

MEMORANDUM

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

FROM: Ruth Hamilton, OPS Supervisor

DATE: October 28, 2011

SUBJECT: **Ministry of Labour**
MERC Minutes – October 4, 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: October 4, 2011: 9:30 am – 3:00 pm.

Location: 400 University Ave., Boardroom 7A

For OPSEU: Gib McIlwraith, Marty Petruccio, Stephen George

For the Employer: *Fil Savoia, Peter Augruso, Wendy Chadwick, Marcellina Galvan, Steven MackKay * chaired meeting

Guests:

Regrets: Len Marino (co-chair), Leonard Elliott (co-chair), Anna Barrett

Issue	Discussion	Action Required
<p>2011-001 Alternatate Work Agreements</p> <p>Date tabled: Nov 27, 2007</p>	<p>October 4, 2011: Latest CWW draft from Sault St. Marie discussed and ongoing discussions with Staff Rep from Sault St. Marie. No formal CWW has been signed; however the two staff members have been offered flexible arrangements in the interim.</p> <p>OPSEU has provided the AWA templates to their members. However, management has not yet received the new policy through MGS.</p> <p>June 28, 2011: The Employer provided a copy of the CWW agreement template for the Northern Region.</p>	<p>Employer will follow up with MGS regarding corporate policy on AWA.</p> <p>OPSEU will follow up with Staff Rep in Sault St. Marie regarding CWW.</p> <p>The Employer will provide a revised Appendix B template with 10(b) removed and the names of employees participating in flexible work arrangements.</p>

Issue	Discussion	Action Required
<p>2011-002 Corporate Health & Safety</p> <p>1. Provincial Health and Safety Advisory Committee</p>	<p><u>May 17, 2011:</u> OPSEU asked the Employer to provide them with a copy of the CWW agreement being used in the Northern Region.</p> <p><u>October 4, 2011:</u> Employer committed to scheduling a separate meeting to discuss corporate health and safety initiatives.</p> <p><u>June 28, 2011:</u> A Business Advisor within the SBU will be taking the lead on the establishment of this committee. The committee has not been established as of yet and is expected to be up and running by September 2011.</p> <p>OPSEU asked that they be consulted on any potential changes to the committee.</p>	<p>The Employer committed to providing a copy of the document.</p> <p>The Director of the Strategic Business Unit will follow-up with MGS to explore when the corporate flexible work arrangement policy will be released and if CERC has had any input.</p> <p>Employer to hold a separate meeting with MERC on October 24, 2011. Pending scheduling conflicts.</p> <p>The Employer will provide OPSEU with names of the committee members once the committee has been established.</p> <p>The Employer confirmed that they will consult OPSEU prior to any changes to the role of the committee.</p>
<p>2. Designated Substances Exposures/Designated Substance Regulation (DSR) for Health & Safety Inspectorate</p>	<p><u>October 4, 2011:</u> See Above</p>	<p>See above.</p>

Issue	Discussion	Action Required
<p>Date tabled: April 1, 2010</p>	<p>June 28, 2011: In response to concerns raised by OPSEU regarding the delay on this initiative, the Employer confirmed that Work on the DSR will begin in the Fall.</p> <p>May 17, 2011: SBU Advisor will be taking the lead on this initiative for the Ministry. No further update at this time.</p> <p>October 4, 2011: See above.</p>	<p>The Employer is committed to moving this initiative forward in parallel with the establishment of the Provincial Health and Safety Advisory committee.</p> <p>The Employer committed to providing a status update by end of June 2011.</p> <p>See above</p>
<p>3. New Healthy Workplace Committee</p>	<p>June 28, 2011: The Employer confirmed that the committee has been established and that one meeting has taken place.</p> <p>May 17, 2011: Briefly discussed at meeting. OPSEU requested that a Terms of Reference be developed for the committee.</p>	<p>Terms of Reference to be provided. Item completed and can be removed.</p> <p>Further discussions at the June 28th meeting.</p>
<p>4. Local Joint Health & Safety Committee</p> <p>Date tabled: August 24, 2010</p>	<p>October 4, 2011: See above.</p> <p>June 28, 2011: The Terms of Reference for JHSC will be dealt with by the Corporate Health and Safety Advisory Committee.</p> <p>May 17, 2011: SBU Advisor will be taking the lead on this initiative for the Ministry. No further update at this time.</p>	<p>See above.</p> <p>The Employer is committed to moving this initiative forward in parallel with the establishment of the Provincial Health and Safety Advisory committee.</p> <p>The Employer committed to providing a status update by end of June 2011.</p>

