

MEMORANDUM

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

FROM: Ruth Hamilton, A/OPS Supervisor

DATE: December 23, 2010

SUBJECT: **Ministry of Labour**
MERC Minutes – December 20, 2010

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



A/Ruth Hamilton
OPS Supervisor

/pb

att.

cc: MERC Chairs
Ministry ERC

**Ministry of Labour
MERC Meeting Minutes**

Date and Time: December 20 2010 9:00 am – 2:30 pm.

Location: 400 University Ave., Boardroom 10A

For OPSEU: *Leonard Elliott (co-chair), Gib McIlwrath, Tom MacKay, Stephen George

* chaired meeting

For the Employer: Len Marino (co-chair), Fil Savoia, Peter Augruso (alternate), Wendy Chadwick, Sarah Thom, Everett Rooke

Guests:

Regrets: Lynda Shephard, Anna Barrett

Issue	Discussion	Action Required
A. Business Arising from Previous Minutes – MERC minutes Follow Ups		
<p>2010-001 Vehicle and Equipment Initiative - Taskforce</p> <p>Date Tabled: June 29, 2009</p>	<p>Dec. 20, 2010: The Ministry is in the process of communicating policy to Regional Management Team Meetings.</p> <p>Sept. 28, 2010: Copy of policy provided to OPSEU.</p> <p>The Employer's position is that if an inspector is concerned about driving on snow packed roads, they may request mud & snow tires from their manager. Such requests should not be denied.</p> <p>Aug 24, 2010: MOE Vehicle Road Safety Guideline shared with OPSEU.</p>	<p>Management to re-confirm with Regional Director's today</p> <p>Completed</p> <p>The Employer will draft messaging for managers clarifying the mud & snow tires requests.</p> <p>Further outstanding issue to be discussed at September meeting.</p>

Issue	Discussion	Action Required
<p>2010-002 Lateral Transfers</p> <p>Date tabled: May 21, 2010</p>	<p>Dec. 20, 2010: OPSEU is concerned about not having a response from Coordinator of Employment Mobility Unit</p> <p>Sept. 28, 2010: 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>Aug 24, 2010: 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"> a) OPSEU believes there are two headquarters in London; b) The lateral transfer process should be used as per paragraph of the OPSEU Lateral Transfer Process Sheet c) The Employer's position is that the headquarters is the physical location. d) 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>2010-003 CPIC Checks</p> <p>Date tabled: April 1, 2010</p>	<p><u>Dec. 20 2010:</u> OPSEU has concerns that all 44 have not received CPIC Check Letters</p> <p><u>Sept. 28, 2010:</u> 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><u>Aug 24, 2010:</u> 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>
<p>2010-004 Mol Committees and Memberships</p> <p>Date tabled: April 1, 2010</p>	<p><u>Dec. 20, 2010:</u></p> <p><u>Sept. 28, 2010:</u></p> <p><u>Aug 24, 2010:</u> The Employer provided OPSEU with a copy of a draft document (MOL Committee Membership) detailing the types of committees and how selection is done.</p>	<p>Document completed</p> <p>Off-line discussion to take place with OPSEU and the Employer to discuss options for document retention</p> <p>OPSEU to resend the document with changes.</p>

Issue	Discussion	Action Required
	The document will be presented to DEC this week for comment/approval.	Any changes to the document will be forwarded to OPSEU with track changes by August 30, 2010. OPSEU to provide the Employer with comments by September 7, 2010.
<p>2010-005 Alternate Work Agreements</p> <p>Date tabled: Nov 27, 2007</p>	<p><u>Dec. 20, 2010:</u> Discussed outstanding and emerging issues.</p> <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 to have an off-line discussion with regard to Q&A and arising local issues.</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>2010-006 Protocol for Officer Investigations</p> <p>Date tabled: February, 2010</p>	<p><u>Dec. 20, 2010:</u> OPSEU clarified that they were not a part of the process for approving discipline for their members.</p> <p><u>Sept. 28, 2010:</u></p>	<p>Document completed.</p> <p>Off-line discussion to take place with OPSEU and the Employer to discuss options for document retention</p> <p>OPSEU to resend the document with their changes.</p>

