

# **MERC Minutes**

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

**March 14, 2018**

9:00 a.m. – 4 p.m.

31 Wellesley Street East, Toronto, Ontario

Chair: Employer

### **MERC Members:**

Tina Stevens, A/OPSEU Co-Chair  
Karen Clark  
Marie-Paule Duret  
Tim Elphick, A/OPS Negotiator, OPSEU

Mark Hine, Management Co-Chair  
Brian Garrah, CSD  
Kathie Persaud, VVPD  
Theresa Hillis, ERD, TBS  
Diana Correia, CSMD

### **Guests:**

- Roy Dart, Workforce Policy and Planning Coordinator, CSD
- Linda D'Amico, Workforce Policy and Planning Coordinator, CSD
- Tammy Browes-Bugden, Director, Strategic Operations Management Centre, CLD
- Terri Townley, Manager, Strategic Operations Management Centre, CLD
- Christopher Johns, Executive Director, Innovation Office, MD
- Michelle Flaro, Manager of Court Operations, CSD
- William Curtis, Executive Officer, Special Investigations Unit
- Joseph Martino, Deputy Director, Special Investigations Unit
- Shannon O'Reilly, Labour Relations Intern, TBS

Ref #	Agenda Item	Issue	Follow-Up / Action
<b>Standing Items</b>			
<b>1. Courts Modernization</b>			
a.	<b>Electronic Scheduling Program</b>	ESP has been implemented in 4 pilot sites, including Milton (April 2016), Oshawa (September 2016), London and Peterborough (July 2017). User Acceptance Testing (UAT) is ongoing prior to deployment of application optimization.	The Employer to share updates at the next meeting.
b1.	<b>Provincial Offences Act (POA) – Part I</b>	The Employer provided an update on POA Part I Modernization.	
b2.	<b>Provincial Offences Act (POA) – Part III</b>	<p>The Employer provided an update on Bill 177, which was passed on December 14, 2017. The Bill provides enabling legislation for municipalities to prosecute certain offences under Part III of the <i>Provincial Offences Act</i>.</p> <p>The transfer of provincial prosecutions from the Province to Municipal sector is planned over a two year timeframe, and the division is undertaking various implementation and planning activities. Disclosure was provided to OPSEU in January 2018 advising of the implementation.</p>	The Employer to share updates at the next meeting.
c.	<b>Civil Enforcement Services</b>	The review is currently on hold. The Union inquired on the timelines associated with this review, which was originally disclosed in January of 2016.	The Employer to follow up.
d.	<b>Non-Judicial Hearings</b>	The review is currently on hold. The Union inquired on the timelines associated with this review, which was originally disclosed in January of 2016.	The Employer to follow up.

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e.	<b>Courtroom Staffing Review</b>	CSD and OPSEU continue to meet on a regular and ongoing basis. A communication was issued to all CSD staff on January 15, 2018 outlining the proof of concept (PoC) to be tested between February 5 to June 29, 2018 in selected SCJ proceeding types and court locations. The parties have jointly implemented successful launches of the PoC in both Durham and Newmarket, and continue to support preparation efforts in Toronto and Welland for early April launches. Evaluation of the PoC is underway with pre-PoC surveys being completed, focus groups are to be scheduled for staff to provide feedback over April, May and June by an independent evaluator.	The parties to provide an update at the next meeting.
f.	<b>Scheduling of Crown Operations Prepared Electronically (SCOPE)</b>	The Ministry continues its implementation of SCOPE. 70% of sites have now been digitized on SCOPE, including Hamilton which has now gone live. Upcoming implementations timelines for additional sites:  Week of March 12 - Peterborough Week of March 19 - Lindsay Week of March 26 - Cobourg	The Employer to share updates at the next meeting.
<b>2. MAG Updates</b>			
a.	<b>Modernization Division</b>	WiFi access in courthouses continues to be reviewed and implemented. A listing of locations is available on the Modernization Division intranet site. Work continues to be underway for Civil Online Filing and Family Online Filing.  The top 12 IF... finalists were selected to go before a selection panel. Five ideas were selected for implementation.	

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b.	<b>Court Services Division</b>	<ol style="list-style-type: none"> <li>1. Congratulations to all CSD staff who have submitted their IF ideas for 2017. Out of 11 ideas, 7-8 are CSD driven. <a href="https://intra.ontario.ca/mag/if">A list of CSD submission ideas can be found in the link provided: https://intra.ontario.ca/mag/if</a></li> <li>2. CSD's Intro to Courts e-learning training program is soon to be released as it's in the final revisions, target timelines are end of March. It is designed for new and existing staff to provide an introduction to working in courts administration in Ontario.</li> <li>3. An Ergonomic Education Video for court staff has been developed in collaboration with the Employee Health and Safety unit of Treasury Board Secretariat. The video is currently being edited and will likely be rolled-out for the Oshawa and Newmarket's PoC sites by the end of March to provide ergonomics tips and education to court staff.</li> <li>4. In January, the CSD Employee Engagement committee released a wellness toolkit to support wellness in the workplace by providing resources and discussion materials for staff and managers. This toolkit provides information on resources related to wellness and some questions and additional information. Local employee engagement committees can use these tools to support employee wellness as part of a lunch and learn, for example, or the tools can be referred to by managers at staff meetings. <a href="http://intra.csd.mag.gov.on.ca/English/page-1-11947-1.html">The link is the toolkit for your reference. http://intra.csd.mag.gov.on.ca/English/page-1-11947-1.html</a></li> </ol>	

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c.	<b>Victims and Vulnerable Persons Division</b>	No updates.	
d.	<b>Criminal Law Division</b>	The Employer provided an update on the standardization of its performance plan assessment tool. The performance plan assessment tool will be available electronically, and will have standardized commitments and measures specific to the job description and divisional commitments.	The Employer will provide the performance plan assessment tool through an Information Share to the Union.
<b>3. Reports</b>			
a.	<b>Fixed Term Report (Article 16.5.1)</b>	The Fixed Term report ending December 31, 2017 was provided by the Employer on January 17, 2018.	
b.	<b>Conversion Reports (Article 31A.15)</b>	The Conversion report ending December 31, 2017 was provided by the Employer on January 26, 2018.	
c.	<b>FPT Deficit Hours (Quarterly Reports)</b>	The Employer provided the finalized Q4 deficit hours report on January 31, 2018.	Next report to be provided by CSD by the end of April 2018.
d.	<b>Job Descriptions</b>	The Union received the report for November 2017 on December 15, 2017. The Union received the report for December 2017 on January 15, 2018. The union received the report for January 2018 on February 14, 2018.	

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4.	<b>ERC Training</b>	<p>The parties have shared the updated training sessions.</p> <p>Level 1 – LERC training: April 17 (London), May 15 (Windsor), June 19 (Kingston), September 18 (Thunder Bay), October 23 (Hamilton), November 20 (Toronto)</p> <p>Level 2 – MERC training: June 12 (Toronto) and June 27 (Toronto)</p> <p>Interested participants are required to complete the ERC training registration form (available on the OPS intranet and OPSEU website). Participants must include the MERC co-chairs in their registration submission to <a href="mailto:erctraining@ontario.ca">erctraining@ontario.ca</a>. Training sessions will be filled on a first come-first serve basis and must have availability of both union and management participants.</p>	
5.	<b>Training and Development (Appendix 29)</b>	<p>Training is being focused on proof of concept sites. The CCR skills matrix was released in January 2018 for use in the division, and is being used at PoC sites.</p> <p>There is presently work underway to update the FRANK training modules.</p>	
6.	<b>Attendance Support Management Program (ASMP)</b>	The Employer provided updated statistics for Level 3 and Level 4 employees in ASMP.	To be moved to the Reports section.
7.	<b>Court Security</b>	The Union requested an update on the topic of court security, in particular courthouse security and screening guidelines.	The Employer to follow up at the next meeting.

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<b>Report Back Items</b>			
8.	<b>Courthouse Security Workplace Identification Cards</b>	The Employer provided an update that workplace ID cards continue to be in queue to be presented for review and approval at the Senior Management Table (SMT) since Fall of 2016. The Union advised that this item has been longstanding as a ministry priority and needs to be addressed.	The Union will consider its options in accordance with the collective agreement.
9.	<b>New Toronto Courthouse</b>	<p>On February 22, 2018, Infrastructure Ontario announced that, following an open, fair and competitive procurement process, Ellis Don Infrastructure was announced as the successful proponent to design, build, finance and maintain the new Toronto courthouse. <a href="http://www.infrastructureontario.ca/Financial-Close-New-Toronto-Courthouse/">Information on the new Toronto courthouse is available on Infrastructure Ontario's website:</a></p> <p><a href="http://www.infrastructureontario.ca/Financial-Close-New-Toronto-Courthouse/">http://www.infrastructureontario.ca/Financial-Close-New-Toronto-Courthouse/</a></p> <p>The new courthouse will bring together many of Toronto's Ontario Court of Justice criminal courts operating across the city, and will include a multiple accused, high security courtroom, drug treatment courts, Indigenous persons courts, and youth and mental health courts.</p> <p>The new courthouse will also include the first learning centre in an Ontario courthouse, providing the opportunity for the public, justice workers, and students to learn about Indigenous history and issues related to the justice system in Ontario, including truth and reconciliation and Indigenous legal traditions.</p>	The Union requested that two to three individuals from the consolidation sites not interested in participating be identified to participate in the selection of OPSEU employees on the transition team.

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		<p>Construction of the new courthouse is expected to start in fall 2018, with completion scheduled for 2022.</p> <p>To support the planning for the new courthouse and Toronto Region Bail Centre at 2201 Finch, CSD will be establishing a staff transition committee comprised of CSD staff and managers. A terms of reference has been prepared and will be shared with staff. Staff interested in participating on this committee will have the opportunity to submit a paragraph to Toronto Region advising why they would be a good candidate for this committee. Toronto Region expects to establish this committee by early April.</p>	
10.	<b>Technological Change – Ergonomic Issues in the Courtroom</b>	<p>The Employer has been having collaborative meetings with Treasury Board Secretariat (TBS) to review the joint ergonomic assessment tool. The draft joint toolkit was piloted as part of the proof of concept in both Newmarket and Durham. The toolkit is currently going through final divisional review and approval.</p>	<p>The Employer will provide the final approved toolkit with the Union and will discuss next steps.</p>
11.	<b>Workplace Violence Statistics</b>	<p>The Icon has been developed and was launched to all MAG-issued Desktop/Laptop computers during the first week of December, 2017. When clicked, <a href="https://intra.ontario.ca/mag/jssso-bcem-help">the Justice Sector Security and Emergency Management (JSSEM) intranet site opens with information on how to respond to an emergency, and well as critical contact telephone numbers for employees.</a> <a href="https://intra.ontario.ca/mag/jssso-bcem-help">https://intra.ontario.ca/mag/jssso-bcem-help</a></p> <div data-bbox="905 1227 1045 1336" data-label="Image"> </div> <p>Image of the icon:</p>	<p>The Union requested data on the number of visitors to the JSSEM intranet site since launch, if possible.</p>



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12.	<b>Use of Agencies to Perform OPSEU Bargaining Unit Work</b> <b>Tabled: January 26, 2017</b>	A meeting has been scheduled by the parties to discuss the use of agencies, including court reporters.	The parties will provide an update at the next meeting.
13.	<b>LERC Referral – Local 526 (Weekly Court Schedules)</b> <b>Tabled: June 20, 2017</b>	The Employer provided a response to the Union. The Employer will review the <i>Employment Standards Act</i> changes and assess any potential impact on divisional scheduling practices.	The parties to meet and discuss before the next MERC meeting.
14.	<b>Implementation of Independent Police Oversight Review</b> <b>Tabled: June 20, 2017</b>	The Employer provided an update on the Implementation of the Independent Police Oversight Review, as is related to the Special Investigations Unit (SIU). Bill 175 has been approved and is pending proclamation, which will establish the SIU as an agency. The SIU plans to grow, which will include the continuing utilization of employees in the OPSEU bargaining unit.	The Employer will follow up, providing updates as available.
15.	<b>Court Time Reporting System (CTRS) – Best Practices</b> <b>Tabled: June 20, 2017</b>	The Employer shared the CTRS tip sheet with the Union on February 9, 2018. The Employer to review feedback provided by the Union.	The Employer will share the revised version.
16.	<b>CSD Rest Periods</b> <b>Tabled: June 20, 2017</b>	The parties are committed to reviewing existing onboarding materials and <i>Employment Standards Act</i> changes to assess any potential impact on rest periods.	The parties to meet and discuss prior to the next MERC meeting.

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17.	<b>LERC Referral – Workload (Local 338 - Barrie)</b> <b>Tabled: November 30, 2017</b>	A meeting was held between local union and management representatives on February 1, 2018. This meeting was supported by the Director of Court Operations. An overview of the local employee relations objectives and mandate was reviewed. The local employee relations committee continues to meet on a regular basis and discuss local issues, including workload and staffing levels.	Remove from agenda.
18.	<b>LERC Referral – Flexible Work Arrangements (Local 649 - Timmins)</b> <b>Tabled: November 30, 2017</b>	The Employer confirmed that flexible work arrangements are considered by managers in accordance with the collective agreement, where operationally supported. The Employer will continue to review and assess requests for flexible work arrangements on a case-by-case basis.	Remove from agenda.
<b>New Business</b>			
19.	<b>LERC Referral – Eating Areas at 393 University Avenue (Local 526)</b> <b>Tabled: March 14, 2018</b>	The Union raises concerns with the number of available eating areas. The Union is requesting for the Employer to explore additional eating spaces.	The Employer to follow up.
20.	<b>LERC Referral – Conversions for Fixed-Term Positions (Local 526)</b> <b>Tabled: March 14, 2018</b>	Conversion reports are provided to the corporate Union in accordance with the collective agreement. The Union raises concerns around the termination of fixed term contracts.	The Employer to follow up.

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21.	<b>LERC Referral –Court Staff Attire (Local 526)</b> <b>Tabled: March 14, 2018</b>	The Union is requesting direction on the Employer’s clothing/uniform policy and refreshment cycle for courtroom staff.	The Employer to follow up.
22.	<b>LERC Referral – Access to FRANK (Local 526)</b> <b>Tabled: March 14, 2018</b>	A response was provided by the Employer. Staff that require access or have limited access to FRANK and require access to fulfill their job duties, should speak to their Supervisor of Court Operations.	Refer to LERC. Remove from agenda.
23.	<b>LERC Referral – Travel Time (Local 526)</b> <b>Tabled: March 14, 2018</b>	The Union raised concerns with staff being required to travel within the established pre/post court time. The Union requests that the Employer review its travel time interpretation, within walking distance, between courthouses in Toronto region.	The Employer to follow up.
<b>Next Meeting Dates</b>			
		June 14, 2018 (Employer) September 13, 2018 (OPSEU) December 13, 2018 (Employer)	

**For the Union**

**For the Employer**

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A/Union Co-Chair  
Tina Stevens

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Employer Co-Chair  
Mark Hine