

**Ministry of Labour
Ministry Employee Relations Committee (MERC)
Meeting Minutes**

Date and Time: May 25, 2016: 10:00 am – 4:00 pm.

Location: Ottawa MOL Video Conference Room, 347 Preston Street, Tower 3, 4th Floor, Ottawa, ON

For OPSEU: Ken Hill (Co-Chair), Ken Burns, Richard Hutchinson, Cindy Abric-Forsyth, Leslie Aiston (Observer)

For the Employer: Mike Anderson (Co-Chair)*, Sandra Lawson, Janis Bartley, Alec Farquhar, Minerva Papisin, Dorothy Holster (Observer), Greg Brown (Observer)

* Chaired meeting

Regrets: Beth Anich

The following acronyms are used in this document:

- ‘MERC’ Ministry Employee Relations Committee
- ‘MOL’ Ministry of Labour
- ‘OPSEU’ Ontario Public Service Employees Union
- ‘H&S’ Health and Safety
- ‘WHAPP’ Workplace Harassment Action Plan Program
- ‘ES’ Employment Standards
- ‘TEI’ Transition Exit Initiative
- ‘ASMP’ Attendance Support Management Program
- ‘FTE’ Full-time Equivalent
- ‘QA’ Quality Assurance
- ‘ERC’ Employee Relations Committee
- ‘DRS’ Dispute Resolution Services
- ‘TBS’ Treasury Board Secretariat
- ‘PnP’ Policies and Procedures
- ‘GTA’ Greater Toronto Area
- ‘OCOT’ Ontario College of Trades
- ‘MTCU’ Ministry of Training, Colleges and Universities

Business Arising from Previous Minutes:

1) 2013-020 Process for Investigating Public Complaints (Date Tabled: October 1, 2013)

Discussion: OPSEU provided their written interpretation and examples of step 4 of the Complaint process on April 11th for the Employer to review and consider.

Action Required: Employer to further review OPSEU’s interpretation and examples and provide a response before the next meeting.

2) 2014-011 Officer Liability and Compellability (Date Tabled: July 16, 2014)

Discussion: Employer provided the final guidance material on Compellability, as reviewed by Legal Services Branch.

A note was added on page 8 of the guidance material that pertains to “retired inspectors”.

Action Required: No further action required.

3) 2014-014 Travel, Meals and Wheels (Date Tabled: July 16, 2014)

Discussion: Discussions are continuing on this item.

4) 2014-019 Health and Safety Contact Centre (Date Tabled: July 16, 2014)

Discussion: Employer provided the requested information on the number of employees who provided back-up (from May 2015 to March 2016).

OPSEU continues to raise the concern on the wage disparity between the two positions.

Action Required: OPSEU to provide the GSB decision being relied on that supports their concern on the compensation for the Program Assistants providing the back-up, by June 10th.

5) 2014-026 ERC Training (Date Tabled: September 29, 2014)

Discussion: Representatives from the Employer and OPSEU met with Dayna Firth, Disputes Resolution Services. Dates were provided for the parties to consider.

Action Required: LERC members will be canvassed for availabilities.

6) 2016-001 Interest-Based Dispute Resolution (Date Tabled: January 21, 2016)

Discussion: 2016-001 refers to MERC training and 2014-026 refers to LERC training.

Action Required: A date closer to the November MERC meeting will be reviewed with Dayna Firth.

7) 2016-002 Workplace Harassment Action Plan Program (WHAPP) (Tabled: January 21, 2016)

Discussion: Employer provided status update on the recruitment for the temporary and permanent positions for this program.

Action Required: Employer to provide further updates at the next meeting.

8) 2016-004 Operations Division Policies and Procedures (PnP) Re-write (Date Tabled: January 21, 2016)

Discussion: Employer provided the Terms of Reference of the Operations Division Policy and Procedures Committee and the list of all Operations Division committees and members.

Employer confirmed that inspectors and officers will be able to provide their input on any proposed changes on the PnP through the working groups. OPSEU requested that their members in the working group be discussed with MERC.