Issue	Discussion	Action Required
<p>2011-003 Operations Division – Extended Hours for H & S Inspectors</p> <p>Date Tabled: Sept. 28, 2010</p>	<p><u>October 4, 2011</u>: Separate meeting scheduled for October 5, 2011.</p> <p><u>June 28, 2011</u>: The Employer advised OPSEU that this matter is to be discussed at the Divisional Executive committee meeting on June 30th. It is expected that next steps will be determined at that meeting.</p> <p><u>May 17, 2011</u>: Defer to September 2011.</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 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>Once next steps have been determined, the Employer will consult with OPSEU.</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>

Issue	Discussion	Action Required
<p>2011-004 MOL Vehicle Policy Date Tabled: Sept. 28, 2010</p>	<p><u>October 4, 2011:</u> Employer requests comments on the vehicle policy from OPSEU. OPSEU requests clarification on safety kits and what is provided to employees.</p> <p>Employer advised that there may be another corporate policy that is applicable and more appropriate.</p> <p><u>June 28, 2011:</u> The Employer provided OPSEU with a copy of the MOL Proposed Safe Driving Guideline.</p> <p>OPSEU provided a number of comments on the document. They also asked that the document clarify what is contained in the safety equipment kits and the requirement to have a safety kit in a MOL vehicle or their personal vehicle when being used to perform Ministry work.</p> <p><u>May 17, 2011:</u> The Employer provide a copy of the draft policy after the last meeting.</p>	<p>The employer will provide OPSEU with a copy of the Working in Remote Areas Policy by end of day.</p> <p>OPSEU will provide comments on the safe driving guideline once revised by end of day October 7, 2011.</p> <p>The employer will ensure managers review policies at staff meetings by end of calendar year 2011.</p>
<p>2011-005 MERC Travel Requests Date Tabled: Dec. 20, 2010</p>	<p><u>October 4, 2011:</u> OPSEU requests that maximum time allowable of (4) hours be struck out and that time allowed be rewritten as "circumstances dictate" and that expenses reimbursed by the employer as dictated by the Meals and</p>	<p>OPSEU to provide comments on the draft policy at the June meeting.</p> <p>Employer to revise document pertaining to MERC Travel Request by end of week October 7, 2011. OPSEU to review and finalize via email.</p>

Issue	Discussion	Action Required
<p>2011-006 Diversity Program</p> <p>Date tabled: April 1, 2010</p>	<p>Travel Directive.</p> <p><u>June 28, 2011</u>: The Employer provided OPSEU with a draft document for review.</p> <p>OPSEU suggested that the Employer forward a copy of the meeting invitation to their managers so that they are aware of upcoming meetings. A copy should also be sent to OPSEU MERC members.</p> <p><u>May 17, 2011</u>: The Employer is currently reviewing a draft document.</p>	<p>Upon receipt of final document, item can be removed from MERC Agenda.</p> <p>The Employer will add wording to the document to reflect the potential need for caucus prior to meetings.</p> <p>OPSEU will provide feedback once they have consulted with the OPSEU Job Security Officer.</p> <p>A copy of the draft will be provided to OPSEU prior to the June 28th meeting.</p>
	<p><u>October 4, 2011</u>:</p> <p><u>June 28, 2011</u>:</p> <p><u>Jan. 25, 2011</u>:</p> <p><u>Dec. 20, 2010</u>: Management advised OPSEU that updated documents posted on Intranet site.</p>	<p>Defer to next MERC meeting.</p> <p>Defer to the Fall.</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>

Issue	Discussion	Action Required
	<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>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>2011-007 Disclosures</p>	<p>October 4, 2011: OPSEU raised concern regarding the use of corporate versus ministry disclosure.</p> <p>June 28, 2011:</p> <p>May 17, 2011: Defer to June 28th meeting.</p>	<p>Employer will provide information to corporate bargaining agents and disclosure to MERC as appropriate.</p> <p>Remove from Agenda for next meeting.</p> <p>Defer to next meeting</p>
<p>2011-008</p> <p>1. Succession Planning</p>	<p>October 4, 2011: Employer has implemented a process for career development discussions with staff, which will assist with operations division succession planning.</p>	<p>Employer will provide OPSEU with a synopsis of MOL employee engagement survey results.</p>

