

**MEMORANDUM**

**OPSEU**



**SEFPO**

Syndicat des Employé-e-s  
de la Fonction Publique  
de l'Ontario

**TO:** All Presidents with members in the Ministry of Training, Colleges & Universities  
All Stewards in the Ministry of Training, Colleges & Universities

**FROM:** Terry Baxter, OPS Supervisor

**DATE:** June 17, 2004

**SUBJECT:** **Ministry of Training, Colleges & Universities  
ERC Minutes – February 3, 2004**

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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 our 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.**

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President

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cc: MERC Chairs  
Ministry ERC

Terry Baxter  
OPS Supervisor/Negotiator

MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES  
P.02

**Ministry Employee Relations Committee**

**Ministry of Training, Colleges and Universities**

**Tuesday, February 3, 2004  
Room 1952A, Mowat Block  
9:00am - 12:00pm**

For the Employer:

Kim Bellissimo (Co-Chair)\*  
Barb Simmons  
David Doherty  
Meredith Sandles

For the Union:

Terri Elliott (Co-Chair)  
Stephen George  
Michelina Riccardi  
Sophia Ambrose

\*chair of this meeting

**REVIEW OF AGENDA:**

The agenda was reviewed and the following items were added: Program Development Review and Rest Periods.

**BUSINESS ARISING:**

**1. Workplace Training Branch - Local Employee Relations Committee Update:**

Management advised that the importance of Local Employee Relations Committees (LERCs) was discussed at the Operational Management Team (OMT) meeting in January. Management shared feedback received from managers at OMT regarding the status of district LERCs. Management advised that they felt LERC was working well in the Western District but not working as well in others. Northern District only has one permanent Manager, the two other managers are OPSEU employees on Management assignments, who are not comfortable sitting at the table representing management.

Management is looking at alternate ways to improve the LERC process and is committed to exploring the possibility of cross-ministry LERCs for areas with a small Workplace Training Branch staff complement. The Union requested this issue become a standing item.

Action: Management will provide an update at the next meeting.

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## 2. Workplace Discrimination and Harassment Policy

Management confirmed that an all-staff e-mail was sent on December 22, 2003, before the pop-up campaign started on January 2, 2004. A link to the WDHP training offered through the SSB generic training website was also provided in the all-staff e-mail. The Union suggested that staff should be more strongly urged to participate in WDHP training. In the opinion of the Union this training should be mandatory.

The Union inquired as to whether pop-ups could appear *after* log-on. The Union advised that many staff have to skip over the pop-ups because they need to log-on to their system first thing in the morning and don't have time to read the pop-ups. Management suggested that staff review the policies through the intranet links listed in the training materials.

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Management also advised that training, on WDHP in the context of the use of Information Technology resources, developed by Management Board Secretariat, has been conducted for staff in unit meetings.

The Union also advised that the WDHP IT training has not been provided in Thunder Bay.

Action: Management committed to follow up with the Thunder Bay office regarding training.

## 3. Territory Changes within the Workplace Training Branch

Management advised that concerns regarding the territory changes in the Western District were discussed with the WTB management team and the decision to change territories will stand. Management also advised that the purpose of the change was to balance cost pressures, workload and provide better customer service. Management will re-evaluate in 1 year.

The Union questioned why some areas are changing to trade specific caseload. Management advised that this better served our customers by provided "specialities" in specific trades. The Union stated that we do not have specialities, all Training Consultant's have the same job specifications. The Union expressed concern that the "sector specific" approach creates problems and inefficiencies by having several Training Consultants covering the same geographic area. Management responded that there are advantages and disadvantages to both the "defined territory" and the "sector specific" models.

Management commented that it has received positive feedback from clients regarding the customer service provided by sector specific Training Consultants.

Action: N/A

4. **Ontarians with Disabilities Act**

Management advised that the ODA Accessibility Plan has not yet been released, the plan is awaiting approval, but a copy will be provided to the Union prior to its release.

Action: Management will provide a copy of the plan to the MERC team prior to it being publicly released.

5. **OAG Community of Practice**

Management advised that positive feedback was received from staff regarding the November Community of Practice meeting. Management advised that this is a pilot project in the Toronto area and if successful will explore options to expand it to other areas.

Action: N/A

6. **Federal/Provincial Labour Market Development Agreement (LMDA)**

Management advised that the Ministry is committed to developing mechanisms for information sharing and consultation with OPSEU as part of the negotiation process. It indicated, however, that there is not yet a mandate for negotiations, or a Ministry team in place.

The Union stated that the best mechanism for input is the MERC table. It was agreed that the LMDA would become a standing item.

Action: Management will provide an update at the next meeting.

**STANDING ITEMS:**

**1. Redeployment**

Management advised there is no new activity.

**2. OAG Learning Needs Update**

Management reported there are currently 25 staff active in the Toronto OAG Community of Practice (COP) and positive feedback has been received from participants. Additional meetings were held December 18 and January 8. Several Munch 'n' Movie sessions have been held and will continue on a regular basis. The series has been offered in the regions as well. The OAG website is up and running and three OAG Bulletin newsletters have been published. Potential initiatives for 2004 include: career development workshops, job shadowing opportunities and the establishment of COPs in the regions (subject to the results of the assessment of the Toronto pilot project).

The Union expressed concern over the lack of formal terms of reference for the group. Management clarified that a formal mandate is not necessary as the COP is self-directed and participation is completely voluntary.

The Union also expressed concern over the use of the January 8 meeting to brainstorm suggestions for the Ideas Campaign. Management again confirmed that participation in the COP is completely voluntary and that such discussions were also conducted in branch/unit meetings and in other cross-ministry COP's. Management advised that members were very happy to participate in such a discussion with other OAG's and submitted 3 very good ideas to the campaign; improvements in the vendor of record process, establishing processes to better enable OAG staff to learn from each other, and involving OAG staff earlier in project development so as to anticipate and avoid bottlenecks.

The Union indicated that it would like to keep receiving bulletins to monitor activity and keep up to date.

**3. Seniority List, True Vacancy Report, Unclassified Contracts**

The seniority list, true vacancy report and unclassified contracts report were distributed. The Union expressed concern over the accuracy of the data in the unclassified contract report. Management committed to follow up regarding the accuracy of start dates and employment status, as well as clarify acronyms used in the report.

The Union also raised the issue of unclassified conversions. Management advised that specific conversion concerns should be brought to the attention of the relevant Human Resources Consultant, who will follow up with the operational manager.

Action: The Union will identify specific inaccuracies in the report for investigation and correction by Management. Management will report back at or before the next meeting.

NEW BUSINESS:

1. Implications of the Federal Privacy Act

Management advised that Ministry lawyers have reviewed the *Personal Information Protection and Electronic Documents Act* and are of the opinion that it does not apply to the OPS or its agencies. This is consistent with the position taken by the federal Privacy Commissioner in the publication *Your Privacy Responsibilities: A Guide for Businesses and Organizations*. The OPS will continue to be bound by the provincial *Freedom of Information and Protection of Privacy Act*, though organizations contracted to provide services to the Ministry may be subject to the federal legislation.

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The Union commented on the recent removal of Social Insurance Numbers (SINs) from pay stubs. It inquired as to whether these numbers could also be removed from both electronic and hard copy personnel files, arguing that the WIN identification number is sufficient for tracking employee information. The Union informed Management that this issue is being brought forward concurrently at LERCs.

Action: Management will explore the Social Insurance number issue further and provide an update at the next meeting.

2. Christmas and New Year's Holidays

The Union reported that on December 24 and January 1 there were inconsistencies throughout the Ministry regarding offices closing early for the Christmas holidays. The Union also reported that reduced service hours were publicly posted in advance for other government offices, and some radio stations broadcasted that government offices would be closed at 12 noon on both of these days.

Management indicated that there is no official policy directing managers to let staff leave early on December 24 and 31. However, based on past practice, Directors are aware that they are permitted to do so. There is an expectation of telephone coverage in every office until the end of the business day in such situations.

Action: Management will attempt to ensure that communication regarding early office departure on December 24 and 31 is more consistently communicated in the future.

3. Exemption Testing

The Union Co-Chair conducted a survey of offices regarding their capacity to do the exemption testing and presented the findings to Management having been advised by Management at the previous MERC that the Ministry did not have the resources available to handle the anticipated expansion of exemption testing. The Union Co-Chair reported that she spoke with all invigilators regarding the testing and advised Management that it was felt that the examinations should be done in the Ministry offices and staff would be happy to invigilate the testing. The Union again expressed concern regarding the decision to have new exemption tests performed by Colleges. The Union submitted that prior learning assessments are the business of the Ministry and therefore the work belongs to its members.

Management informed the Union that the decision to have the Colleges administer the new tests still stands. The service level agreement will be for a term of one year, with a review commencing after six months time. The review will include feedback received from Training Consultants. Management committed to share the agreement, or at least the content, at MERC once it is signed.

