

MERC Minutes

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

June 14, 2018

9:00 a.m. – 4 p.m.

720 Bay Street, 3rd Floor Large Boardroom

Chair: OPSEU

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, CPSLRC, TBS
Diana Correia, CSMD

Guests:

- Roy Dart, Workforce Policy and Planning Coordinator, CSD
- Linda D'Amico, Workforce Policy and Planning Coordinator, CSD
- Beverly Leonard, Director Court Operations, CSD
- Tammy Browes-Bugden, Director, Strategic Operations Management Centre, CLD
- Terri Townley, Manager, Strategic Operations Management Centre, CLD
- Michelle Flaro, Manager of Court Operations, CSD
- Shannon O'Reilly, Labour Relations Intern, TBS

Ref #	Agenda Item	Issue	Follow-Up / Action
Standing Items			
1. Courts Modernization			
a.	Judicial e-Scheduling (Electronic Scheduling Program)	The Employer shared that it continues to implement ESP and is working on developing an implementation schedule. It is anticipated that it will be expanded to additional locations in November 2018. Further information will be shared as available.	The Employer to provide an update at the next meeting.
b1.	Provincial Offences Act (POA) – Part I	The Employer provided an update on POA Part I Modernization. The Union advised that Part I POA employees are not employed by the Ministry of the Attorney General as this work is assigned to municipalities.	Remove from agenda.
b2.	Provincial Offences Act (POA) – Part III	The Employer continues its planning activities related to the transfer of provincial prosecutions from the Province to Municipal sector. The Union denounces the transfer of work outside of the bargaining unit.	The parties to report back.
c.	Civil Enforcement Services	The review is not currently under consideration. The Employer will provide a disclosure on this item should the Employer restore or continue the review.	Remove from agenda.
d.	Non-Judicial Hearings	The review is not currently under consideration. The Employer will provide a disclosure on this item should the Employer restore or continue the review.	Remove from agenda.
e.	Courtroom Staffing Review	CSD has invited OPSEU staff to the annual divisional management meeting sessions in June to participate and co-facilitate both a panel	The parties to provide an update

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		<p>and workshop exercise to share their Proof of Concept experiences to date.</p> <p>The parties confirm the PoC will end June 29, 2018. The independent PoC evaluation will be conducted in the Summer 2018. The evaluation is targeted to be shared in Fall 2018.</p>	<p>at the next meeting.</p>
f.	<p>Scheduling of Crown Operations Prepared Electronically (SCOPE)</p>	<p>The Ministry continues its implementation of SCOPE. Implementation has occurred most recently at the following sites:</p> <ul style="list-style-type: none"> • Barrie (and four satellite locations - Bradford, Orillia, Collingwood, Midland) in April 2018 • North Bay (and 2 satellite locations – Mattawa and Sturgeon Falls) in June 5, 2018 <p>Upcoming implementation sites scheduled for 2018 include:</p> <ul style="list-style-type: none"> • Sudbury, Orangeville, Belleville, Nappanee <p>The Union has requested that CLD consider reviewing and updating the Legal Administrative Secretary job description to reflect job responsibilities involving SCOPE.</p>	<p>The Employer will review the request to update the Legal Administrative Secretary job description, and will provide an update at the next meeting.</p>
<p>2. MAG Updates</p>			
a.	<p>Modernization Division</p>	<ol style="list-style-type: none"> 1. The online divorce pilot is live in Ottawa, Brampton, Toronto and Hamilton. Subject to the results of the pilot, provincial expansion is anticipated for early Fall 2018. 2. The IF (innovation fund) program has concluded and 5 ideas were selected and are being actively worked on. The first “ReconciliACTION” is already complete. This was a gathering between the Indigenous Community (Elders Council) and representation from every division in the ministry to discuss real 	

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		opportunities to advance reclamation of Indigenous justice practices and reconciliation. It was a resounding success!	
b.	Court Services Division	<ol style="list-style-type: none"> 1. CSD produced two videos as communication and training tools for court staff – one about employee engagement and one about ergonomics education. The use of video tools has received positive feedback from staff and managers across all regions. 2. In response to a recommendation made by employee engagement committee members, CSD will be introducing a volunteer wellness program that will allow staff to access corporate fitness club memberships where available, at a reduced price. Details will be communicated to all CSD staff and managers. 	
c.	Victims and Vulnerable Persons Division	<p>The Employer provided an update on ongoing employee engagement activities that are being implemented within the division.</p> <p>Victim Witness Assistance Program (VWAP) offices across the province have been holding 2-day training sessions on Indigenous cultural awareness.</p>	
d.	Criminal Law Division	The Employer provided a demonstration of its performance plan assessment tool.	