Issue	Discussion	Action Required
<p>2. MTO/MOL Leadership Pilot</p>	<p><u>June 28, 2011:</u> October 4, 2011: Employer advised OPSEU that (12) successful candidates from MOL and (12) from MTO have been identified for the pilot. Kick-off for the mastering management program began September 26, 2011. This program will last for (9) months. <u>June 28, 2011:</u></p>	<p>Defer to next meeting. The employer to seek consent from the (12) successful candidates regarding disclosure of their names as the successful candidates. Defer to next meeting.</p>
<p>2011-009 CERC Issue</p>	<p><u>October 4, 2011:</u> <u>June 28, 2011:</u> <u>May 17, 2011:</u> Defer to the June 28th meeting. <u>April 14, 2011:</u> Defer to next meeting</p>	<p>OPSEU to follow-up on issue regarding training. Defer to next meeting.</p>
<p>2011-010 Mississauga Workplace Assessment</p>	<p><u>October 4, 2011:</u> Employer provided update to OPSEU.</p>	<p>Issue being dealt with at the local level. Item to be removed from MERC Agenda.</p>

Issue	Discussion	Action Required
<p>Date Tabled: June 28, 2011</p> <p>2011-011 Return to Work</p>	<p><u>June 28, 2011</u>: The Employer and OPSEU discussed this issue. The Employer provided an update on next steps.</p> <p><u>October 4, 2011</u>: Parties discussed OPSEU representation at return to work meetings with staff and the process used for obtaining a waiver from staff.</p> <p>OPSEU's position is that union representation at return to work meetings should be mandatory.</p> <p>OPSEU raised concern regarding definition of qualified medical practitioner.</p> <p><u>June 28, 2011</u>:</p>	<p>Further discussions required.</p> <p>Employer will seek further direction from MGS.</p> <p>Employer to get clarification from the Centre for Employee Health Safety and Wellness for the next MERC meeting.</p> <p>Defer to next meeting</p>
<p>2011-012 Attendance Management Program</p>	<p><u>October 4, 2011</u>: Employer provided a copy of the Attendance Management Policy.</p> <p><u>June 28, 2011</u>:</p>	<p>Employer will have representative from Employee Centre for Health Safety and Wellness to provide update of changes at November, 2011 meeting.</p> <p>Defer to next meeting</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 CPIC Checks re: McNeil Decision</p>	<p><u>October 4, 2011</u>:</p>	<p>Pending Judicial Review.</p>

Issue	Discussion	Action Required
<p>2011-014 Interim Council/Bill 160</p>	<p><u>June 28, 2011</u>: The Employer has filed an application for judicial review of the Grievance Settlement Board's decision.</p> <p><u>May 17, 2011</u>: OPSEU requested a copy of the security clearance form that was used for new hires.</p>	<p>Defer to next meeting.</p> <p>The employer will provide OPSEU with a copy of the form.</p>
<p>2011-015 Critical Incident Stress Program</p> <p>Date tabled: June 29, 2009</p>	<p><u>October 4, 2011</u>: OPSEU requests permission for more participation in the process.</p> <p><u>June 28, 2011</u>: The Director of the Review Project Secretariat attended the meeting to provide the committee members with an update including working groups that have been established and the selection process for membership. It was also confirmed that the recruitment of the Chief Prevention Officer (CPO) is currently underway.</p> <p><u>May 17, 2011</u>: OPSEU asked how the Memorandum of Understanding will be shared with staff and expressed their concerns that there be consistent messaging from the Employer.</p>	<p>For next meeting, item to be renamed "Prevention Services".</p> <p>Employer to provide update at next meeting.</p> <p>Move to Pending Items</p> <p>Defer to November for update.</p> <p>Defer to the Fall.</p>

Issue	Discussion	Action Required
<p>2011-016 Bargaining Unit Work (work refusal)</p> <p>Date tabled: Dec. 11, 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>CISM Coordinator to attend MERC on a quarterly, or as needed, basis.</p> <p>Program is ongoing. This agenda item 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>2011-017 TQM Project Update – lists</p> <p>Date tabled: April 1, 2010</p>	<p><u>October 4, 2011</u>:</p> <p><u>June 28, 2011</u>: No discussion.</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>Pending GSB decision.</p>
<p>2011-017 TQM Project Update – lists</p> <p>Date tabled: April 1, 2010</p>	<p><u>October 4, 2011</u>:</p>	<p>Defer to November.</p>

