

MERC Minutes

Ministry of the Attorney General Ministry Employee Relations Committee Meeting (MERC)

November 30, 2017

9:00 a.m. – 4:00 p.m.

720 Bay Street, Toronto, Ontario

Chair: OPSEU

MERC Members:

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

Mark Hine, Management Co-Chair
Brian Garrah, CSD
Kathie Persaud, VVPD
Theresa Hillis, TBS
Angela Oh, CSMD

Regrets:

Ali Novin

Guests:

- Roy Dart, Workforce Policy and Planning Coordinator, CSD
- Linda D'Amico, Workforce Policy and Planning Coordinator, CSD
- Diana Correia, Human Resources Business Advisor, CSMD
- Tammy Browes-Bugden, Director, Strategic Operations Management Centre, CLD
- Mark Saltmarsh, Director, Office of Crown Strategic Initiatives, CLD
- Christopher Johns, Executive Director, Innovation Office, MD
- Beverly Leonard, Director, Toronto Region, CSD
- Michelle Flaro, Manager of Court Operations, CSD

Ref #	Agenda Item	Issue	Follow-Up / Action
Presentations			
1.	Business Continuity & Emergency Management “MAG Emergency Psychological Wellness” Program	The Union received the presentation provided by the Employer.	Remove from agenda.
Standing Items			
2. Courts Modernization			
a.	Electronic Scheduling Program	The Employer continues its pilot in four locations. The final version is anticipated to be completed in the Spring 2018, with roll-out to follow.	The Employer to provide update at the next meeting.
b1.	Provincial Offences Act (POA) – Part I	Legislation was introduced that would allow for the resolution of more on-line POA matters.	The Employer to provide update at the next meeting.
b2.	Provincial Offences Act (POA) – Part III	The Employer provided an update on the introduction of Bill 177 (Schedule 35) to permit the transfer of provincial prosecutions from the provincial to municipal sector. The Union is opposed to any such transfer and has issued a letter to the Ministry dated November 27, 2017. This letter is posted on the OPSEU website.	The Employer to provide a response to the OPSEU letter prior to the next meeting.

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c.	Civil Enforcement Services	The review is currently on hold.	The Employer to provide update at the next meeting.
d.	Non-Judicial Hearings	The review is currently on hold.	The Employer to provide update at the next meeting.
e.	Courtroom Staffing Review	On September 11, 2017, the Assistant Deputy Attorney General (ADAG) for Court Services Division (CSD) issued a memorandum to staff confirming the Court and Client Representative position to support the delivery of court services in the future. CSD and OPSEU continue to meet.	The parties to provide an update at the next meeting.
f.	Scheduling of Crown Operations Prepared Electronically (SCOPE)	The Ministry continues its expansion of SCOPE and expects to complete the transition in Halton in the next few weeks and move towards Hamilton by February 2018. 68% of sites have now been digitized.	The Employer to provide update at next meeting.
3. MAG Updates			
a.	Modernization Division	<p>The Employer shared the 2017-2019 operational plan via memo from the Deputy Attorney General in November 2017.</p> <p>The IF... program was launched through a crowd-sourcing model. The submission period closes December 1, 2017 and staff will have an additional week to “like” the ideas.</p> <p>WiFi access in court houses continues to be reviewed and implemented.</p>	The Employer will provides updates as available.

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b.	Court Services Division	A link to LearnOn has been added to the Court Services Division (CSD) intranet site. A communication has been sent to all CSD staff on the divisional strategic and operation plan. The Court Service Division staff newsletter can also be found on the CSD Intranet Resource Centre at: http://intra.csd.mag.gov.on.ca/English/page-1-12252-1.html .	
c.	Victims and Vulnerable Persons Division	The Employer provided an update on ongoing employee engagement activities that are being implemented within the division.	
d.	Criminal Law Division	The Employer is working to update its performance plan assessment tool to standardize performance commitment language.	
4. Reports			
a.	Fixed Term Report (Article 16.5.1)	The Fixed Term report was provided by the Employer on October 20, 2017.	
b.	Conversion Reports (Article 31A.15)	The Conversion report was provided by the Employer on October 20, 2017.	
c.	FPT Deficit Hours (Quarterly Reports)	The Employer provided the finalized Q2 deficit hours report on July 31, 2017 and the finalized Q3 report on October 31, 2017. The Union made inquiries as it relates to the number of deficit hours and the Employer provided a rationale for those specific employees.	Next report to be verified and provided by CSD at the end of January 2018.

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5.	ERC Training	The Union and Employer are planning dates to provide Local/Ministry Employee Relations Committee training in Spring 2018.	
6.	Training and Development (Appendix 29)	<p>The Employer advised that presentations were provided to all Regional Management Teams (March – May 2017) to reinforce the importance of following the training directive and benchmarks.</p> <p>Criminal/Civil training continues to be delivered to front-line staff. Bail & Remand refresher training videos have been uploaded to the CSD training folder and are now accessible to all regions. Over 230 staff across the province have participated in variety of training sessions applicable to the Family business line.</p> <p>Modernization Coordinators have been working on regional training strategies in order to support the training and development of new staff and existing staff in multiple practice areas.</p>	The Employer to provide update at the next meeting.
7.	Attendance Support Management Program (ASMP)	The Union received statistics for Level 3 and Level 4 employees in the Attendance Support Management Program (ASMP). The Employer is working with divisions on ensuring AMTS data is accurate and reflective of any bundling or preclusion of employees' absences. The Voluntary Option (VO) is for use at the employee's discretion on a one-time basis.	

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8.	Court Security	<p>The last court security survey was completed three years ago and the Union has identified that there continue to be concerns around court security. A copy of the findings, published in November 2014, is available on OPSEU's website.</p> <p>The Employer confirmed that Workplace Violence Risk Assessment (WVRA) documents are owned and maintained locally at each workplace. Staff members at these sites may request a copy of the completed assessment from their Local Joint Health & Safety committee or Representative or Local Manager.</p>	
9.	Job Descriptions	The Union received the report for August 2017 on September 18, 2017. The Union received the report for September 2017 and October 2017 on November 30, 2017.	
Report Back Items			
10.	Workplace Identification Cards	The Employer provided an update that workplace ID cards continues to be in queue to be presented at the Senior Management Table (SMT).	The Employer to provide updates in advance of the next meeting.
11.	New Toronto Courthouse	The Employer has received two submissions to the Request for Proposal (RFP) and both are currently being evaluated. Infrastructure Ontario will negotiate the contract with the preferred proponent and final announcement of successful vendor expected to be made in Winter 2018. Occupancy still expected for 2021-22.	

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12.	Technological Change – Ergonomic Issues in the Courtroom	The Employer is actively reviewing OPSEU’s proposed ergonomic assessment tool with ergonomists and health and safety advisors from Treasury Board Secretariat.	The Employer to share feedback and discuss next steps once review has been completed.
13.	Workplace Violence Statistics	The Employer continues to work with JTS in the development of the desktop icon.	The Employer to follow up at the next meeting.
14.	Travel Time – Toronto Region Tabled: January 26, 2017	The Employer has shared various scenarios with CSD staff in Toronto Region for when travel time is applicable in accordance with the collective agreement, as well as travel expenses in accordance with the OPS Travel, Meals and Hospitality Directive.	Remove from agenda.
15.	Article 78 Update – FPT Benefits Tabled: January 26, 2017	The Union raised concerns with FPT employees not receiving severance payments upon opting out of the benefit plan (Article 78). The Employer has reviewed this item and approval has been provided to issue payment to FPT employees for the duration of time where they were enrolled in the benefit plan prior to opting out. Retired FPT employees who are eligible have been notified and payments have been issued.	Remove from agenda.

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16.	Use of Agencies to Perform OPSEU Bargaining Unit Work Tabled: January 26, 2017	<p>The Employer advised that the use of temporary agency staff has been trending downwards. Ongoing efforts are in place to fill positions via competition. The Union has suggested that further full-time competitions be held rather than the exclusive use of reach-backs to fill those positions.</p>	<p>The parties to follow up.</p>
17.	LERC Referral – Local 526 (Weekly Court Schedules) Tabled: June 20, 2017	<p>The Employer has conducted a review of current scheduling practices that are in place to address last-minute changes to the court schedule. The Employer will continue to engage in discussions to address the Union’s concerns about timelines around the communication of changes.</p>	<p>The Employer to follow up.</p>
18.	LERC Referral – Local 526 (Keyboards in Courtrooms) Tabled: June 20, 2017	<p>The Employer conducted a site visit to review the use of keyboards at 330/393 University Avenue, Toronto. The keyboards at this worksite were refreshed in Spring/Summer 2017. If any employees are experiencing issues with the ergonomics or the sound related to their keyboards, they should speak with their manager.</p> <p>This LERC referral will also be taken under advisement for Item #12.</p>	<p>Remove from agenda.</p>
19.	Implementation of Independent Police Oversight Review Tabled: June 20, 2017	<p>The Employer provided an update regarding the introduction of the “Safer Ontario Act” legislation. There are no impacts to staff that have been identified at this time.</p>	<p>The Employer to provide an update at the next meeting.</p>

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20.	Court Time Reporting System (CTRS) – Best Practices Tabled: June 20, 2017	<p>The Employer has identified that the site manager at this courthouse will be issuing a tip sheet to staff on the appropriate coding of hours. The Employer will also review this tip sheet to look at the potential distribution of this information to all employees via the CSD training folder.</p>	<p>The Employer to provide an update at the next meeting.</p>
21.	CSD Rest Periods Tabled: June 20, 2017	<p>The Employer has identified that for emergent needs/breaks, staff should follow practices identified in the Courtroom Procedures Manual for Interrupting the Proceedings (section 2.1.4): http://intra.csd.mag.gov.on.ca/English/page-1-1374-1.html.</p> <p>The Employer will continue to assess issues around the need for non-emergent breaks.</p>	<p>The Employer to provide an update at the next meeting.</p>
New Business			
22.	LERC Referral – Workload (Local 338 - Barrie) Tabled: November 30, 2017	<p>The Union raised concerns about workload issues at this site as staff manage both in- and out-of-court work, especially in clearing an existing backlog. They have also identified the requirement to manage an increase in volume as a result of a growth in the geographical with existing numbers of staff.</p> <p>Since the referral, recruitment has been initiated for six permanent full-time CCR positions at the Barrie courthouse. If workload issues continue, staff should raise the issue with their manager.</p> <p>The Employer has not identified an increase in volume, but will raise this for discussion as further work takes place in the implementation of the CCR model.</p>	<p>Refer to local. Subject to any further issues, remove from agenda.</p>

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		A copy of this referral will be shared with members of the joint courtroom staffing review committee.	
23.	LERC Referral – Flexible Work Arrangements (Local 649 - Timmins) Tabled: November 30, 2017	<p>The Union raised concerns about flexible work arrangements being provided consistently to staff in the same classification and work area.</p> <p>The Union has advised that since the referral, there have been adjustments to the flexible work arrangements at this courthouse. The employer continues to review the flexible work arrangements in place at this courthouse.</p>	The Parties to follow up.
24.	LERC Referral – Training for New CCRs (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	The Union raised concerns about training being provided for new CCRs. There are no formal job descriptions within CSD that have the job title of “trainer” for in-court and court administration positions in the OPSEU bargaining unit. The requirement to provide training is contained within the CCR job description. CCRs interested in providing training should speak with their local Supervisor.	Remove from agenda.
25.	LERC Referral – Rotation of CCRs in Business Lines (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	The Union raised concerns with the assignment and rotation of CCRs. Staffing assignments are in accordance with operational requirements and are consistent with staff training plans. Any workload concerns should be raised with the local Supervisor. Rotation and assignment of work for CCRs is a managerial responsibility in directing the workforce.	Remove from agenda.

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26.	LERC Referral – CSD Staff Providing Training for New CCRs (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	The requirement to provide training is contained within the CCR job description. CCRs interested in providing training should speak with their local Supervisor.	Remove from agenda.
27.	LERC Referral – Rescinded Retirement Requests (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	The Union requested the number of rescinded retirement requests. This information is confidential and is not within the scope of the MERC.	Remove from agenda.
28.	LERC Referral – Summer Schedule for Courtroom Staff (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	The Union requested a seniority-based system for the assignment of work. Regular Service (Full-Time, Regular Part-Time, Flexible Part-Time) staff are scheduled in accordance with the provisions of the collective agreement. Fixed-Term staff are scheduled in accordance with operational demands, as determined by the employer. Scheduling should be conducted in a fair and equitable manner subject to the collective agreement.	Remove from agenda.

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29.	LERC Referral – Health and Safety (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	Deferred to Local 526 LERC for referral to the Joint Health and Safety Committee (JHSC) at 330/393 University. JHSC representatives shall follow-up in relation to the concerns raised in the June 22, 2017 – Item # 3 and report back to the LERC within 60 days of today.	Remove from agenda.
30.	LERC Referral – FRO Training Sessions (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	The Union raised concerns with attending the FRO training sessions. MERC concurs with the response of management in Item #6 in the June 22, 2017 LERC minutes.	Remove from agenda.
31.	LERC Referral – Taxi Chits (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	The Union raised concerns about the provision of taxi chits to staff who are working late. Toronto Region taxi chit policy is as outlined in the February 22, 2016 communication from Director of Court Operations, Beverly Leonard. Health and safety concerns in regards to employee safety shall be immediately reported to the local Supervisor, Joint Health and Safety Committee (JHSC) representatives, and the Justice Sector Security Office (JSSO).	Remove from agenda.

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32.	LERC Referral – Court Rotation of All Courtroom Staff (Local 526 – 330/393 University, Toronto) Tabled: November 30, 2017	Rotation and assignment of work for CCRs is a managerial responsibility in directing the workforce. The issues in Item #10 of the June 22, 2017 Local 526 LERC minutes shall be shared with the Joint Courtroom Staffing Review Committee.	Remove from agenda.
Next Meeting Dates			
		March 14, 2018 (OPSEU) June 14, 2018 (Employer) September 13, 2018 (OPSEU) December 13, 2018 (Employer)	

For the Union

For the Employer

Original signed by Tim Elphick

Original signed by Mark Hine

Union Co-Chair
Tim Elphick

Employer Co-Chair
Mark Hine

