

MERC Minutes

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

December 10, 2020

10:00 a.m. – 3:00 p.m.

Teleconference

Chair: OPSEU


MERC Members:

Loretta Clark, OPSEU/SEFPO Co-Chair
Coleen Houlder, OPSEU/SEFPO Vice-Chair
Riese Stuber, OPSEU/SEFPO Member
Marie-Paule Duret, OPSEU/SEFPO Member
Kathleen Demareski, Negotiator, OPSEU/SEFPO


Angela Oh, Management Co-Chair
Rojean Prince, CSD
Patrick Ouellet, VVPD
Greg Jones, CPSLRC, TBS
Andrew Hackland, CSMD

Guests:


- Jami McWade, A/Workforce Policy and Planning Coordinator, CSD
- Alexey Togunov, Manager, Project Management Office, CSMD
- Balwant Neote, A/Consulting Manager, CSD
- Sue Blair, Manager, Victim/Witness Assistance Program, VVPD
- Shannon Vandermolen, A/Manager, Court Reporting Services, CSD

Ref #	Agenda Item	Issue	Follow-Up / Action
Standing Items			
1. Courts Modernization			
a.	Provincial Offences Act (POA) – Part III	No updates at this time as a result of COVID-19.	
b.	Civil E-Filing	<p>Justice services online have continued and expanded into small claims. A decision has been made to streamline the refund process that was implemented on November 2, 2020. A survey has been rolled out to staff about earlier releases in order to incorporate feedback into future releases. The online filing allows for checking of signatures and sworn documents, which may facilitate the ability to reduce the printing of documents in the future, subject to local practices. The ministry and division are looking into alternatives to the One Drive document sharing.</p> <div style="text-align: center;">  <p>JSO MERC update December 10 2020 v2</p> </div>	OPSEU requested an update at the next MERC.

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c.	Recovery Secretariat Update	<ul style="list-style-type: none"> - All base and 5 of 7 satellite courthouses that were planned to resume operations by November 30 have now been reopened to in-person hearings with appropriate health and safety measures in place. The ministry continues to look at the options for, and prioritization of, resuming operations at remaining satellite and fly-in courts, which are targeted to be reopened as of January 2021. Community engagement is a critical component of recovery with a specific focus on providing a central role to Indigenous communities and First Nations governments. - The SCJ has advised that they will not commence any new jury selection or jury trials, except in areas in a Green Zone (as defined by the Ontario Government) effective November 23, 2020. An update will be issued on December 29, 2020. Jury trials currently in progress can proceed, subject to the discretion of the trial judge. - An updated version of the “Guidebook - COVID-19: Recommended Precautionary Measures for Resuming Court Operations” and “PPE and Critical Supplies Policy” have been shared and both documents can be found at https://intra.ontario.ca/mag/mag-workplace-recovery. The Guidebook is also posted on Ontario.ca and made available to the public broadly. 	<p>OPSEU continues to meet with the Recovery Secretariat on a weekly basis to obtain updates and for OPSEU to provide feedback and raise concerns.</p>

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d.	Remote Recordings	<p>Alternative platforms for recording court hearings were developed on an urgent basis due to the COVID-19 pandemic.</p> <p>The Employer has consulted with staff, and the following concerns have been identified:</p> <ul style="list-style-type: none"> • Audio quality issues • Lack of Form 1 certification • Inconsistent recording practices & improvised solutions • Courtroom technology <p>Some work has already taken place to address these concerns, including initiating automatic uploads of recordings to the Bell portal; creating a Zoom training guide for Courts staff; developing equipment & technical solutions to facilitate remote hearings & recording services.</p> <p>Additional work is planned, such as:</p> <ul style="list-style-type: none"> • A quality assurance audit – results to be used to support possible solutions • Developing processes to eliminate the use of CDs to store remote recordings • Improving education and training to court staff • Taking action to identify issues and assisting staff with solutions <div style="text-align: center;">  <p>CourtRecordingUpda te_MERC_10Dec2020.</p> </div>	<p>OPSEU requested an update at the next MERC.</p>

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2. LERC Referrals			
a.	Increased Workload in VWAP with No Increase in Resources – Waterloo Region, Wellington County Tabled: December 10, 2020	<ul style="list-style-type: none"> • Staff have recognized a dramatic increase in workload by approximately twofold since the beginning of the pandemic due to several factors, including the implementation of SCOPE, an increase in non-core caseloads and an increase in incidence of crime as a result of the pandemic, notably HT, domestic violence and sexual assault, to name a few. • This situation has resulted in staff not being able to meet OPS services standards without having to work longer hours, check emails while on vacation or forego vacation altogether. • Staff feel that this has impacted their physical and mental health and is unsustainable. 	<p>The Employer recognizes and acknowledges the situation, and further discussions have been scheduled. Additional information will be shared when available. The Employer will provide an update at the next MERC.</p>
3. MAG Updates			
a.	Court Services Division (CSD)	<ul style="list-style-type: none"> • Introduction to Estates training was offered for staff in Toronto and Kenora using virtual delivery in November. Four sessions were held and 44 staff attended. The model that was used for this training included instructor-led sessions, follow up work for staff to practice what they learned, as well a question and answer session for staff to reconnect with the instructor to have any questions answered. • Staff in the Central West region were provided with information and sessions to support their understanding and use of OneDrive for the purposes of saving and sharing documents. The goal of this was to ensure that staff were 	<p>Training continues, and the Employer will provide updates as available.</p>