Issue	Discussion	Action Required
	<p><u>June 28, 2011:</u> A final status report will be reviewed at the Divisional Executive Committee at the end of June 2011. Therefore, the matter will be deferred to the Fall.</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>Defer to the Fall.</p> <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>2011-018 Paid Parking</p> <p>Date tabled: Jan. 25, 2011</p>	<p><u>October 4, 2011:</u></p> <p><u>June 28, 2011:</u> No further discussion as this matter is now the subject of a grievance.</p>	<p>Pending GSB decision.</p>

Issue	Discussion	Action Required
<p>2011-019 Admin Review Date Tabled: Jan. 25, 2011</p>	<p>April 14, 2011: Defer to next meeting</p> <p>Jan. 25, 2011: 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>October 4, 2011:</p> <p>June 28, 2011: The project lead of this initiative attended by phone and provided an update on this initiative which included a slide deck presentation.</p> <p>OPSEU asked how employees are chosen to participate on the validation committees for the focus groups.</p>	<p>The Employer committed to providing OPSEU with clarification on how employees are identified when they get more than one volunteer.</p> <p>The Employer to make arrangements for another meeting.</p>
<p>2011-020 ES Modernization Update</p>	<p>May 17, 2011: The Employer provided OPSEU with an updated slide deck. OPSEU raised an issue that a manager sat in on the sessions.</p> <p>October 4, 2011: OPSEU raised concern regarding the distribution of files.</p>	<p>Employer to provide status update at October 24, 2011 meeting.</p>

Issue	Discussion	Action Required
<p>Date tabled: April 1, 2010</p>	<p><u>June 28, 2011:</u> The sub-committee met on June 14, 2011 and an update on the program was provided. The next meeting will be scheduled for the third week of September 2011.</p> <p><u>May 17, 2011:</u> OPSEU expressed concern that a meeting has not been scheduled. They advised that their concerns are related to the elimination of the backlog and what that means to employees in the program.</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>The Employer will confirm a meeting date via email once they have received available dates from OPSEU.</p> <p>The Employer committed to following up with the Director of the Employment Practices Branch.</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> <p>This topic was revisited and a decision not to move to</p>

Issue	Discussion	Action Required
<p>2011-021 Lateral Transfers Date tabled: May 21, 2010</p>	<p>October 4, 2011: OPSEU confirmed that CERC has this item on a deferred status.</p> <p>June 28, 2011:</p> <p>May 17, 2011: OPSEU advised the Employer that they need to decide whether or not they want to do a joint CERC submission with the Employer.</p>	<p>"standing agenda items.</p> <p>No action required at this time.</p> <p>Both the Employer and OPSEU to forward to CERC.</p> <p>OPSEU will advise the Employer if they want to do a joint submission to CERC.</p>
<p>2011-022 5% Reduction/London Office – Staffing Strategy</p>	<p>October 4, 2011: OPSEU requested how many vacant positions have been given up as part of 5% reduction</p> <p>June 28, 2011: Ongoing discussion. OPSEU raised concerns regarding this matter.</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>SBU to provide response to OPSEU's inquiry by end of week October 7, 2011.</p> <p>London Office – Staffing strategy being dealt with locally.</p> <p>Following corporate disclosure, further discussions will take place.</p>

Issue	Discussion	Action Required
C. New Business 2011-023 Central Region Policy & Procedure Manual	<u>October 4, 2011</u> : Employer clarified the purpose and committed to changing the title to "Regional Procedures Manual".	Employer to commence a review of all regional/local procedures.
STANDING AGENDA ITEMS		
2010-029 Staff Reports Tabled: August 24, 2010	<u>October 4, 2011</u> : Employer provided required lists to OPSEU. <u>June 28, 2011</u> : Lists were provided to OPSEU.	Employer will commit to providing a Legend of Acronyms to OPSEU. On-going discussions will occur offline.

[Handwritten Signature]

Gib McIlwrath
 A/Co-Chair, OPSEU
 Date: October 4, 2011:

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Fill Savoia
 A/Co-Chair, Management
 Date: October 4, 2011: