

M E M O R A N D U M

TO: All Presidents with members in the Ministry of Labour
All Stewards in the Ministry of Labour

FROM: Brian Gould, OPS Supervisor

DATE: March 11, 2010

SUBJECT: **Ministry of Labour**
ERC Minutes – June 29, 2009

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

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att.

cc: MERC Chairs
Ministry ERC

**Ministry of Labour MERC Meeting
Agenda & Minutes**

Date and Time: Tuesday June 29, 2009

Location: 400 University Ave., Boardroom 7A

For OPSEU: Gib McIlwrath (co-chair), Cameron Walker, Leonard Elliot, Tom MacKay

For the Employer: Stephanie McCleave (co-chair), Tracey Mill, Anna Barrett, Wendy Chadwick

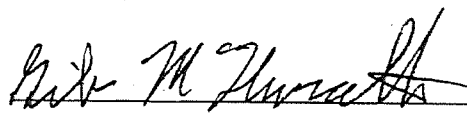
Issue	Discussion	Action Required
Introductions		
Review and Signing of Previous Minutes	The previous minutes for February 26, 2008, November 4, 2008 and May 22, 2009 have been signed off.	The Employer will make arrangements to have the minutes posted.
MERC Terms of Reference		
MERC Terms of Reference	The Union and the Employer reviewed the current Terms of Reference, specifically with respect to clauses 6.4, 6.5 and 12.2. OPSEU provided suggested revised/additional wording for the above clauses which the Employer agreed to review and provide feedback.	The Employer will provide feedback regarding the suggested wording.
Flexible Work Week Arrangements	<p>The Union and the Employer discussed the sample flexible work arrangement agreement provided by the Union.</p> <p>Using the sample template provided by the Union, the Employer committed to draft a generic agreement that can be used as a guideline by managers and employees entering into agreements. The template will also be provided to LERCs once MERC has approved a final version.</p>	<p>The Employer to provide a draft agreement to OPSEU for review.</p> <p>The Employer will provide the Union with a copy of the principles developed for managers to use as a guideline in determining the possibility of a flexible work arrangement along with a copy of the slide deck that was used for the consultations held with employees. The Union will review the principles and advise the Employer of any concerns.</p>

	<p>In response to the Union's request for information on the cancellation of CWW in the North, the Employer advised that no CWWs have been cancelled at this point. However, certain individuals have been given notice that it may be necessary to terminate their CWW if operational requirements cannot be met which would include performance targets. The Union advised the Employer that it is their position that the removal of a CWW should not be used as a punishment for performance issues. The employer has indicated that, without knowledge of the specific issues, that suspension of CWW days is a management right, that managers should provide an indication of how performance has deteriorated and provide sufficient notice to an employee, to allow the individual to improve. It is the Employer's understanding that this was the case in the North.</p>	No further action required.
Health Care Program - Hygienist	<p>OPSEU asked the Employer to explain the difference between a health care hygienist and a regular hygienist.</p> <p>The Employer confirmed that there is no distinction between a health care hygienist and a regular hygienist and that the job description is the same. Further, while additional hygienists were recruited to support increased activity in the health care sector, no hygienists are specifically designated as health care.</p>	No further action required.
Health Care Program - Inspectors	<p>OPSEU asked why some Health Care Inspectors are now reporting to the PSS and have had a change to their headquarters and reporting relationship.</p>	The Employer will provide formal disclosure related to reporting relationship and headquarter changes.
RPC Positions	<p>OPSEU raised a concern that it appears that the RPC positions may be performance managing bargaining unit employees and inquired as whether they had the ability to influence performance evaluations. The union also raised a concern that the reporting relationship for RPC is inconsistent across regions.</p> <p>The Employer confirmed that the RPC positions are</p>	The Employer will raise OPSEU's concerns with the Manager for the Quality Control project.

	<p>appropriately classified as AMAPCEO and also confirmed that they do not provide input into job performance or disciplinary action but are intended as a quality control for the program.</p> <p>In terms of reporting relationships, this may vary across the province but is based on operational requirements.</p>	
Program Advisory Committees in OHS	<p>The Union asked for clarity regarding what function and responsibility is for this committee. They also advised the Employer that inspectors should not be involved in this committee if it deals with the development of targets that bargaining members are expected to adhere to.</p> <p>The Employer provided a one page document describing the function and mandate of the Committee and confirmed that all decisions are made solely by the Provincial Coordinator or the Director of OHS and not by inspectors that sit on the committee.</p>	The Employer will report back at the next meeting.
Ministry Re-organization	<p>The Union asked if the Pay Equity Office had undergone a restructuring and raised concerns that they had not received disclosure if this has occurred.</p> <p>The Employer confirmed that the Pay Equity Office has not been restructured, but merely moved to an Edward Street location.</p>	No further action required.
Medical Surveillance for DSR	<p>OPSEU requested that the Employer develop a surveillance program to record incidents where inspectors are exposed to asbestos as well as any other designated substances. They also requested that medical monitoring and training to recognize substances be provided to inspectors and anyone accompanying an inspector.</p> <p>The Employer is working with corporate (MGS) Centre for Health, Safety and Wellness to review issues and will respond to the Union when further details are available. Employees are reminded of their responsibility to notify their managers if they are exposed to hazardous substances during the course of</p>	The Employer will provide additional information as it becomes available.

	investigations.	
Staffing Reports	<p>A copy of the lateral transfer list was provided to the Union.</p> <p>The Employer provided the Union with an updated seniority list.</p>	The Employer will continue to determine how all reports will be updated and distributed and will advise the Union of the new process once it is finalized.
Employment Standards Program Changes	<p>The Employer provided the Union with a copy of the decision making meeting (DMM) training documents as well as a copy of the service standards and relevant sections of the P & P.</p> <p>The Employer advised that additional funding, which includes additional FTEs, has been received to improve the program. The Employment Standards Branch will be working over the summer to develop a system to create efficiencies. Communication regarding Bill 139 will be going out to staff over the next few weeks.</p>	<p>No further action required.</p> <p>The Employer will provide additional information as it becomes available.</p>
LERC Committees	The Union requested an updated list of individual LERCS and members.	The Employer will provide a list.
MOL Critical Incident Stress Management Program	Jody Young, Manager Industrial Health & Safety Program, attended the meeting to provide a presentation to MERC on a new initiative that is being implemented by the Ministry of Labour. The program will provide support to employees that experience exposure to critical incidents such as a fatality, critical injury, etc.	The Employer will continue to report on this initiative as information becomes available.
Meals and Mileage	<p>The Union asked if there were any plans to review the maximum reimbursement of meals and mileage.</p> <p>The Employer is not aware of any ongoing or planned reviews.</p>	No further action required.
Vehicles and Equipment	The Union asked if the Ministry was planning to require inspectors to pick up and drop off their MOL vehicles at their	No further action required.

	<p>headquarters on a daily basis.</p> <p>The Employer advised that the Ministry was currently reviewing various greening initiatives and cost reduction strategies, and reviewing vehicle usage is typically part of those exercises.</p> <p>OPSEU has asked the Employer to provide information on the purpose of the vehicle committee and its membership and how they are selected.</p>	<p>The Employer will look into this and report back.</p>
Bargaining Unit Work	<p>The Union raised a concern that managers appeared to be doing bargaining unit work by taking calls from SAC and making determinations on work refusals. For example all calls from Corrections are screened by Managers.</p>	<p>Employer committed to investigate and respond at next MERC meeting.</p>
<p>To be determined</p>		



Gib McIlwrath
Co-Chair, OPSEU



Stephanie McCleave
Co-Chair, Management