

MEMORANDUM

TO: All Presidents and members in Ministry of Health and Long Term Care
All Stewards in Ministry of Health and Long Term Care

FROM: Ruth Hamilton, A/OPS Supervisor

DATE: January 27, 2011

SUBJECT: **Ministry of Labour**
MERC Minutes – January 25, 2011

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

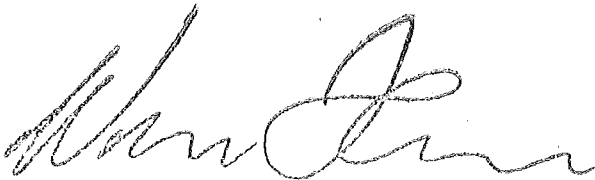
Please post or otherwise make them available to the members in your workplaces.

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
A/OPS Supervisor

/pb

att.

cc: MERC Chairs
Ministry ERC

**Ministry of Labour
MERC Meeting Minutes**

Date and Time: January 25, 2011 9:00 am – 2:30 pm.

Location: 400 University Ave., Boardroom 10A

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

* chaired meeting

For the Employer: * Len Marino (co-chair), Fil Savoia, Peter Augruso (alternate), Wendy Chadwick, Sarah Thom, Anna Barrett, Lynda Shephard

Guests:

Regrets:

Issue	Discussion	Action Required
A. Business Arising from Previous Minutes – MERC minutes Follow Ups		
<p>2011-001 Lateral Transfers Date tabled: May 21, 2010</p>	<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> <ul style="list-style-type: none"> c) OPSEU believes there are two headquarters in London; d) The lateral transfer process should be used as per the Lateral Transfer Policy 	<p>Management will provide MERC members with their position in writing by the end of the week.</p>

Issue	Discussion	Action Required
	<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> <ol style="list-style-type: none"> e) OPSEU believes there are two headquarters in London; f) The lateral transfer process should be used as per paragraph of the OPSEU Lateral Transfer Process Sheet g) The Employer's position is that the headquarters is the physical location. h) The Employer's position is that the lateral process should only be triggered as part of the recruitment process. <p>OPSEU has requested that the draft document be held in abeyance until further notice.</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>end of December for review, and will work on plan for health Care Inspectors once Industrial plan is completed</p> <p><u>Sept. 28, 2010:</u></p> <p><u>Aug 24, 2010:</u> OPSEU asked the Employer what the long term plan for "Health Care" inspector position is and when will all inspectors be trained to perform all industrial sectors duties.</p>	<p>To be discussed in November 2010.</p> <p>The Employer agreed to develop a strategic plan to integrate health care into the industrial program with respect to training ie train all industrial inspectors in health care and HC into IHSP.</p> <p>The Employer committed to share a proposed draft plan with OPSEU prior to the November meeting.</p>
<p>2011-004 LERC Training</p> <p>Date tabled: April 23, 2010</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 year, Ottawa has no LERC but Managers there plan</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>to attend Mar. 8 session) 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>
<p>2011-005 ES Modernization Update</p> <p>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</p>	<p>Quarterly meeting will be held January 31, 2011.</p> <p>OPSEU will discuss concerns at next scheduled ES</p>

Issue	Discussion	Action Required
	<p>provided.</p> <p>Sept. 28, 2010: Meeting was held on September 27, 2010 where a slide deck was provided to OPSEU.</p> <p>Aug 24, 2010: The Employer provided OPSEU members with a written update.</p>	<p>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> <p>This topic was revisited and a decision not to move to "standing agenda items.</p>
<p>2011-006 Corporate Health & Safety</p> <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>Jan. 25, 2011: OPSEU's position is that the Employer will pay for the costs of the surveillance of employees under DSR.</p> <p>Dec. 20, 2010:</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>Sept. 28, 2010:</p> <ol style="list-style-type: none"> 1) Meeting was held between OPSEU and Ministry reps on 	<p>Management will follow-up with ADM on what stage the protocol is at.</p> <p>1) Protocol will be tabled with the Deputy minister of MOL.</p> <p>1) & 2) When feedback received from DM the protocol will be shared with MERC members within 1 week.</p> <p>1) The policy and program for DSRs once finalized</p>

