

## **MERC MINUTES**

### **Ministry of the Attorney General MINISTRY EMPLOYEE RELATIONS COMMITTEE MEETING (MERC) April 19, 2017**

9:00 a.m. – 4:00 p.m.

31 Wellesley Street East, Toronto, Ontario

Chair: OPSEU

#### **MERC Members:**

Tim Elphick, OPSEU Co-Chair  
Tina Stevens (via teleconference)  
Karen Clark  
Rodger Noakes, OPSEU Negotiator

Mark Hine, Management Co-Chair  
Brian Garrah, CSD  
Kathie Persaud, VVPD  
Patricia Lopes, ERD, TBS (for Alex Ellis)  
Angela Oh, CSMD

#### **Guests:**

- Roy Dart, Workforce Policy and Planning Coordinator, CSD
- Christopher Johns, Executive Director, Innovation Office, MOD
- Esther Hibbert, Senior Project Management Consultant, Innovation Office, MOD
- Beverly Leonard, Court Operations - Toronto Region, CSD
- Anthony Lue Tam, Manager, Capital Projects and Strategic Initiatives, CSMD
- Frank Skubic, Director, Justice Sector Security Office, CSMD
- Megan Dykie, Manager, Business Continuity and Emergency Management, CSMD
- Michelle Flaro, Manager of Court Operations – East Region, CSD

#### **Regrets:**

-Nicole Stewart, OPSEU

<b>Ref #</b>	<b>Agenda Item:</b>	<b>Issue</b>	<b>Follow-Up / Action:</b>
	<b>Presentations:</b>		
<b>1.</b>	<b>Business Continuity &amp; Emergency Management “Wellness in Emergencies” Program</b>		Deferred
	<b>Standing Items</b>		
<b>2.</b>	<b>Courts Modernization</b>		
<b>a.</b>	<b>Judicial e-Scheduling</b>	The Employer provided a demonstration of the e-scheduling system that is currently being piloted in Milton and Oshawa. Two additional pilot sites will implement the system starting in June 2017. This e-scheduling tool will only be used for OCJ Criminal matters at this time.	Employer to report back at next meeting.
<b>b1.</b>	<b>Provincial Offences Act (POA) – Part I</b>	The Ministry is exploring ways to expand opportunities for a consistent on-line payment methods for POA Part I offences.	Employer to report back at next meeting.
<b>b2.</b>	<b>Provincial Offences Act (POA) – Part III</b>	Consultations with municipal partners and stakeholders remain in progress. No decisions made at this time that would impact OPSEU staff.	Employer to provide update at next meeting.
<b>c.</b>	<b>Civil Enforcement Services</b>	This review is currently on hold.	Employer to provide update at next meeting.

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d.	<b>Non-Judicial Hearings</b>	This review is currently on hold.	Employer to provide update at next meeting.
e.	<b>Courtroom Staffing Review</b>	<p>The parties continue to share their joint-commitment to working collaboratively on proposals that would move Court Services Division (CSD) closer to its vision of more full-time, permanent Court and Client Representative (CCR) positions. No decisions have been made.</p> <p>An update was provided on March 21, 2017, by the Assistant Deputy Attorney General (ADAG), Sheila Bristo, outlining training as a priority for CSD and other initiatives underway.</p> <p>The interim agreement between the parties continues to restrict full-time, permanent CCR positions to current CSD employees only.</p> <p>Employees seeking to participate in additional training and career development options are encouraged to speak with their manager/supervisor.</p> <p>Additional resources have been made available to staff on the CSD Intranet (Resource Centre &gt; Career Advancement) to assist with resume writing, interview skills, and more!</p> <p>The parties are committed to sharing information with staff as available.</p>	