The Union expressed further concern about the security issues and client service issues, again reiterating its view that the tests were developed by the Ministry to be used as a prior learning assessment tool, and assessing prior learning is a function of and included in the job specification for Training Consultants. The Union also stated that, in the past, the tests administered by the Colleges were developed by the Colleges and were not Ministry examinations.

Management acknowledged the Union's concerns about security and client service, and indicated that these would be addressed through the service level agreement being negotiated with the colleges. It reiterated, however, that the decision to offer the new exemption tests solely through the colleges has been made. The Colleges will begin administering the new tests on April 1, 2004. Management assured the Union that the implementation of the agreement would be closely monitored over the next year.

The Union put Management on notice that they would be filing a policy grievance.

**Action:** Management will share the content of the service level agreement with the Union at MERC once it is signed.

3. Ideas Campaign-Status Update

Management shared a summary of metrics regarding participation in the Ideas Campaign, which ran from December 18 to January 31. There were 3830 ideas submitted, and 5127 unique visitors to the site. Management urged the Union to encourage their members to visit

the Ideas Campaign website via MySSB to view the ideas. Management committed to clarify the meaning of "unique visitors".

Management advised that Cabinet Office staff are now working on categorizing the ideas by theme and identifying corporate/ministry specific implications. Ideas that are Ministry specific will be forwarded to the Ministry team for further analysis. Management reported that the Ministry has a steering committee in place that is starting to develop a process for reviewing the ideas. The committee has yet to determine exactly who will review the ideas. Once the ideas are reviewed the recommendations will be submitted to Cabinet Office.

The Union advised that some regional meetings regarding the Ideas Campaign were cancelled because managers did not relay communications to staff about the time and location of the meetings in a timely manner. Management indicated that it will attempt to ensure that corporate communication is more consistently distributed. It was agreed that the OPS Ideas Campaign will become a standing item.

**Action:** Management will provide an update on the campaign at the next meeting.

#### 4. Vacation Requests

The Union expressed concern that some managers are not responding to vacation requests in a reasonable time and are asking staff to arrange coverage prior to approving vacation requests. The Union suggested that time lines be put in place to respond to vacation requests and advised Management that it was Managements responsibility to arrange coverage.

Management committed to follow up on specific cases when information is provided by the Union. Management indicated that discussions regarding coverage are common practice in the context of vacation scheduling.

Management stated that managers have the right to ensure appropriate coverage prior to approving vacation requests. The Union suggested that an update to voicemail/e-mail indicating the staff member was away and providing a "zero-out" option was sufficient, and that specific back up is not required. Management responded that identifying specific staff to cover an absent co-worker's caseload provides clients with the best response in the least time possible.

**Action:** The Union will identify specific cases where vacation approvals have been unreasonably delayed. Management will follow-up with the appropriate managers.

## 5. Job Competition Process – Interview Questions

The Union asked how interview questions are developed and whether the Human Resources Branch approves the questions. Management indicated that many managers develop their own questions based upon experience, consultation with other managers, and advice from Human Resources. They also have access to SSB training and website based resources to assist them. The role of Human Resources is to assist and advise managers, not to approve interview questions. Human Resources Consultants do not regularly participate on interview panels, as the Branch is simply not resourced to do so. However HRCs may be available upon request. Management indicated that a MOL Human Resources service is available for screening resumes. Management responded that Human Resources acts in a supporting role in the development of questions, and that managers can take a 2 day course on running job competitions to brush up on their skills.

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The Union alleged that a recent interview panel asked inappropriate questions that may violate the Ontario Human Rights Code. The union expressed concerns that some of the questions are offensive and seek information that has no relevance to the interview process. In particular, a panel asked questions as to the ability of a candidate to attend work on time given family pressures. The Union also expressed concern that the use of pencil to make notes during interviews, raised suspicion over the accuracy of the record should the competition be grieved.

Management acknowledged the Union's concerns and committed to targeted training/communication in this area.

Action: The Union will provide particulars to Management regarding their specific concerns.

## 6. Program Development Review (Results Based)

The Union inquired as to the status of the Program Development Review, which they believed was underway in the Ministry.

Management advised that it was not aware of this initiative.

Action: The Management Co-Chair will report back to the Union Co-Chair before the next meeting.

## 7. Rest Periods

The Union expressed concern that managers in the Workplace Training Branch have advised staff that they are not entitled to breaks. The Union contends they have always had 2-15