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		<p>comfortable with using OneDrive, knew where to access resource material and had a chance to ask any questions to a subject matter expert in a live forum. There were six live sessions and 127 staff participated.</p> <p>The JVN step-by-step guide and Zoom tip sheet are in every region's training folder. The training team is working on putting these documents on the CSD intranet in the next few months. These materials are living documents and continue to be updated on an ongoing basis. Any issues and concerns can be forwarded to learning.mag@ontario.ca</p>	
b.	Victims and Vulnerable Persons Division (VVPD)	 <p>VVPD Projects for MERC Update - DecerEngagement - MERC - VVPD Employee</p>	The Employer will provide further updates at the next MERC.
c.	Criminal Law Division	No updates at this time.	The Employer will provide further updates at the next MERC.
4. Reports			
a.	Fixed Term Report (Article 16.5.1)	The Fixed Term report ending September 30, 2020 was provided by the Employer on October 27, 2020.	
b.	Conversion Reports (Article 31A.15)	The Conversion report ending September 30, 2020 was provided by the Employer on October 27, 2020.	

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c.	FPT Deficit Hours (Quarterly Reports)	The Employer provided a verbal Q3 update indicating that no further deficit had been accrued between July 1, 2020 and September 30, 2020. The Employer also confirmed that all 2019 deficit hours have been fully recovered.	
d.	Job Descriptions	The Union received the report for September 2020 on October 15, 2020. The Union received the report for October on November 16, 2020.	
Report Back Items			
4.	Vicarious Trauma Tabled: September 13, 2018	<p>Vicarious trauma e-training has rolled out via Morneau Shepell, including two mandatory modules for staff and an additional mandatory module for managers. Employees and managers will be invited to register and will have three months to complete the training. The MAG Mental Health Committee meets monthly, developing and presenting strategies to improve employee awareness and identify gaps and needs in tools and resources. There are representatives on the committee from all MAG divisions. Several sub-committees have been established, including a mental health and racism sub-committee.</p> <p>Mental Health and Resilience Session - December 3, 2020 [link]</p>	This agenda item will be removed. A new agenda item called "Mental Health Updates" will be added to "Standing Items".
5.	Financial Process Modernization	The TMS project team provided an update on the Thunder Bay pilot, which has continued during the pandemic. Another technical upgrade is being planned for early 2021. Work on the application has continued since March 2020. The project team will once again be engaging with CSD staff, undertaking site	The Employer will provide further updates as they become available.

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		readiness work, and testing and training of the new system before the end of the year.	
6.	Naloxone Kits in the Courthouses	No updates at this time.	The Employer will provide further updates as they become available.
7.	SIU Reclassification	At this time, no action has been communicated.	No action at this time. Item to remain as "Report Back" on agenda.
8.	Tribunals Ontario	No updates at this time.	The Employer will provide an update at the next MERC if available.
9.	LERCs	The parties agreed on a joint memo to be issued, promoting the work of the Local Employee Relations Committees (LERCs).	The Union will provide the memo to members. The Employer will provide the memo to management.

New Business

<p>10.</p>	<p>CSD Job Descriptions Tabled: December 10, 2020</p>	<p>The Union acknowledges that the employer shared job descriptions for the Court and Client Representative, Court and Client Representative Recording Management Coordinator, Court and Client Representative Assistant Trial Coordinator, and the Court Clerk and Registrar positions in the Court Service Division on October 29th.</p> <p>The Union raised issues with regards to the 'Ontario' license requirement and the points applied for 'typing and fully programmable word processing skills to 30 wpm'.</p> <p>The Union has received a number of objections and criticism with regards to the duties, responsibilities, knowledge and skills required to work in the newly modernized courts. The Union is advocating that the job description be re-evaluated by the Job Evaluation Initiative Branch (JEIB).</p>	
<p>11.</p>	<p>Single CCR in Court – Owen Sound, Walkerton and Goderich Tabled: December 10, 2020</p>	<p>The Union has expressed concern over a pilot-project of a single staff member doing all roles in court, the workload implications of such a project and it's ramifications on staff throughout the province, and the possibility of a best practices document being used as a disciplinary tool.</p> <p>The Employer confirmed that all virtual, hybrid and in-person courts are currently with two or more CCR's to support the various tasks required by the court. At times, due to last minute issues, there may be circumstances which cause only one CCR to be available. It was confirmed that the situation in question is not currently a regular practice. Further, the local best practices document was created by staff to be used by staff as a resource in prioritizing their work.</p>	<p>The Union will continue to raise issues if identified.</p>

12.	Role of the Employer Tabled: December 10, 2020	While referring to the Occupational Health and Safety Act (OHSA) Sections 25 and 27(1), Duties of the Employer and Supervisor and Article 9 of the Collective Agreement (Health and Safety), the Union is concerned about referral of the Employer's responsibilities under the Act to Public Health. OHSA Section 2(2) is the prevailing legislation above all else.	The Union will continue to advise its members to work with their local Joint Health and Safety Committees, and contact the Ministry of Labour, Skills, Training and Development if applicable.
13.	Enforcement Officer Refresher Training	The Employer notified the Union that the refresher training would be moved from a 12-month to an 18-month renewal period due to the current pandemic.	The parties agreed to revisit this issue in mid-2021.
Next Meeting Date			
		<ul style="list-style-type: none"> • February 25, 2021 	

For the Union

For the Employer

Original signed by

Union Co-Chair
Loretta Clark

Original signed by

Employer Co-Chair
Angela Oh