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f.	<b>Scheduling of Crown Operations Prepared Electronically (SCOPE)</b>	The Ministry continues its expansion of SCOPE, which is anticipated to be deployed over the next two years.	Employer to report back at next meeting.
3.	<b>MAG Updates</b>		
a.	<b>Modernization Division</b>	The Employer provided the update that this year's annual planning cycle (roadmap) is almost complete.	Employer to report back at next meeting. An info-share will be provided to bargaining agents prior to the release of the roadmap to staff.
b.	<b>Court Services Division</b>	CSD provided OPSEU with copy of best practices for hiring on February 15, 2017.  CSD provided an update on training and developed as noted in #6 below.	
c.	<b>Victims and Vulnerable Persons Division</b>	The Employer provided examples of employee engagement and diversity and inclusion events that have been held at VVPD. See Appendix A.	
d.	<b>Criminal Law Division</b>	No updates.	Employer to provide update at next meeting.
4.	<b>Reports</b>		
a.	<b>Fixed Term Report (Article 16.5.1)</b>	The Fixed Term report as of February 28, 2017 was provided by the Employer on April 4, 2017; the report as of March 31, 2017 was provided by the Employer	

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		on April 13, 2017.	
b.	<b>Conversion Reports (Article 31A.15)</b>	<p>The Fixed Term report as of February 28, 2017 was provided by the Employer on April 4, 2017; the report as of March 31, 2017 was provided by the Employer on April 13, 2017.</p> <p>The Union raised concerns with the length of fixed-term contracts in the London Crown Attorney's office.</p>	Employer to follow up with Union's concerns.
c.	<b>FPT Deficit Hours (Quarterly Reports)</b>	The Employer provided the finalized Q4 deficit hours report on January 31, 2017.	Next report to be verified and provided by CSD on April 30, 2017.
5.	<b>LERCs</b>	<p>The parties continue to encourage management and OPSEU members of a LERC to register for and participate in ERC training (Level 1).</p> <p>Dates remain available as below:</p> <ul style="list-style-type: none"> <li>- May 4 (Kingston)</li> <li>- May 16 (Toronto)</li> <li>- May 17 (Thunder Bay)</li> <li>- June 13 (Peterborough)</li> <li>- June 20 (Hamilton)</li> <li>- July 12 (Toronto)</li> </ul>	
6.	<b>Training and Development (Appendix 29)</b>	Training directive was released to CSD managers and staff on February 10, 2017. Directive standardizes and tracks training across the division. All training material is available in the training folder accessible	

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		<p>via staff desktops.</p> <p>Management has been meeting in each region to develop strategies to effectively meet these new benchmarks.</p> <p>Bail and remand refresher training was also conducted throughout February and March 2017. It was delivered to 1031 staff and managers through 87 sessions. Regional Modernization Coordinators to roll-up feedback following this training.</p> <p>The Union raised concerns regarding the short-timelines for the delivery and implementation of this training. The Employer confirmed that time spent for training outside of core business hours was compensated.</p>	
7.	<b>Attendance Support Management Program (ASMP)</b>	Divisional data to be provided to Ministry this week.	Report to be shared with OPSEU when available.
8.	<b>Court Security</b>	Employer has sent a memo to managers reminding them to share Workplace Violence Risk Assessments with local health and safety representatives or joint Health and Safety Committees.	
9.	<b>Job Descriptions</b>	Union continues to receive copies of job descriptions.	
	<b>Report Back Items</b>		
10.	<b>Workplace Identification Cards</b>	The Employer provided an update on the review of workplace identification cards, in conjunction with the	Based on the outcome of that meeting, the Employer will report