9) 2016-005 New Employment Standards Direction for the Program (Date Tabled: January 21, 2016)

Discussion: Parties provided an update of the March 31st sub-committee meeting on ES Blended Model.

The sub-committee will have quarterly meetings to continue the discussions on the ES Blended Model.

Action Required: Parties will provide further updates at the next meeting.

10) 2016-006 Smart Phones/Blackberry for Inspectors and Officers (Date Tabled: January 21, 2016)

Discussion: Employer provided an update on the procurement process for the Lone Worker solution.

Employer advised that a working group will be formed to develop the policies and procedures on the Lone Worker application.

Action Required: Employer will provide further updates at the next meeting.

11) 2016-008 Mining Inspector Incident (Operations Division, Northern Region) (Date Tabled: March 23, 2016)

Discussion: Employer is continuing to develop the checklist for managers in responding to an incident involving an employee.

Action Required: Employer to share the draft checklist for managers by July 15th.

12) 2016-010 Recruitment and Retention (GTA) (Date tabled: March 23, 2016)

Discussion: Employer provided information on Operations Division's succession plans for Health and Safety and Employment Standards vacancies.

The town hall meeting has not been scheduled.

Action Required: OPSEU will be notified when the town hall is scheduled.

13) 2016-011 Transition Exit Initiative (TEI) (Date tabled: March 23, 2016)

Discussion: Employer provided an update on MOL TEI applications.

Parties discussed that the Ministry's FTE allocation is not reduced as a result of a TEI approval.

Action Required: Employer to provide an update at every MERC meeting. This item to be moved to Standing Agenda.

14) Ministry Retirements (Date tabled: March 23, 2016)

Discussion: OPSEU inquired if MOL has a succession plan in place to address the number of employees who are eligible to retire.

Employer provided information on recent retirement workshops to assist employees in their decision-making. In addition, succession planning is underway to address potential gaps that may come up, as a result of retirements.

OPSEU requested information on Operations Division succession plans for 2017 onwards.

Action Required: Employer to provide the information prior to the next meeting.

New Business:

1) 2016-013 Lateral Transfer, Industrial Inspector Recruitment (Date tabled: May 25, 2016)

Discussion: Parties discussed the agreement on the lateral process for the enforcement positions.

The parties agreed that:

- The Employer will consider lateral transfers for the recruitment of enforcement positions.
- If there are a number of laterals out of the same office location (i.e., more than 3), Employer and OPSEU will meet to discuss a mutually agreed upon move date.
- Employer will consider the laterals pending the ability to backfill the positions. If the employer is unable to successfully recruit and train a replacement employee, the lateral transfer will not take place and the employee will return to the lateral transfer list.
- The letter offering/approving lateral transfer will include the statement under the third bullet above.

Action Required: Employer to provide the number of inspectors and officers who are on temporary assignments in the OPS (i.e., out of their home position) by June 15th.

2) 2016-014 Ontario College of Trades (OCOT) (Date tabled: May 25, 2016)

Discussion: Employer provided available information on the recent transfer of responsibility for the Ontario College of Trades from Ministry of Training, Colleges and Universities (MTCU) to MOL.

Action Required: Employer to provide further information, when available.

3) 2016-016 Attendance Support Management Program (ASMP) (Date tabled: May 25, 2016)

Discussion: OPSEU requested for the number of employees who are currently on the ASMP.

Action Required: Employer will provide the information as soon as it is available from MGCS.

**4) 2016-017 Employee Health and Safety Programs, Operations Division
(Date tabled: May 25, 2016)**

Discussion: Dorothy Holster, Acting Director, Central East Region, presented on the Operations Division Employee Health and Safety Program.

Action Required: Employer to provide further updates, when available.

**5) 2016-018 Residential Roofing (Pilot Program), Operations Division
(Date tabled: May 25, 2016)**

Discussion: Brian Barron, Project Manager, Operations Integration Unit, presented on the Residential Roofing, Underground Economy Pilot.

Action Required: No further action required.