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3. Reports			
a.	Fixed Term Report (Article 16.5.1)	The Fixed Term report ending March 30, 2018 was provided by the Employer on May 4, 2018.	
b.	Conversion Reports (Article 31A.15)	The Conversion report ending March 31, 2018 was provided by the Employer on May 24, 2018. There was one conversion from fixed-term to full-time.	
c.	FPT Deficit Hours (Quarterly Reports)	The Employer provided the finalized Q1 deficit hours report on June 14, 2018.	
d.	Job Descriptions	The Union received the report for February 2018 on March 21, 2018. The Union received the report for March 2018 on April 11, 2018. The union received the report for April 2018 on May 15, 2018. The union received the report for May 2018 on June 13, 2018.	
e.	Attendance Support Management Program (ASMP)	<p>Any employee with outstanding concerns in regards to the ASMP should speak with their manager/supervisor or union representative.</p> <p>The parties acknowledge that the Employee Attendance Support Program (EASP) has been implemented effective January 1, 2018 and is now applicable OPS wide.</p>	Remove from agenda.

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4.	ERC Training	<p>Two Level 1 sessions have taken place and one Level 2 have taken place in 2018. Four Level 1 sessions and one Level 2 sessions are remaining.</p> <p>The MAG MERC members attended and participated in the ERC training on June 12, 2018. It is anticipated that further ERC sessions will be scheduled in early 2019.</p>	Remove from agenda.
5.	Training and Development (Appendix 29)	<p>The Employer shared that it has developed a Regional Trainer (OAD10) and a Provincial Trainer (4A002-AMAPCEO) job description.</p> <p>Training for the PoC sites has been completed.</p> <p>The Employer is developing new and updated training materials, including the creation of a user guide for frontline staff in the family practice area and an update to the ICON user guide.</p>	
6.	Court Security <ul style="list-style-type: none"> a. Workplace Violence Statistics b. Courthouse Security Workplace Identification Cards 	<ul style="list-style-type: none"> a. The Union requested more particulars on the number of reported security concerns that are maintained by JSSEM. The Union also requested an update on the topic of court security, in particular courthouse security and screening guidelines. b. The Union has requested Court Services Division consider the implementation of a consistent and integral identification card for its staff. The Union further requests an opportunity to provide input to any proposal prior to CSD approval. 	<ul style="list-style-type: none"> a. The Employer to invite JSSEM to the next MERC meeting. b. OPSEU and CSD will schedule a meeting to discuss divisional identification cards and report back.

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Report Back Items			

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7.	Workplace Identification Cards	<p>The Employer has spent considerable time and effort looking at an in-house solution to delivering ministry-wide identification cards. The ministry has determined that it will continue with the present practice for issuing identification cards.</p> <p>CSD is committed to meeting with OPSEU on a divisional-based approach.</p>	<p>The parties agree to move this item as a Standing Item.</p> <p>See Item # 6.</p>
8.	New Toronto Courthouse	<p>Similar to the other AFP courthouses, Toronto Region will be establishing a staff transition committee comprised of OPSEU CSD staff and managers. This committee will be responsible for providing input and recommendations to support staff engagement, as well as the planning and transition of office moves to the new Toronto courthouse located at 10 Armoury Street and the Toronto Region Bail Centre located at 2201 Finch Avenue West.</p> <p>Design consultations with justice participants are underway to finalize the design of the new courthouse. When developing the design for the new courthouse, the ministry decided to include the Learning Centre, which will be the first of its kind in an Ontario courthouse. The inclusion of a Learning Centre supports Ontario's commitment to reconciliation with Indigenous peoples. This space will provide 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>	<p>The Employer to provide an update through an Information Share to the Union and will provide update at the next meeting.</p>
9.	Technological Change – Courtroom Modernization	<p>The Employer has transitioned the joint ergonomic assessment tool into a joint courtroom workstation health and safety checklist to be used for joint workplace health and safety inspections. The draft checklist tool has been shared with staff and management from the five PoC sites for feedback.</p>	<p>The Employer will provide the final approved checklist tool with the Union and will discuss next steps.</p>

