

**MEMORANDUM OF AGREEMENT
ON
TRANSFORMATIONAL STRATEGY FOR CORRECTIONAL SERVICES
DIVISION**

BETWEEN:

**MINISTRY OF COMMUNITY SAFETY AND
CORRECTIONAL SERVICES (MCSCS)**

(The "Employer")

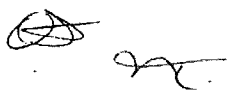
AND

ONTARIO PUBLIC SERVICE EMPLOYEES UNION (OPSEU)

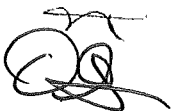
(The "Union")

Whereas it is understood that it is the Ministry's ultimate responsibility and authority to manage all human rights, diversity, equity and inclusion issues, including organizational change within the Ministry, the Ministry recognizes that the Ontario Public Services Employees Union plays a vital role in the successful implementation of the Ministry's *Transformational Strategy* within the Correctional Services Division.

1. The Parties acknowledge their shared interest and commitment to the development and successful implementation of the Ministry's *Transformational Strategy*, with the establishment of a Diversity Subcommittee of MERC. The committee shall be comprised of four OPSEU members and four Management members with resource persons for both OPSEU and Management as needed. OPSEU portion will be chosen by OPSEU representatives at MERC and the Management portion will be selected by the Ministry.
2. Among the key functions of the MERC Diversity Subcommittee will be:
 - Consult, when possible, on the development of the Ministry's *Transformational Strategy*; consult and/or comment on the establishment of priorities; consult and/or comment on change initiatives;
 - Work jointly in the development of a selection process and the initial recruitment of Local Diversity Working Groups;
 - Liaise with and support the Local Diversity Working Groups in their key areas of responsibility;

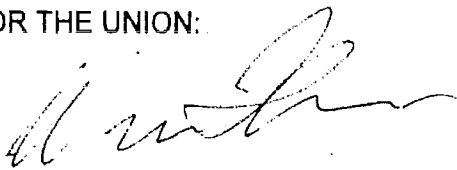


- At such time as the Systemic Change Steering Committee (SCSC) is disbanded, the Diversity Subcommittee of MERC will attend to any ongoing requirements from Systemic Change Program Initiatives as ordered by the GSB.
3. Under the authority of and general direction of the Superintendent/Area Managers, the Ministry commits to the establishment of Local Diversity Working Groups across the Correctional Services Division. Among the key functions of these local working groups will be to:
 - advise the Employer on local issues to be considered in the development and implementation of Ministry's *Transformational Strategy* for the Correctional Services Division, and corresponding action plans; and,
 - communicate and champion the *Transformational Strategy* within their workplace through specific initiatives and as a part of regular business;
 - report to the MERC Diversity Subcommittee on a regular basis;
 - The MERC Diversity Subcommittee is responsible for monitoring and guiding the Local Diversity Working Groups.
 4. In the assignment of representatives to both the MERC Diversity Subcommittee and the Local Diversity Working Groups, the Parties affirm their commitment to consider and include equitable and inclusive representation on this committee.
 5. In the event of a disagreement within a Local Diversity Working Group regarding an issue or initiative, the Parties recognize the responsibilities of both the Local President/Highest Ranking OPSEU officer and the Superintendent/Area Manager. Matters unresolved at the LERC level shall be referred to the Diversity Subcommittee of MERC.
 6. Nothing in this memorandum of Agreement restricts either party's right to file a grievance in respect of any matter, or to pursue such grievances before the Grievance Settlement Board, in accordance to the collective agreement.

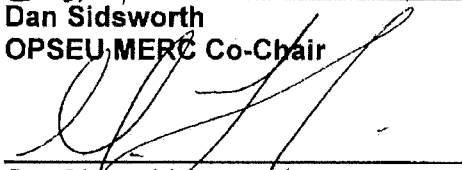


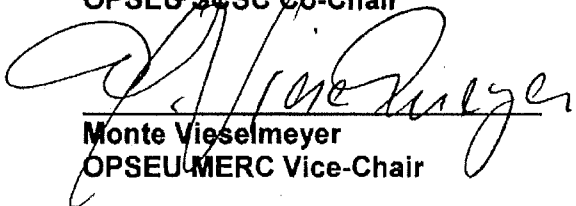
Signed this 20th day of January 2011.