6) 2016-018 Observers at Future Meetings (Date tabled: May 25, 2016)

Discussion: Parties agreed that observers are welcome to attend future meetings.

Action Required: Notice will be provided to MERC in advance of the meetings.

Standing Agenda Items:

1) 2013-002 Committee's Accomplishments

Discussion: Parties discussed the Committee's successes and continuing issues.

2) 2013-016 Staff Reports

Discussion: Employer provided staff reports to OPSEU's for review. OPSEU inquired about three temp agency employees.

Action Required: OPSEU to review the other reports before the next meeting. Employer will review and provide a response.

3) 2014-009 MERC Health and Safety Sub-committee (Date Tabled: July 16, 2014)

Discussion: No updates at this time.

4) 2014-018 Health and Safety Awareness Training (Date Tabled: July 16, 2014)

Discussion: Employer provided the names of employees who have not completed the training.

Action Required: Employer to follow-up to ensure that they complete the training.

5) 2014-022 Quality Assurance (QA) Update (Date Tabled: July 16, 2014)

Discussion: No updates at this time.

6) 2014-024 Risk-Based Approach – Better Information for Better Prevention (Date Tabled: September 29, 2014)

Discussion: No updates at this time.

7) 2014-025 York University Research Project (Date Tabled: September 29, 2014)

Discussion: No updates at this time.

8) 2016-003 Joint Employee Accommodation Working Group (Date Tabled: January 21, 2016)

Discussion: Updates were provided from the working group meeting on April 15th. The next meeting is scheduled on June 2016.

Original signed on May 25, 2016 by:

Ken Hill, Co-Chair, OPSEU
Mike Anderson: Co-Chair, Management

2013-020 – Process for investigating Public Complaints * requested formal process to be drafted and sent to all managers and staff regarding the process; FEB * memo sent out signed by ADM not both MERC co-chairs as agreed. Message was complete but not signed as per our agreement – pointed out to ER MERC.; MAY - did not end – concern raised on step 4 of process for clarification/interpretation – we provided language SEPT ** final agreement on our interpretation.

2014-007 – on call protocol * item removed

2014 – 009 H&S Sub committees – 6 working groups * update on the groups provided in at January meeting and item moved to standing item in January; moved to STANDING ITEM.

2014-011 – officer compellability and liability * updates requested to the document to include support for officers no longer with mol and their reimbursements – agreed to in January. Update on items before the court requested and provided. MAY – final tabled and agreed to.

2014-014 – travel, meals and wheels * sub committee struck to continue discussions in January. ; JULY – still areas of disagreement, final document was submitted, withdrawn and re submitted. We request item will stay on agenda as not all areas satisfy our needs and we feel grievances will be forthcoming. Not much pushback yet as we know to date.

2014-015 – Fleet agreement – direct assignments. * extension until apr.1st 2017 signed by both parties. All direct assigned not yet moved will be priority.

2014-018 – H&S awareness training –requested number of staff who had not completed. Final numbers provided – item removed in JULY

2014-019 – H&S contact Centre * staffing levels discussed and PA back fill – salary differences. * MAY – ER requested GSB decision regarding compensation. JULY – we withdrew item due to misinformation regarding % of work outside classification allowed and increase in staffing at call centre.

2014-022 – Q/A working group * updates provided; work ongoing. Moved STANDING ITEM

2014-024 – risk-based approach (better info for better prevention) * update provided in January and focus switched to Prevention Office – STANDING ITEM

2014-025 – york university research project * no information available ; STANDING ITEM

2014-026 – ERC training * pushed for LERC training and requested TBS materials for comparison with OPSEU information. ; 36 locations – not all have LERCs in place. MAY – canvass all LERCs

2016-002 WHAPP * ER requested MERC support for 12 month term and was agreed to.; questions raised regarding vetting process, questions asked. JULY – training curriculum provided, discussed recruitment, questioned information storage on members on Pilot and new. SEPT *** records must be retaining under license for 10 years – accessible by DR. only, kept by DR. Locked cabinet. No records to be placed in employees files. Records destroyed after 10 year retention.