Issue	Discussion	Action Required
	<p>Aug 24, 2010: The Employer provided OPSEU with a copy of the complaint process proposed by Operations Division.</p>	<p>OPSEU will review and provide comments by September 7, 2010.</p>
<p>2010-007 "Health Care" Inspectors</p> <p>Date tabled: April 1, 2010</p>	<p>Dec. 20, 2010: Divisional Learning Unit putting together a draft training plan for Industrial that should be ready at the end of December for review, and will work on plan for Health Care Inspectors once Industrial plan is completed.</p> <p>Sept. 28, 2010:</p> <p>Aug 24, 2010: 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>2010-008 LERC Training</p> <p>Date tabled: April 23, 2010</p>	<p>Dec. 20, 2010:</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 training 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) MERC to determine participation. Contact Management to discuss.</p>

Issue	Discussion	Action Required
	<p>to attend the 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>
<p>2010-009 ES Modernization Update</p> <p>Date tabled: April 1, 2010</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>OPSEU will discuss concerns at next scheduled ES Modernization sub-committee meeting.</p> <p>The next meeting will be scheduled for December 2010.</p>

Issue	Discussion	Action Required
	<p>Aug 24, 2010: The Employer provided OPSEU members with a written update.</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>2010-010 Designated Substances Exposures/Designated Substance Regulation (DSR) for Health & Safety Inspectorate</p> <p>Date tabled: April 1, 2010</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 September 20, 2010 to discuss DSR. 2) On the same date discussion on proposed health and safety program. <p>Aug 24, 2010: The Employer provided OPSEU with a copy of the sub-committee minutes form July 27, 2010.</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>2010-011 Expert panel</p> <p>Date tabled: April 1, 2010</p>	<p><u>Dec. 20, 2010:</u> Expert Panel recommendations out.</p> <p><u>Sept. 28, 2010:</u> A meeting was held on September 7, 2010.</p> <p><u>Aug 24, 2010:</u> The Director of the Review Project Secretariat attended the meeting to provide the committee members with an update.</p>	<p>Completed.</p> <p>OPSEU will be contacted mid October 2010.</p> <p>Meeting to be scheduled within two weeks and a second meeting early to mid November, 2010.</p> <p>OPSEU to identify priority areas for discussion and send to the Director of the Review Project to table at meetings.</p>
<p>2010-012 Return to Work (RTW) Accommodation Plans</p> <p>Date tabled: May 21, 2010</p>	<p><u>Dec.20, 2010:</u> Best practices documents compiled by SBU provided to MERC.</p> <p><u>Sept. 28, 2010:</u></p>	<p>OPSEU to review and provide comments</p> <p>The Employer to provide documents to OPSEU prior to meetings.</p> <p>The Employer will provide OPSEU with a copy of the waiver form.</p> <p>To be discussed in November 2010. Documents to</p>

Issue	Discussion	Action Required
	<p>Aug 24, 2010: OPSEU requested that the Employer review best practices around RTW accommodation plans</p>	<p>be forwarded to OPSEU prior to the November meeting.</p> <p>The Employer committed to collecting the best practices from the CEHSW materials and other Ministries.</p> <p>Timeframe: Prior to the November meeting</p>
<p>2010-013 Travel Expenses – Receipts: Revised Travel, Meals & Hospitality Directive</p> <p>Date tabled: April 23, 2010</p>	<p>Dec.20, 2010: Outstanding and emerging issues discussed.</p> <p>Sept. 28, 2010: OPSEU provided a few examples of the types of concerns they are receiving from their members.</p> <p>Aug 24, 2010:</p>	<p>The Employer to ensure that Qs & As are provided to managers, staff and MERC.</p> <p>Once Qs & As are provided, item is completed.</p> <p>OPSEU to provide listing of concerns to the CAO and the Regional Director of Central Region.</p> <p>Defer to September meeting</p>
<p>2010-014 Local Joint Health & Safety Committee</p> <p>Date tabled: August 24, 2010</p>	<p>Dec.20, 2010: OPSEU has provided revisions to the document.</p> <p>Sept. 28, 2010:</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>