FOR THE UNION:


Warren (Smokey) Thomas
OPSEU President


Dan Sidsworth
OPSEU MERC Co-Chair


Gord Longhi
OPSEU SCSC Co-Chair

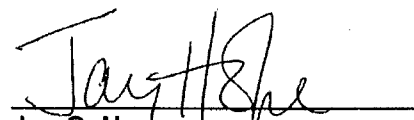

Monte Vieselmeyer
OPSEU MERC Vice-Chair

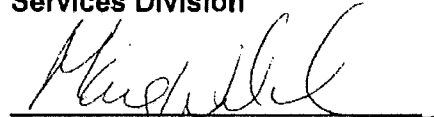

Jim Mitchell
OPSEU MERC Member

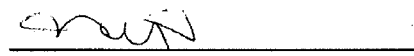

Jim Paul
OPSEU Senior Grievance Officer

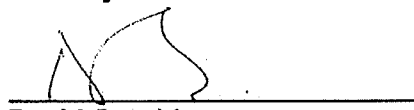

Margaret Smoke
OPSEU A/Human Rights Officer

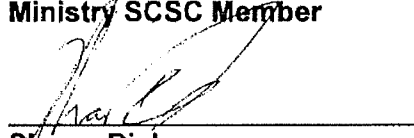
FOR THE MINISTRY:

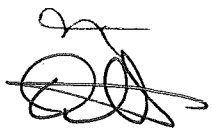

Jay C. Hope
Deputy Minister, Correctional
Services Division


Marg Welch
Ministry MERC Co-Chair


Mary-Jo Knappett
Ministry SCSC Co-Chair


David Snoddy
Ministry SCSC Member


Shawn Dicks
Ministry SCSC Resource



Memorandum of Agreement

TERMS OF REFERENCE For Systemic Change Steering Committee

Purpose

The Ontario Public Service Employees Union (OPSEU) and the Ministry of Community Safety and Correctional Services (MCSCS), agree to focus their efforts to finalize the remaining outstanding orders of the Grievance Settlement Board in O'Brien v. MCS, GSB # 1948/93. The parties agree to work jointly towards the effective implementation of the Systemic Change Program initiatives arising from the O'Brien award, or towards redesigning the initiatives where necessary. It is understood that it is the Ministry's ultimate responsibility to manage all human rights, diversity, equity and inclusion issues, including organizational change within the Ministry.

Objectives

The parties agree to recognize broader diversity, inclusion and equity issues in completing all outstanding work. The initiatives in the Systemic Change Program (SCP), agreed to by the parties in the SCP work plan, details the outstanding work required for the implementation of the O'Brien GSB orders.

Dispute Resolution

A mutually agreed upon process for dispute resolution is set out in Appendix A to this agreement. The parties agree that nothing in this agreement and/or its Appendix A precludes either party from returning to the GSB to resolve disputes regarding scope or implementation arising from the O'Brien decision. For clarity the parties agree that no disputes other than those regarding scope or implementation arising from the O'Brien decision can be returned to the GSB as part of the implementation of the O'Brien decision.

Meetings

Meetings will take place quarterly for the purposes of reporting on progress made on objectives or for seeking direction/approval from the Systemic Change Steering Committee (SCSC). Meetings may be scheduled more frequently on joint approval of co-chairs. Any additional meetings are to be held by teleconference unless co-chairs agree that it is best to hold the meeting in person. On the joint approval of the co-chairs, sub-committee meetings shall take

place as required to complete the work on the implementation of the SCP initiatives.

Membership and Composition

The committee shall be comprised of five OPSEU members and five Management members with resource persons for both OPSEU and Management. OPSEU portion will be chosen by MERC and the Management portion will be selected by the employer. Each side shall appoint a co-chair and the co-chairs agree to act on a rotational basis. The parties agree that they shall consider and include individuals from underrepresented groups whenever possible to create a more diverse, equitable and inclusive committee.

Criteria for Membership

Members must not have any substantiated WDHP complaints within the past three years; be committed to dignity, respect, equity, inclusion, accessibility, maintaining an environment free of all forms of harassment and discrimination, promoting principles of achieving a safe and healthy work environment.

Agenda

The agenda will flow from initiatives and their associated timelines as identified in the SCP work plan, or as jointly agreed to by co-chairs. The agenda is to be shared with SCSC members five days prior to scheduled meetings.

Minutes

Minutes will be compiled at each Steering Committee meeting by a Ministry resource. When possible, the Parties agree the minutes will be signed off at conclusion of each SCSC meeting.