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10.	Workplace Violence Statistics	<p>The Employer confirmed that the JSSEM intranet site on the processes for reporting workplace violence incidences has received over 4,000 page views. For clarity, this does not represent a count of security incidents.</p>	<p>The parties agree to move this item as a Standing Item. See Item #6.</p> <p>Remove from agenda.</p>
11.	Use of Agencies to Perform OPSEU Bargaining Unit Work (Court Reporting) Tabled: January 26, 2017	<p>The Union continues to raise concerns with the usage of agencies to perform bargaining-unit work, in particular court reporting in Toronto region. The Employer is actively reviewing its use of agency court reporters, and is committed to addressing the concerns being raised.</p> <p>The parties continue to discuss the use of agencies.</p>	<p>The parties will provide an update at the next meeting.</p>
12.	LERC Referral – Local 526 (Weekly Court Schedules) Tabled: June 20, 2017	<p>The Union raised concerns with the scheduling practices in anticipation of the <i>Employment Standards Act</i> (ESA) changes.</p> <p>Treasury Board Secretariat (TBS) is corporately reviewing the ESA amendments. Communication will be provided to bargaining agents once implementation plans are known. This is a corporate item which will have OPS-wide impacts, and is not exclusive to CSD.</p>	<p>The parties will add the topic of ESA changes to next MERC agenda in considerations of this LERC referral.</p> <p>Remove LERC referral from agenda.</p>

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13.	Implementation of Independent Police Oversight Review Tabled: June 20, 2017	<p>The Employer provided an update on the Implementation of the Independent Police Oversight Review, as is related to the Special Investigations Unit (SIU). The <i>Ontario Special Investigations Unit Act, 2018</i>, comes into effect June 30, 2018.</p> <p>The SIU continues to recruit for OPSEU-represented positions.</p> <p>The Union requested that the Employer disclose any new established position and provide disclosure on the ongoing initiatives at the SIU.</p>	Employer to follow up.
14.	Court Time Reporting System (CTRS) – Best Practices Tabled: June 20, 2017	<p>The Employer shared the revised CTRS tip sheet with the Union. The Union provided feedback on the tip sheet and is agreeable to the distribution with the division (subject to the edits provided).</p>	Remove from agenda.
15.	CSD Rest Periods Tabled: June 20, 2017	<p>The Employer is currently reviewing the practices around rest periods, in consultation with a working group of managers, with a focus on updating staff orientation materials on this topic.</p>	The Employer to provide an update at the next MERC.
16.	LERC Referral – Eating Areas at 393 University Avenue (Local 526) Tabled: March 14, 2018	<p>The Employer conducted a review of the eating areas at 393 University through a site visit and advised of availability of several lunchrooms for staff throughout the courthouse. The Union advised of concerns regarding access to lunchrooms during peak periods. The Union shared another large court location that has permitted staff to use jury rooms that are not in use. Should staff experience insufficient access to eating areas, they should immediately speak with their manager/supervisor.</p>	Refer to LERC to monitor.

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17.	LERC Referral – Conversions for Fixed-Term Positions (Local 526) Tabled: March 14, 2018	See Item #23.	Remove from agenda.
18.	LERC Referral –Court Staff Attire (Local 526) Tabled: March 14, 2018	The Union raised concerns with the issuing and refreshment of courtroom staff attire. The Employer confirmed the present practice, as outlined in the memorandum dated March 17, 2009 (see Appendix A), remains in effect. The Union requested the Employer review and update this practice, in particular on refreshment of courtroom regalia.	The Employer to follow up.
19.	LERC Referral – Travel Time (Local 526) Tabled: March 14, 2018	The Union raised concerns with staff being required to travel within the established pre/post court time. The Union recommends that all time spent commuting between court locations for the purposes of conducting the Employer’s business should be categorized as work time. For clarity, this is to include transporting of files and equipment, and escorting judiciary to and from chambers.	The Employer to follow up.
New Business			

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20.	People-First Plan	The Employer provided a presentation on the ministry's people-first plan.	This will be added as a standing item for subsequent MERC meetings.
21.	Pre/Post Court Time Tabled: June 14, 2018	The Union requested Court Services Division to review pre/post court time allocated to staff in contemplation of the responsibilities for CTRS reporting and email communications/updates required of staff. Presently, subject to local practice, Court Reporters and Court Services Officers are provided with 15 minutes in advance of their scheduled court start time and 15 minutes on conclusion of the proceeding. The Union believes this allocation is insufficient time to complete the assigned responsibilities.	The Employer to follow up.
22.	LERC Referral (Local 526) – Access to Computers in Toronto Region Tabled: June 14, 2018	The Union received a referral in regards to access to computers in Toronto region. The Employer confirmed that a communication to staff was issued on April 30, 2018. Staff with individual concerns regarding access to a computer should speak with their manager/supervisor. Further, staff should also log a ticket if a computer or equipment is not working. The Union also encouraged the Employer to consider increasing the complement of computers in anticipation of upcoming courthouse amalgamations.	Remove from agenda.

