

MERC MINUTES

Ministry of the Attorney General MINISTRY EMPLOYEE RELATIONS COMMITTEE MEETING (MERC)

January 26, 2017

9:30 a.m. – 4:30 p.m.

720 Bay Street, Toronto, Ontario

Chair: Employer

MERC Members:

Tim Elphick, OPSEU Co-Chair
Tina Stevens
Karen Clark
Nicole Stewart
Cindy Abric-Forsyth, OPSEU Negotiator

Mark Hine, Management Co-Chair
Brian Garrah, CSD
Kathie Persaud, VVPD
Alexandra Ellis, ERD TBS
Angela Oh, CSMD

Guests:

- Roy Dart, Workforce Policy and Planning Coordinator, CSD
- Christopher Johns, Executive Director, Innovation Office, MOD
- Julia Bielecka, A/Manager, Operational Support Unit, CSD
- Tammy Browes-Bugden, Strategic Operations Management Centre, CLD
- Beverly Leonard, Court Operations - Toronto Region, CSD
- Anthony Lue Tam, Manager, Regional Projects
and Strategic Initiatives, CSMD

Regrets:

None

Ref #	Agenda Item:	Issue	Follow-Up / Action:
	Presentations:		
1.	Business Continuity & Emergency Management “Wellness in Emergencies” Program	Deferred	Employer to provide material and presentation to be scheduled for a meeting at a later date
	Standing Items		
2.	Courts Modernization		
a.	Judicial e-Scheduling	It is anticipated that the final concept will be completed by March 2017 (potentially May 2017) and implementation to begin once enhancements are stabilized. This is likely to occur in late February/ March 2017.	Demonstration of e-scheduling program to be scheduled once finalized.
b.	Provincial Offences Act (POA) – Part I	Employer provided an update on enhancements to POA Part I prosecutions. Consultations continue to be ongoing.	Employer to report back at next meeting.
	Provincial Offences Act (POA) – Part III	Consultations with municipal partners and stakeholders remain in progress. No decisions made at this time that would impact OPSEU staff.	The Employer will provide information as available and provide disclosure as appropriate.
c.	Civil Enforcement Services	Ministry continues to review submissions to make an informed decision.	Employer to report back at next meeting.
d.	Non-Judicial Hearings	This review is currently on hold.	

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e.	Courtroom Staffing Review	The parties continue to meet.	
f.	Scheduling of Crown Operations Prepared Electronically (SCOPE)	The Employer provided the update that SCOPE continues to be implemented. SCOPE will be introduced province-wide.	Employer to report back at next meeting.
3.	MAG Updates		
a.	Modernization Division	Division will continue to meet with other justice partners at an upcoming conference to explore priorities and ultimately inform the operational planning, which will be released in Spring 2017. Online e-filing of civil forms will occur in the near future. Bandwidth issues being assessed across all sites. Six additional uplifts scheduled over the next few months. The Division continues to strategize on the usage of wi-fi inside court locations.	
b.	Court Services Division	The Division is preparing for the upcoming OPS Employee Engagement Survey (to be launched February 22, 2017) and communicating to employees regarding specific work being done by the employee engagement committee. List of hiring best practices to be released for all CSD managers to use (created by Fair Hiring Practices Working Group). Agenda for the Courtside Chats 2017 is being developed.	The union has requested a copy of the hiring best practices. The Employer will follow-up.

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c.	Victims and Vulnerable Persons Division	No updates at this time.	
d.	Criminal Law Division	An operational review is being conducted through the Office of Strategic Initiatives; an external consultant has been brought in for the operational review of six sites (London, Windsor, Orangeville, Guelph, College Park and Ottawa).	
4.	Reports		
a.	Fixed Term Report (Article 16.5.1)	The Fixed Term report was provided by the Employer on January 17, 2017.	
b.	Conversion Reports (Article 31A.15)	On January 17, 2017, the Employer reported that there were no conversions between October 1 to December 30, 2016.	
c.	FPT Deficit Hours (Quarterly Reports)	The Employer provided the finalized the Q3 deficit hours report on November 7, 2017. In most cases, deficit hours accrued were a result of personal circumstances. Ongoing CTRS training is available for the reporting of hours.	Next report being verified and to be provided by CSD on January 31, 2017.
5.	LERCs	The Union and the Employer are working together to schedule dates for future Employee Relations Committee (ERC) training.	
6.	Training and Development (Appendix 29)	A total of 30 training sessions were conducted and are now completed (278 peer coach mentors were trained).	CSD directive on training to be released shortly.