Expenses

The Ministry is responsible for costs associated with implementation of SCP initiatives including payment by the Ministry for all authorized time and expenses associated with the work of subcommittee members on initiatives. OPSEU is responsible for travel, meals, accommodations and expenses for their members for Steering Committee meetings, and includes a one day caucus prior to each Steering Committee meeting. The Steering Committee meeting and OPSEU caucus meeting will be considered a duty assignment and time will be paid by the employer. .

Duration

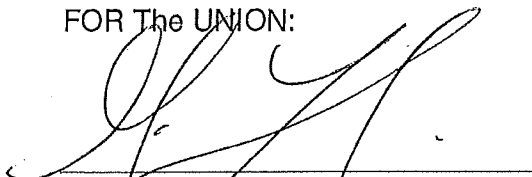
Upon completion of the implementation of the Systemic Change Program initiatives, outlined in the jointly agreed to work plan, the committee will have




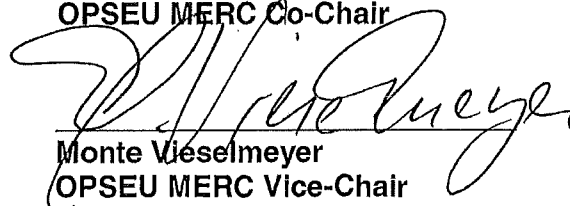
fulfilled its mandate and will disband. Following the disbandment of SCSC, the oversight of ongoing SCP initiatives will rest with the Diversity Subcommittee of MERC. The Grievance Settlement Board will remain seized with the orders in accordance with the O'Brien award.

Signed this 20th day of January 2011.


FOR The UNION:


Gord Longhi
OPSEU SCSC Co-Chair


Dan Sidsworth
OPSEU MERC Co-Chair


Monte Vieselmeier
OPSEU MERC Vice-Chair

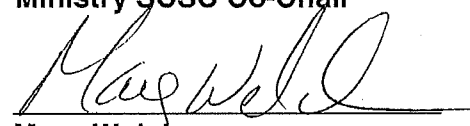

Jim Mitchell
OPSEU MERC Member



Jim Paul
OPSEU Senior Grievance Officer

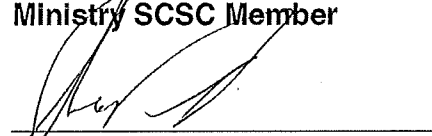

Margaret Smoke
OPSEU A/Human Rights Officer

FOR THE MINISTRY:


Mary-Jo Knappett
Ministry SCSC Co-Chair


Marg Welch
Ministry MERC Co-Chair


David Snoddy
Ministry SCSC Member


Shawn Dicks
Ministry SCSC Resource

APPENDIX A:

1 DISPUTE RESOLUTION

- 1.1 Where, as a result of discussion between the Union and the Management members of the Steering Committee, the parties develop further Systemic Change Program initiatives, or amend one of the existing initiatives, such agreements may be reduced to writing in a Memorandum of Understanding at the request of either party.
- 1.2 It is agreed that disputes concerning the interpretation of this Memorandum of Agreement, including allegations of violation, are to be brought before the Steering Committee by either party for discussion at a meeting (which may include telephone conference calls) for attempted resolution before further enforcement steps are taken.
- 1.3 Disputes which cannot be resolved at the Systemic Change Steering Committee may be referred to the Ministry Employee Relations Committee (MERC) at the request of either party. The party wishing to raise the matter at the MERC will send to the other party a notice setting out the nature of the dispute and the remedy that is requested.
- 1.4 A party in receipt of a notice of dispute shall respond in writing and shall set out its views as to the dispute, including the remedy that is being requested. Such response shall be communicated to the other party not less than two clear working days before the commencement of the MERC meeting as described herein.
- 1.5 The MERC shall convene a meeting within 10 working days of the receipt of the notice referred to in section 1.3 to discuss this dispute. Such meeting may include telephone conference attendance by the participants in whole or in part. The dispute will be discussed at such meeting, and the party who received the notice shall indicate whether it will comply with the remedy set out in the notice, in whole or in part, within two clear working days of the conclusion of the meeting.
- 1.6 Disputes that cannot be resolved at MERC by the parties shall return to the GSB for a decision.
- 1.7 Nothing in this Appendix or the attached Memorandum of Agreement restricts either party's right to file grievances in respect to any matter, or to pursue such grievances before the GSB, in accordance with the collective agreement.