Issue	Discussion	Action Required
	<p>September 20, 2010 to discuss DSR.</p> <p>2) On the same date discussion on proposed health and safety program.</p> <p>Aug 24, 2010: The Employer provided OPSEU with a copy of the sub-committee minutes form July 27, 2010.</p>	<p>will be tabled at MERC. OHSB to schedule next sub-committee meeting.</p> <p>2) Once recommendations are drafted, they will be tabled at MERC for discussion to adopt as Ministry wide program.</p> <p>1) Second sub-committee meeting for interim medical surveillance policies and procedures tentatively scheduled for September 20th</p> <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>2011-007 Local Joint Health & Safety Committee</p> <p>Date tabled: August 24, 2010</p>	<p>Jan. 25, 2011:</p> <p>Dec. 20, 2011: OPSEU has provided revisions to the document.</p> <p>Sept. 28, 2010:</p> <p>August 24, 2010: The Employer has clarified that the lateral transfer list are held by the Regional Employee</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>

Issue	Discussion	Action Required
	<p>Mobility Employment Coordinator and the Ministry does not have access.</p>	
<p>2011- 008 Disclosure of Results-Base Planning</p>	<p><u>Jan. 25, 2011:</u> Management clarified that in the RbP 38 Temp FTE's for the ES Task Force will be reduced in March 2012.</p> <p><u>Dec. 20, 2010:</u> OPSEU clarified the request for information.</p>	<p>The Employer will check to see if results-based plan briefing book is available online, and if it is, information on how to access it will be sent to OPSEU.</p>
<p>2011-009 Operations Division – Extended Hours for H & S Inspectors</p> <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>2011-010 MOL Vehicle Policy</p> <p>Date Tabled: Sept. 28, 2010</p>	<p><u>Jan. 25, 2011:</u></p>	<p>Once draft is completed for P & P it will be shared with MERC.</p>

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	<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>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>
<p>2011-011 Spill Action Centre (SAC)</p>	<p><u>Jan. 25, 2011:</u> Finalized policy sent to OPSEU, who have some concerns regarding the proposed response time of 2 hours as not being in compliance with GSB decision regarding on-call vs. stand-by,</p> <p><u>Dec. 20, 2010:</u> No discussion.</p> <p><u>Sept. 28, 2010:</u> The SAC policy will be amended to address after hour calls related to high risk complaints to inspectors.</p>	<p>Management will review the policy to ensure clarity.</p> <p>Issues with policy will be tabled with DEC this week, and report back to MERC once revised.</p> <p>Finalized policy will be sent to OPSEU prior to next meeting.</p> <p>The Employer will provide a copy of the new policy to OPSEU early October 2010.</p>
<p>2011-12 Dates for Next Year's Meetings</p> <p>Date Tabled: Dec. 20, 2010</p>	<p><u>Jan. 25, 2011:</u> April 14 9am-1pm, June 28, November 2 are proposed as quarterly dates.</p> <p><u>Dec. 20, 2010:</u></p>	<p>Management to send out meeting requests for these 3 dates.</p> <p>OPSEU and management to arrange dates.</p>
<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>		
<p>2011-013 Critical Incident Stress</p>	<p><u>Dec. 20, 2010:</u> OPSEU raised the issue of attaching a</p>	<p>CSIM Coordinator to attend MERC on a quarterly, or</p>

Issue	Discussion	Action Required
<p>Program</p> <p>Date tabled: June 29, 2009</p>	<p>timeframe to this item.</p> <p><u>Sept. 28, 2010:</u> No discussion.</p> <p><u>Aug 24, 2010:</u></p>	<p>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>
<p>2011-014 Underground Economy</p>	<p><u>Dec. 20, 2010:</u></p> <p><u>Sept. 28, 2010:</u> No discussion.</p> <p><u>August 24, 2010:</u></p>	
<p>2011-015 Bargaining Unit Work (work refusal)</p> <p>Date tabled: Dec. 11, 2009</p>	<p><u>Dec. 20, 2010:</u> No discussion.</p> <p><u>Sept. 28, 2010:</u> No discussion.</p>	<p>Pending GSB decision.</p>
<p>2011-016 TQM Project Update – lists</p> <p>Date tabled: April 1, 2010</p>	<p><u>Dec. 20, 2010:</u> No discussion.</p> <p><u>Sept. 28, 2010:</u></p> <ol style="list-style-type: none"> 1) Meeting was held on August 31, 2010. 2) Meeting held August 31, 2010. 	<p>Quarterly updates to be provided as needed.</p> <ol style="list-style-type: none"> 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.