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		<p>Justice Sector Security Office.</p> <p>A presentation will be made to the Senior Management Team and establish direction on next steps.</p>	back.
11.	<b>New Toronto Courthouse</b>	<p>The Employer has provided the update that the project continues to be on schedule. Two design presentations have been completed with an anticipated five to be done by the end of June 2017 in preparation for the final Request for Proposal (RFP). 2201 Finch Avenue courthouse will remain open as bail centre (excluding youth) and plea court for Toronto. High security courthouse also to remain in place downtown. Steering Group and Working Group have been established to ensure seamless flow of information and the movement of cases between the courthouses.</p> <p>Next communication planned for when RFP has been awarded.</p> <p>The Union requested increased involvement/consultation of OPSEU bargaining unit staff, including members of the LERCs and JHSCs/Local Health and Safety Representatives.</p>	<p>Employer to provide an update on feedback/lessons learned from recent courthouse construction projects.</p> <p>Employer to provide update on further opportunities for involvement by bargaining unit staff.</p>
12.	<b>Technological Change – Ergonomic Issues in the Courtroom</b>	The Union has developed an assessment tool to assist in determining where ergonomic issues may exist in courtrooms.	Once finalized, the Union will share with the Employer for review and consideration.

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13.	<b>Workplace Violence Statistics</b>	<p>The parties received a presentation by the Justice Sector Security Office (JSSO) regarding their role and reporting requirements of workplace violence incidents.</p> <p>Staff may report workplace violence incidents by contacting JSSO at 1-866-934-5776 (JSSO).</p> <p>The Union requested the Employer to include information on JSSO in their orientation packages.</p>	The Employer will provide an update on the Union's request to include JSSO information in staff orientation packages.
14.	<p><b>LERC Referrals – 330/393 University (Local 526)</b></p> <p><b>Tabled: January 26, 2017.</b></p>	<p><b>i) Regional Senior Justice (RSJ) Staffing Requirements</b> Staffing standards are determined accordance with the CSD directive, “Judicial Support Standards for Federally-Appointed Judges of the Superior Court of Justice”, dated December 30, 2002.</p> <p><b>ii) Staff for Duty Judge on Weekends</b> The Manager of Court Operations is responsible for staffing in the event that a Duty Judge is required on the weekend.</p> <p><b>iii) Exhibit Clerk Position</b> The Union raised concerns about the Exhibit Clerk position at 330/393 University Ave.</p>	<p>The Employer to share the Directive with the Union.</p> <p>The Employer will provide a response.</p>
15.	<b>Travel Time – Toronto Region</b>	The Union has raised concerns around compliance with the OPS Travel, Meals and Hospitality Directive in Toronto Region. The Employer advises that a	The Employer will provide a response.



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		response will be available soon.	
16.	<b>Article 78 Update – FPT Benefits</b>	<p>The Union has raised concerns with the issuing of termination payments for FPT employees who have opted out of benefits provisions as per Appendix 32.</p> <p>The Employer is seeking a decision on this concern and advises that a response will be available soon.</p>	The Employer will provide a response.
17.	<b>Use of Agencies to Perform OPSEU Bargaining Unit Work</b>	<p>The Union raised strong opposition to the use of agency staff to perform OPSEU bargaining unit work.</p> <p>The Employer has advised that the use of agencies is strictly to deal with staff shortages and recruitment to staff these positions is ongoing. The Employer's goal is to be fully staffed and not require the use of agency staff.</p>	The parties continue to monitor the usage of agency staff and will provide an update at the next meeting.
	<b>New Business</b>		
18.	<p><b>LERC Referral – 360 Plouffe Street (Local 633)</b></p> <p><b>Tabled: April 19, 2017</b></p>	<p>The Union raised a concern on behalf of the LERC at Local 633 regarding reporting pay and travel time.</p> <p>The Ministry's position on Reporting Pay (for fixed-term, irregular/on-call staff) is that reporting pay should be paid as work time. Should an employee meet the requirements to be entitled to reporting pay, this entitlement remains despite time spent travelling to/from the work location.</p>	Remove from agenda.

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	<b>Next Meeting Dates:</b>	June 20, September 12	

For the Union:                      April 19, 2017

For the Employer:                      April 19, 2017

*Original signed by:*  
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 Union Co-Chair  
 Tim Elphick

*Original signed by:*  
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 Employer Co-Chair  
 Mark Hine