TERMS OF REFERENCE
For
MERC Diversity Subcommittee
and
Local Diversity Working Groups

Whereas it is understood that it is the Ministry's ultimate responsibility to manage all human rights, diversity, equity and inclusion issues, including organizational change within the Ministry, the Ministry recognizes that the Ontario Public Services Employees Union (OPSEU) plays a vital role in the successful implementation of the Ministry's *Transformational Strategy* within the Correctional Services Division.

Purpose

The Ontario Public Service Employees Union (OPSEU) and the Ministry of Community Safety and Correctional Services (MCSCS), Correctional Services Division, agree to focus on human rights, diversity, equity and inclusion issues, as part of the broader Ministry-led *Transformational Strategy* which will take a more holistic, integrated approach at systemic and organizational change within Corrections.

Key Functions

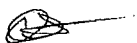
In order to effectively support transformational change, both parties agree to the creation of a MERC Diversity Subcommittee and Local Diversity Working Groups (LDWG).

Key Functions of the MERC Diversity Subcommittee are:

- Advise the Ministry on the division's issues concerning human rights, diversity, equity and inclusion;
- Support, lead and monitor the Local Diversity Working Groups;
- As part of MERC's standing agenda item, regular reporting will be required;
- Participate in the development of the Ministry's *Transformational Strategy*, by developing/consulting and/or commenting on the establishment of priorities and change initiatives;
- Oversee the ongoing implementation of the Systemic Change Program (SCP) initiatives, upon disbandment of the Systemic Change Steering Committee (SCSC).

Key Functions of Local Diversity Working Groups are:

- Advocate for the Ministry's *Transformational Strategy* at the local level;
- Embed principles and change initiatives into the routine of Ministry offices and institutions;
- Support the effective implementation of the above;



- Provide leadership, resources and ongoing support in the implementation of *Transformational Strategy* and Systemic Change Program Initiatives;
- Report as requested to the MERC Diversity Subcommittee on finances, working group business, statistical or any other information as requested from the MERC Diversity Subcommittee;
- Regularly provide agenda and minutes from each Local Diversity Working Group meeting to representatives from the MERC Diversity Subcommittee.

Structure

The MERC Diversity Subcommittee will be ultimately accountable to the MERC, as guided by the Collective Agreement. The Local Diversity Working Groups will be guided by and report to LERC and MERC.

Membership and Composition

MERC Diversity Subcommittee:

The committee shall be comprised of four OPSEU members and four Management members with resource persons for both OPSEU and Management. OPSEU portion will be chosen by OPSEU representatives at MERC and the Management portion will be selected by the Ministry. Each side shall appoint a co-chair and the co-chairs agree to act on a rotational basis. The parties agree to consider equitable and inclusive representation on this committee.

Local Diversity Working Groups:

The Local Diversity Working Groups (LDWG) membership composition will vary depending on location and size of institution. The composition is as follows:

AM 19 - 2:2 Management/OPSEU members
 AM 20 and 21- 3:3 Management/OPSEU members
 AM 22+ - 4:4 Management/OPSEU members
 P&P Clusters - 4:4 Management/OPSEU members

Following the same process as the MERC Diversity Subcommittee, each side shall appoint a co-chair and the co-chairs agree to act on a rotational basis. The parties agree to consider equitable and inclusive representation on the working groups.

Membership Terms for Local Diversity Working Groups

Half of the working group members for management and OPSEU will be for a 2 year term and the other half for a 3 year term, with the option to reapply. This determination shall be made by first asking for volunteers to commit to specific terms. If not enough members' commit to specific terms, names shall be drawn.

Selection and Recruitment for Local Diversity Working Groups (LDWG)

For the initial start-up up of the LDWGs, a resource from the Ministry's Organizational and Effectiveness Division and a MERC Subcommittee member from OPSEU will provide expertise, oversight and coordination regarding the selection and recruitment process. The resources will also sit on selection panels as required. The MERC Diversity Subcommittee will oversee the development of the selection and recruitment process. On an ongoing basis, selection of LDWG members will be determined by:

For Institutions:

Designated members of the LDWGs will determine, in consultation with the Superintendent and highest ranking OPSEU Officer, the selection of working group members.

For Probation and Parole:

Designated members of the LDWGs (P&P clusters) will determine, in consultation with Regional Director (or management designate from LDWG) and an OPSEU member of the MERC Diversity Subcommittee (or bargaining unit designate on LDWG), selection of working group members.

For Regional Offices and Corporate Offices:

These offices would be included with appropriate clusters of Probation and Parole Offices and members for these committees are also recruited from these offices.