Issue	Discussion	Action Required
	<p>August 24, 2010: 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>OPSEU will escalate this issue to CERC.</p>
<p>2010-015 Disclosure of Results-Base Planning</p>	<p>Dec. 20, 2010: 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>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>2010-016 Critical Incident Stress Program (CISM)</p> <p>Date tabled: June 29, 2009</p>	<p>Dec. 20, 2010: OPSEU raised the issue of attaching a timeframe to this item.</p> <p>Sept. 28, 2010: No discussion.</p> <p>Aug 24, 2010:</p>	<p>CISM 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>
<p>2010-017 Underground Economy</p>	<p>Dec. 20, 2010:</p> <p>Sept. 28, 2010: No discussion.</p> <p>August 24, 2010:</p>	<p>Quarterly updates to be provided as needed.</p>

Issue	Discussion	Action Required
<p>2010-018 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>2010-019 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><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</p> <ol style="list-style-type: none"> 1) IRS Audit Pilot and 2) the TQM/Quality Assurance, Quality Control (QAQC) checklists. 	<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. <p>The Employer will send out a meeting invitation request for the meeting.</p>
<p>2010 – 020 Diversity Program</p> <p>Date tabled: April 1, 2010</p>	<p><u>Dec. 20, 2010:</u> Management advised OPSEU that updated documents posted on intranet site.</p> <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</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>

Issue	Discussion	Action Required
	<p>plan.</p> <p>Aug 24, 2010: Discussion about Ministry's plan and perceived lack of communication and strategy.</p>	<p>The Employer will distribute diversity materials ahead of the next meeting.</p> <p>Deferred to next meeting.</p>
C. New Business		
<p>2010-021 Operations Division – Extended Hours for H & S Inspectors</p> <p>Date Tabled: Sept. 28, 2010</p>	<p>Dec.20, 2010: OPSEU has relayed concerns over extended hours of work, and how they will be implemented.</p> <p>Sept. 28, 2010: 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>The Employer will schedule a separate meeting to have a full discussion regarding this topic.</p>
<p>2010-022 MOL Vehicle Policy</p> <p>Date Tabled: Sept. 28, 2010</p>	<p>Dec.20, 2010: No discussion.</p> <p>Sept. 28, 2010: OPSEU suggested that the MOE policy be used to develop a road and vehicle policy specifically for MOL.</p>	<p>Draft will be sent to OPSEU to review prior to the next meeting.</p> <p>The Employer will schedule a separate meeting to determine next steps on October 13, 2010.</p>
<p>2010-023 Spill Action Centre (SAC)</p>	<p>Dec. 20, 2010: No discussion.</p> <p>Sept. 28, 2010: The SAC policy will be amended to address after hour calls related to high risk complaints to inspectors.</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>2010 – 024 MERC Travel Requests</p>	<p>Dec. 20, 2010: Concerns about confusion around travel</p>	<p>Protocol to be clarified.</p>

Issue	Discussion	Action Required
Date Tabled: Dec. 20, 2010	approval and denial, and how travel requests are processed were raised.	
2010-25 RESPAC & ESPAC Date Tabled: Dec. 20, 2010	<u>Dec. 20, 2010:</u> RESPAC is Regional ES Advisory Committee	Deferred to next meeting,
2010-26 HPAC Date Tabled: Dec. 20, 2010	<u>Dec. 20, 2010:</u> Health Care Program	Deferred to next meeting.
2010-27 Temp Agency Staff Date Tabled: Dec. 20, 2010	<u>Dec. 20, 2010:</u> Location Duration Numbers	Deferred to next meeting.
2010-28 Dates for Next Year's Meetings	<u>Dec. 20, 2010:</u>	OPSEU and Management to arrange dates.
STANDING AGENDA ITEMS		
2010-029 Staff Reports Tabled: August 24, 2010	<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.	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.

Len Elliott

Len Elliott
Co-Chair, OPSEU

Len Marino

Len Marino
Co-Chair, Management

Dec 20 | 2010