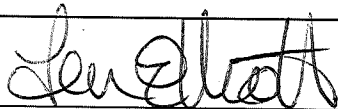
Issue	Discussion	Action Required
	<p>Aug 24, 2010: In response to request for “checklists” the Employer has scheduled a meeting with OPSEU for August 31st, in Hamilton regarding</p> <p>1) IRS Audit Pilot and 2) the TQM/Quality Assurance, Quality Control (QAQC) checklists.</p>	<p>The Employer will send out a meeting invitation request for the meeting.</p>
<p>2011-017 Diversity Program</p> <p>Date tabled: April 1, 2010</p>	<p>Jan. 25, 2011:</p> <p>Dec. 20, 2010: Management advised OPSEU that updated documents posted on intranet site.</p> <p>Sept. 28, 2010: 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>Aug 24, 2010: Discussion about Ministry’s plan and perceived lack of communication and strategy.</p>	<p>Documents to be provided to MERC prior to next meeting.</p> <p>Documents to be provided to OPSEU prior to next MERC meeting.</p> <p>To be discussed at next meeting.</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>2011-018 CPIC Checks</p> <p>Date tabled: April 1, 2010</p>	<p>Jan. 25, 2011: Pending the GSB decision, OPSEU continues to raise outstanding concerns about the corporate OPS McNeil protocol.</p>	<p>Management will follow-up with Corporate MGS regarding next steps.</p>

Issue	Discussion	Action Required
	<p>Dec. 20 2010: OPSEU has concerns that all 44 have not received CPIC Check Letters</p> <p>Sept. 28, 2010: OPSEU has been advised by MGS that a protocol is being developed to address retention, collection and storage of CIPC information. The hearing dates are scheduled for October 19 & 25, 2010.</p> <p>OPSEU expressed concerns that they have not been engaged in the development of the protocol as ordered in the interim decision.</p> <p>OPSEU has advised the Employer that they should go ahead and send letters to affected employees.</p> <p>Aug 24, 2010: The Employer provided OPSEU with a copy of Qs & As.</p>	<p>Employer will follow-up with MGS Legal Services</p> <p>The Employer will have further discussions with MGS and Legal Services regarding the concerns OPSEU has raised prior to October 19, 2010.</p> <p>No further action at this meeting.</p>
C. New Business		
<p>2011-19 RESPAC & ESPAC</p> <p>Date Tabled: Dec. 20, 2010</p>	<p>Jan. 25, 2011: 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>Dec. 20, 2010: 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>


Issue	Discussion	Action Required
<p>2011-020 HPAC</p> <p>Date Tabled: Dec. 20, 2010</p>	<p><u>Jan. 25, 2011:</u> Health Care Program Advisory Committee.</p> <p>OPSEU raised concerns about Health Care being designated as a program; recommending it be changed to sector.</p> <p><u>Dec. 20, 2010:</u> Health Care program</p>	<p>Management will take OPSEU's proposal to DEC for consideration.</p> <p>Deferred to next meeting.</p>
<p>2011-021 Temp Agency Staff</p> <p>Date Tabled: Dec. 20, 2010</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>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>2011-022 MERC Travel Requests</p> <p>Date Tabled: Dec. 20, 2010</p>	<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>
<p>2011-23 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>

Issue	Discussion	Action Required
<p>2011-24 Admin Review</p> <p>Date Tabled: Jan. 25, 2011</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>2011-25 Parkas</p> <p>Date Tabled: Jan. 25, 2011</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>2011-26 Paid Parking</p> <p>Date tabled: Jan. 25, 2011</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>
<p>2011-27 Preparation of Agenda</p> <p>Date Tabled: Jan. 25, 2011</p>	<p><u>Jan. 25, 2011:</u> Timely submission of items, and timely distribution of agenda discussed.</p>	<p>On a go-forward basis, co-chairs will meet to finalize the agenda. Once the agenda has been finalized, it will be distributed to all members 5 working days before the meeting.</p>

Issue	Discussion	Action Required
STANDING AGENDA ITEMS		
<p>2010-028 Staff Reports</p> <p>Tabled: August 24, 2010</p>	<p><u>Jan. 25, 2011:</u></p> <p><u>Dec. 20, 2010:</u></p> <p><u>Sept. 28, 2010:</u> Reports are not available at this time.</p> <p><u>August 24, 2010:</u> OPSEU has requested CERC identified reports to be distributed at each meeting.</p>	<p>The Strategic Business Unit (SBU) has agreed to provide a copy of the lists prior to the next meeting.</p> <p>The Strategic Business Unit (SBU) has agreed to provide a copy of the lists.</p>



Len Elliott
Co-Chair, OPSEU



Len Marino
Co-Chair, Management

Jan 25 / 11