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23.	LERC Referral (Local 526) – 16-week Termination Notice for Fixed-Term Employees Tabled: June 14, 2018	<p>The Union received a referral in regards to fixed-term employees receiving their 16-week termination of contract notice in accordance with <i>Employment Standards Act</i>, in very close proximity to being hired. The Employer provided an update that only direct assignment fixed-term employees who are not hired by way of a job competition will receive these notices.</p> <p>The Union encouraged the Employer to avoid issuing termination notices to staff where there is no operational intent on ceasing employment, especially while agencies are being utilized to perform bargaining-unit work.</p>	Remove from agenda.
24.	LERC Referral (Local 526) – Use of Cannabis in the Workplace Tabled: June 14, 2018	The Union received a referral in regards to employee use of marijuana for medical purposes in the workplace.	The Employer to follow up at the next meeting.
25.	LERC Referral (Local 526) – Staffing Levels in the Estates Area at 330 University Tabled: June 14, 2018	The Union received a referral in regards to staffing levels in the Estates area at 330 University. Staff who are experiencing workload concerns are encouraged to speak directly with their supervisor. The Employer confirmed it continues to recruit for vacancies as they arise.	Remove from agenda.
26.	LERC Referral (Local 526) – Procedure for Contacting Local Management Tabled: June 14, 2018	The Union received a referral in regards staff having difficulties reaching local management when dealing with frustrated clients that require escalation to the local supervisor. The Union requested that the local management team remind all employees of the procedure to be followed when experiencing aggravated situations, including reporting to the Justice Sector Security and Emergency Management office by clicking on the JSSEM desktop icon.	Remove from agenda.

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27.	Personal Electronic Devices	The Union requested clarification, based on the memo issued on August 5, 2013, on the usage of personal electronic devices (cell phones) by court staff in the workplace. The Employer confirmed that staff are permitted to use these devices in the workplace during their breaks and lunch period. If staff are using a personal electronic device in the workplace before or after work or during their break or lunch period, they are to ensure that usage is conducted privately, discreetly and not in the presence of court clients.	Remove from agenda.
Next Meeting Dates			
		September 13, 2018 (OPSEU) December 13, 2018 (Employer)	

For the Union

For the Employer

A/Union Co-Chair
Tina Stevens

Employer Co-Chair
Mark Hine

**Ministry of the
Attorney General**

Court Services Division
Divisional Support Branch

2nd Floor
720 Bay Street
Toronto ON M5G 2K1
Telephone: 416 326-4263
Fax: 416 326-1011

**Ministère du
Procureur général**

Division des services aux tribunaux
Direction du soutien à la Division

2^e étage
720, rue Bay
Toronto ON M5G 2K1
Téléphone : 416 326-4263
Télécopieur : 416 326-1011



March 17, 2009

MEMORANDUM

TO : DMC
FROM: Beverly Leonard
RE : **COURTROOM CLERK and REGISTRARS' REGALIA**

Further to the memorandum of December 19, 2007 from Lynn Norris, I am writing to clarify the provision and laundering of court attire provided by the Ministry to Court Clerk and Registrars.

Each Court Clerk and Registrar is to be provided with his/her own gown and two (2) dickies as necessary. Depending on the inventory available in each court site, the Ministry may either purchase a new gown or re-assign an appropriately sized gown (per sizing chart attached), which has been returned by a former Court Clerk and Registrar and is in good condition. As outlined in the December 2007 memorandum, alterations required to the length or general size of re-assigned gowns in order to ensure proper fit and minimize the risk of injury are to be completed by a tailor or seamstress at the Ministry's expense.

Local managers must ensure that re-assigned gowns are dry cleaned at the Ministry's expense prior to re-assigning to a new employee. Thereafter, staff is responsible for laundering his/her assigned gown, which is made of a lightweight poly-rayon fabric and is machine washable using a mild detergent (e.g. Ivory Snow, Zero). Dickies are also laundered by staff in the same manner as dress shirts.

If you have any questions, please contact Roy Dart, Workforce Policy and Planning Coordinator, Divisional Support Branch at 416-212-7579.

Please ensure that this memorandum is brought to the attention of all managers and courtroom staff.

Beverly Leonard
Director, Divisional Support Branch (A)

Attachment