In the event of a disagreement on the selection of working group members, the issue will be referred to MERC for resolution. Failing agreement at MERC, OPSEU LDWG Member(s) will be chosen by the OPSEU Co-Chair of MERC and Ministry LDWG Member(s) will be chosen by the Ministry Co-Chair of MERC.

Agenda

The agenda will flow from the work of the Ministry's *Transformational Strategy* or any other items the MERC Diversity Subcommittee deems appropriate, as jointly agreed to by co-chairs. The agenda is to be shared with members five days prior to scheduled meetings. Local Diversity Working Groups are free to add items that are unique to their workplaces and are jointly agreed to by the co-chairs.

Meetings

MERC Diversity Subcommittee Meetings will take place quarterly for the purposes of reporting on progress made on the *Transformational Strategy* objectives or for seeking direction/approval from the Subcommittee. Meetings may be scheduled more frequently on joint approval of co-chairs. Any additional meetings are to be held by teleconference unless co-chairs agree that it is best to hold the meeting in person.



For the first year, Local Diversity Working Group meetings will take place on a bi-monthly basis in order to stay up to date with the work of the MERC Diversity Subcommittee. Thereafter, meetings will be scheduled on a quarterly basis. Meetings may be scheduled more frequently as jointly agreed to by the co-chairs, ensuring regard for operational requirements.

Minutes

Minutes will be compiled at each MERC Diversity Subcommittee and all Local Diversity Working Group meetings. When possible, the Parties agree the minutes will be signed off at conclusion of each meeting. Minutes taken regarding meetings of Local Diversity Working Groups shall be forwarded to the co-chairs of the MERC Diversity Subcommittee.

Expenses

MERC Diversity Subcommittee

The Ministry is responsible for costs associated with implementation of the *Transformational Strategy* and Systemic Change Program initiatives. OPSEU acknowledges responsibility for travel, meals and accommodation for their members. OPSEU members are entitled to one day caucus prior to each Subcommittee meeting. Attendance at both the caucus day and meeting day are duty assignments for OPSEU Subcommittee members. All authorized time and expenses associated with Subcommittee work will be paid by the Ministry.

Local Diversity Working Groups

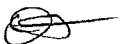
Travel, meals, child/elder care and accommodation expenses will be borne by the employer, according to OPS Guidelines. All working group work will be considered a duty assignment.

Skills and Knowledge Development

The parties will provide developmental opportunities to the LDWG members for skill and knowledge building. The development opportunities, along with orientation, will address the following areas for skill building: facilitation, negotiation, diversity awareness. The members will receive, at minimum, two days of developmental training, which may be a combination of classroom and e-learning instruction. The members may also receive further learning opportunities on an as needed basis.

Application

Nothing in these Terms of Reference restricts either party's rights to file grievances in respect of any matter, or to pursue such grievances before the Grievance Settlement Board, in accordance to the collective Agreement.



Duration

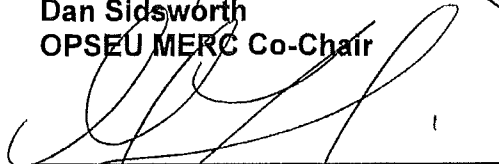
The Ministry's senior management and MERC are to review the ongoing need for the continuation of the MERC Diversity Subcommittee and Local Diversity Working Groups every three years. This agreement may be terminated with 90 days notice by either party.

Signed this 20th day of January, 2011.

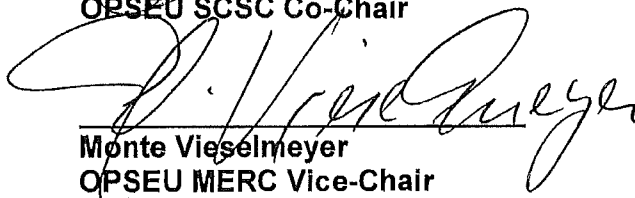
FOR THE UNION:



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OPSEU MERC Co-Chair



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OPSEU SCSC Co-Chair



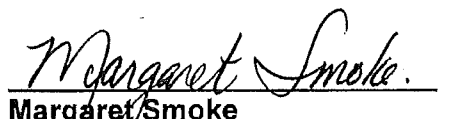
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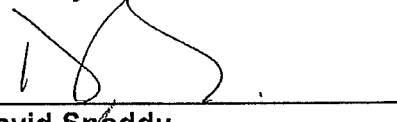
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Ministry SCSC Resource