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		Training continues to be monitored vis-à-vis any changes to legislation; notification will go out if any elements of training are updated.	
7.	Attendance Support Management Program (ASMP)	Ministry level reports are now being prepared. This has been provided to the Employer and is being reviewed for accuracy prior to sharing with the Union.	Managers Memo has been sent, reminding managers about some parameters of the ASMP.
8.	Court Security	Workplace Violence Risk Assessments should continue to be shared with local health and safety representatives or joint Health and Safety Committees.	Employer to remind line managers of this requirement.
9.	Job Descriptions	Union continues to receive copies of job descriptions.	
	Report Back Items		
10.	Workplace Identification Cards	The Employer has conducted an environmental scan on workplace identification practices. A recommendation has been developed and the Employer is seeking approval.	Employer to report back.
11.	New Toronto Courthouse	The Employer has provided the update that the project is on schedule and is in the design development phase. It is anticipated that the final design will be identified after June 2017. The estimated completion date is 2021/22. A Steering Group and Working Group have been established to ensure seamless flow of information and the movement of cases between the courthouses.	Employer to provide Union with a copy of the staff letter identifying final consultants selected for proposed designs and updates as available.

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12.	Technological Change – Ergonomic Issues in the Courtroom	The parties are committed to an ongoing review of ergonomic issues in the courtroom as a result of technological change.	The Union will identify areas of concerns with the Employer for review.
13.	Workplace Violence Statistics	The Employer is continues to determine how best to provide Ministry statistics while still protecting privacy. There are currently no statistics available corporately with Ministry-level data.	Employer continues to follow up.
14.	Appendix 32 Implementation – Toronto Region	The Employer is committed to responding to any implementation issues. Union to share any incidences with Employer, as required.	Remove from agenda.
15.	LERC Referrals – 330/393 University (Local 526)	<p>i) Seniority for Flexible Part-Time (FPT)</p> <ul style="list-style-type: none"> - FPT employees will have their seniority calculated in accordance with the collective agreement. Seniority accumulated by FPT staff as of December 31, 2012, will be based on their continuous service date without any proration. Seniority accumulated on or after January 1, 2013 shall be calculated in accordance with Article 18.2. <p>ii) Regional Senior Justice (RSJ) Staffing Requirements</p> <ul style="list-style-type: none"> - The Union raised concerns about the staffing requirements for in-court staff as directed by the RSJ office. <p>iii) Staff for Duty Judge on Weekends</p> <ul style="list-style-type: none"> - The Union raised concerns about the staffing levels/ assignments for duty judge(s) on weekends. 	<p>Employer to follow up.</p> <p>Employer to follow up.</p>

Ref #	Agenda Item:	Issue	Follow-Up / Action:
		<p>iv) Exhibit Clerk Position</p> <ul style="list-style-type: none"> - The Union raised concerns about the Exhibit Clerk position at 393 University Ave. <p>v) Clarification on Amended Court and Client Representative (CCR) FXT posting</p> <ul style="list-style-type: none"> - On December 1, 2016, a memo was provided to staff advising of changes to the CCR-FXT posting and on December 6, 2016, a meeting was held with staff to respond to any questions or concerns. Any additional questions should be directed to the manager. <p>vi) Workload Issues</p> <ul style="list-style-type: none"> - The Union raised concerns regarding the amount of work being performed by CCR staff. - The parties encourage employees with workload issues to speak with their direct manager or immediate supervisor in a timely manner. - Unresolved issues shall be referred to the LERC/MERC. <p>vii) Overtime</p> <ul style="list-style-type: none"> - The LERC at 330/393 University Avenue has requested overtime based on operational needs. - Overtime is solely determined by the Employer and, if approved, will be provided for in accordance with the Collective Agreement. - Employees are not entitled to overtime without managerial authorization. 	<p>Employer to follow up.</p>

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	New Business		
16.	Travel Time	The Union has raised concerns around compensation for travel time.	Both parties will follow up.
17.	Termination Payments for FPT Employees	The Union has raised concerns on termination payments for FPT employees who have opted out of benefit provisions in Appendix 32. Employer anticipates decision shortly and to be communicated to Union.	Employer to report back.
18	Use of Agencies	Union has raised concerns regarding the use of agencies to perform bargaining unit work. The Employer has advised that the use of agencies is strictly to deal with staff shortages and recruitment to staff these positions is ongoing.	Employer to report back.
	Next Meeting Dates:	April 19, June 20, September 12	

For the Union:

For the Employer:

Original signed by:

Union Co-Chair
Tim Elphick

Original signed by:

Employer Co-Chair
Mark Hine