2016-003 – Joint Employee accommodation working group * renewed the group and moved forward with the work started. New members including OPSEU MERC and meetings ongoing. KEN

2016-004 – Ops division PnP rewrite * concern raised that no OPSEU input – ER stated working groups on all priority topics. Requested input into any further PnP updates changes.; MAY requested MERC be able to select/discuss members asked to participate on working groups. JULY - * ER agreed to consult with MERC PRIOR to establishing committees and working groups and will solicit MERC recommendations for membership.

2016-005 – ES – new planned model – blended * concerns raised regarding direction, blended workload, vehicles. List of questions provided in January.; ER agreed to forming sub-committee at March meeting. *: MAY quarterly meetings agreed to.

2016-006 – smart phones/blackberrys * list of questions provided for ER to respond to in January; *MAY – not a questions answered. Morphed into lone worker app from H&S sub committee and working group to be formed. SEPT ** vendor selected. Demo scheduled for October and MERC rep invited.

2016-007 – special cases * discussed at table; referred to CERC; Presentations made for ES and H&S officers. New case raised with Ergonomists – Sudbury member

2016-008 – Mining Inspector incident , fall in northern region- mishandled by ER. Requested protocol for proper handling of accidents and incidents by ER as well as full investigation. Investigation conducted by local JHSC, results not shared. SEPT. Final document presented – addition made to contact unless employee advises otherwise.

2016-009 – MERC terms of reference. * review and agree to Terms by all. Felt that ER reps were not committed to productive and effective communication, respect and trust waning. DONE by all at March

2016-010 – Retention and recruitment in GTA and lateral movements. * ER holding back on moves – ADM looked to town hall with GTA members (MERC there) and noted many items and issued. He is working on many and committed to all in the room to continue to do so. JULY – town hall scheduled for September.

2016-011 – TEI at MOL – Requested updates (march 136 apps, 82 approved, stated 60% more by Apr1st. * MAY – concern raised that FTE reduced with TEI – ER confirmed it is not.

2016-012 – retirements & succession planning - requested info * MAY – retirement workshops underway. Hiring processes and plans into 2017 shared by ER

2016-013 – MAY -Laterals for next recruitments – ER agreed to work closer to get more members moved. Statement agreed to for inclusion in letter of offer. SEPT – agreed to move to STANDING ITEM

2016-OCOT – questions raised regarding transfer of responsibility. *MAY – ER provided prelim info for move of responsibilities only from MTCU to MOL. NO staff. Info to be provided as available. JULY – confirmed no H&S work will be done. Staff moved are not OPSEU members.

2016-016 – ASMP. – requested numbers of MoL members on ASMP. Discussed poor rollout. SEPT ** ER was not fully aware of new process – agreed to provide supplementary training to all managers

2013-016 staff reports – identified a number of people needed to be rolled over, 3 temps to be moved to fixed term.

2016-021 – OWA/OEA classification questions- JULY -licensing going forward and higher classification -* requested all be moved to the higher classification. SEPT – deferred.

2016-022 – BSC – referral from SSM LERC- moved to discussions at the ES blended model sub committee as of JULY. OPSEU 5 points of address. SEPT- ** ER agreed to provide more info, survey drafted around same with OPSEU feedback. KEN

2016-023 – JULY – concerns on Perf Improv Plan - * requested information and any templates. ER at this time stated not aware of same.

2016-025 – JULY - Accreditation Program announced my ministry - * concern raised on elimination of OPSEU jobs in H&S. Requested information

2016-028 – SEPT. Workplace violence statistics. – requested any information on and any statistics around WPVH with MoL OPSEU staff.

2016-029 – SEPT – Professional licensing dues – requested information on all positions that have persons with credentials, are they mandatory or voluntary and does ER pay fees.

2016-30 – Inspector Productivity – SEPT. ER requesting look into tools for performance measures for inspectors. (READ BSC). Advised by OPSEU not necessary and not properly tabled for MERC to consider. ER said they will provide explanation in writing and informed that at that time we will review and provide feedback on establishment of working group to address.