decide the protocol on a go-forward basis.</p>	<p>Management to communicate decision made at DEC regarding the protocol.</p>
<p>2011-017 Paid Parking Date tabled: Jan. 25, 2011</p>	<p><u>April 14, 2011:</u> Defer to next meeting</p> <p><u>Jan. 25, 2011:</u> OPSEU's position is that if staff have carriage of a government vehicle they should be paid parking at their headquarters regardless of when they go to the office.</p>	<p>Management will arrange for a Corporate representative a separate meeting for management to discuss the policy around paid parking. The results of the meeting will be tabled with MERC at April meeting.</p>

Issue	Discussion	Action Required
<p>2011-018 Admin Review Date Tabled: Jan. 25, 2011</p>	<p><u>April 14, 2011:</u> An SBU Business Advisor on the Admin Review Project attended the meeting and responded to enquiries related to the recent update.</p> <p><u>Jan. 25, 2011:</u> OPSEU's position is that this Review could have a negative impact on staff with the potential for job loss.</p> <p>The Union has also raised concerns about the information that has been shared with their members.</p> <p>OPSEU indicated that if the issue is not resolved at MERC, they will escalate it.</p>	<p>Management will set up a separate meeting with the Director Lead of the Review to discuss OPSEU's concerns. Tentative date scheduled for either Wednesday January 26 (afternoon) or Thursday January 27, 2011.</p>
<p>2011-019 ES Modernization Update Date tabled: April 1, 2010</p>	<p><u>Jan. 25, 2011:</u></p> <p><u>Dec. 20, 2010:</u> Update on ES Facilitated Settlement Pilot provided.</p> <p><u>Sept. 28, 2010:</u> Meeting was held on September 27, 2010 where a slide deck was provided to OPSEU.</p> <p><u>Aug 24, 2010:</u> The Employer provided OPSEU members with a written update.</p>	<p>Quarterly meeting will be held January 31, 2011.</p> <p>OPSEU will discuss concerns at next scheduled ES Modernization sub-committee meeting.</p> <p>The next meeting will be scheduled for December 2010.</p> <p>The Employer agreed to clarify the purpose of the sub-committee with the Employment Practices Director.</p> <p>The Employer will discuss the next date for the sub-committee.</p>

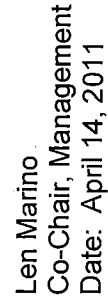
Issue	Discussion	Action Required
		This topic was revisited and a decision not to move to "standing agenda items.
<p>2011-020 MFRC Progress Report - Update</p> <p>Date Tabled: January 25, 2011</p>	<p><u>Jan. 25, 2011:</u></p>	<p>MFRC Update Report distributed, and any questions can be directed to Employer and/or OPSEU members of the Committee.</p> <p>Move to pending with bi-annual updates.</p>
<p>C. New Business</p>		
<p>2011-021 Balance Score Card</p>	<p>April 14, 2011: Acting Associate Director of Occupational Health and Safety Branch attended to present a slide presentation on the pilot project currently being used in Eastern Region. There will be further pilots will be expanded to Central and Western Region.</p>	
<p>2011-022 5% Reduction/London Office – Staffing Strategy</p>	<p>April 14, 2011: OPSEU asked for a status on the Ministry's 5% reduction strategy. The Employer confirmed that they have identified a plan to achieve their 5% reduction target, pending approval from Management Board of Cabinet/Treasury Board; with Ministry implementation to be completed by March 31, 2012.</p>	<p>Following corporate disclosure, further discussions will take place.</p>
<p>2011-023 MTCU/MOL</p>	<p>April 14, 2011: OPSEU expressed concerns regarding rumours that the Trades Qualification and Apprenticeship Act (TQAA) enforcement will be removed from inspectors' current duties and given to the College of Trades. OPSEU's</p>	<p>The Employer committed to following up on this matter and reporting back.</p>

Issue	Discussion	Action Required
	position is that they are not in agreement and feel this is their work and should remain with them.	
2011-024 Bill 160	<u>April 14, 2011:</u> OPSEU advised the Employer that if or when the Bill is passed, MERC would like to have ongoing open dialogue with the Employer regarding implementation.	
2011-025 CERC Issue	<u>April 14, 2011:</u> Defer to next meeting	
2011-026 Herbicide Issue	<u>April 14, 2011:</u> Defer to next meeting	
2011-027 CPIC Checks re: McNeil Decision	<p><u>April 14, 2011:</u> The Employer advised that the decision is currently being reviewed by the Ministry of Government Services and confirmed CPIC checks have been suspended. Any documents related to previous CPIC checks have been forwarded to the Manager, Employee Relations responsible for the Ministry of Labour portfolio.</p> <p>OPSEU is requesting that a policy and procedure be put into place to protect the privacy of provincial offensive officers related to previous CPICs.</p>	<p>The Employer confirmed that they will canvas Managers to ensure any documents related to CPIC checks are forwarded to the Manager, Employee Relations, MGS responsible for the Ministry of Labour portfolio.</p> <p>The Employer will follow-up with Legal Services and Manager, Employee Relations, MGS to ensure all documents are collected and maintained in a secure location.</p>

Issue	Discussion	Action Required
STANDING AGENDA ITEMS		
<p>2010-028 Staff Reports Tabled: August 24, 2010</p>	<p>OPSEU is requesting a meeting to be scheduled to discuss how court ordered CPIC checks are to be addressed.</p> <p><u>April 14, 2011:</u> Lists provided to OPSEU. <u>Jan. 25, 2011:</u> <u>Dec. 20, 2010:</u> <u>Sept. 28, 2010:</u> Reports are not available at this time. <u>August 24, 2010:</u> OPSEU has requested CERC identified reports to be distributed at each meeting.</p>	<p>The Employer will follow-up with MGS to determine next steps and will advise OPSEU of the status within a week.</p> <p>The Strategic Business Unit (SBU) has agreed to provide a copy of the lists prior to the next meeting. The Strategic Business Unit (SBU) has agreed to provide a copy of the lists.</p>



Len Elliott
Co-Chair, OPSEU
Date: April 14, 2011



Len Marino
Co-Chair, Management
Date: April 14, 2011