

# **MERC Minutes**

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

**May 14, 2021**

10:00 a.m. – 3:00 p.m.

Teleconference

Chair: OPSEU/SEFPO

### **MERC Members:**

Coleen Houlder, OPSEU/SEFPO Vice-Chair  
Riese Stuber, OPSEU/SEFPO Member  
Marie-Paule Duret, OPSEU/SEFPO Member  
Rodger Noakes, Negotiator, OPSEU/SEFPO

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

### **Guests:**

- Jami McWade, A/Workforce Policy and Planning Coordinator, CSD
- Rosanna Giancristiano, Manager Court Operations, CSD
- Jennifer Stewart, Project Manager, CSD
- Michelle Dwyer-Hunte, Manager, CSD
- Frank Pignoli, Counsel, CSD
- Josie Eusepio, Consulting Manager, CSD
- Tammy Browes-Bugden, Director, CLD
- Julie Chan, Mental Health Coordinator, CSMD
- Heather Spilkov, Workforce Policy Planning Coordinator, CSD
- Michelle Flaro, Manager, Learning and Development, CSD

### **Regrets:**




Loretta Clark, OPSEU/SEFPO Co-Chair

Ref #	Agenda Item	Issue	Follow-Up / Action
<b>Standing Items</b>			
1.	<b>Provincial Offences Act (POA) – Part III</b>	<ul style="list-style-type: none"> <li>• Earlier decision to transfer POA Part III matters to municipal partners, which would complete the initial transfer of Part 1 and 2 in early 1990s, 2000s</li> <li>• CLD will continue to prosecute a limited number of cases</li> <li>• Transfer projects have been delayed due to COVID and closure of POA offices</li> <li>• Working Group comprised of MAG team members and reps from municipal partners had paused due to COVID but reconvened in mid-November 2020</li> <li>• Approximately 12 municipalities have expressed interest in becoming an early adopter</li> <li>• Committed to continue with a phased approach despite COVID delays, based on municipality and crown readiness</li> <li>• POA backlog due to lack of hearings, but those courts now slowly up and running via virtual hearings</li> </ul>	Employer to share a copy of the last disclosure from 2019 with MERC
2.	<b>Civil E-Filing</b>	<ul style="list-style-type: none"> <li>• No updates at this time.</li> </ul>	The Employer will provide further updates at the next MERC as available.

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3.	Remote Recordings	<ul style="list-style-type: none"> <li>• A standard set-up for hybrid appearances in non-Justice Video Network courtrooms is being deployed in the field. <ul style="list-style-type: none"> <li>- This should improve sound quality of court recordings and assist court staff by having a reliable set-up in place that does not need to be constantly changed to accommodate hybrid and in-person appearances.</li> <li>- While the set-up does not address all concerns and may have to be adjusted to fit the uniqueness of each courtroom, the interim solution should assist and provide improvements before more permanent technology solutions can be implemented across the province.</li> </ul> </li> <li>• Court reporting training materials are being reviewed and improved/updated resources are planned for the future.</li> <li>• CSD continues to update guidance on court etiquette that would assist all justice participants involved in remote/hybrid court appearances.</li> </ul> <p>The Union has raised additional concerns around:</p> <ul style="list-style-type: none"> <li>• Regular updates required for Zoom</li> <li>• Impact of E-token capacity limits and VPN on zoom causing staff to sometimes getting kicked out of Zoom</li> <li>• Zoom is slow due to so many people being on at the same time</li> </ul>	<p>The Employer will provide further updates at the next MERC as available.</p>

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4.	<b>Recovery Secretariat Update</b>	<ul style="list-style-type: none"> <li>• A <u>provincial emergency and stay-at-home order</u> was issued by the Ontario government on Wednesday, April 7</li> <li>• On April 8, 2021, the SCJ posted a notice to the profession identifying that, with the exception of the most serious child protection, urgent family or critical criminal matters where other options are unavailable, in-person matters will not be held. Subject to the discretion of the trial judge, in-person matters that are in progress could continue. As of April 20, 2021, as many virtual hearings as possible were also deferred. It was further identified that court would not resume jury matters in June.</li> <li>• Also on April 8, 2021, the OCJ posted a notice to the profession indicating their commitment to facilitating the conduct of proceedings by remote technology (video or phone) wherever possible. A subsequent notice was posted on May 18, 2021 indicating in-person out-of-custody trials and preliminary inquiries may proceed as scheduled commencing Tuesday May 25, 2021. The Court continued to urge all judicial officials, parties and counsel to use remote proceedings unless an in-person appearance is required to ensure meaningful access to justice.</li> <li>• On April 29, 2021, the province announced that individuals who are prioritized in Phase 2, Group 2 – including courts and justice system workers - would be eligible to start booking their appointments starting May 11, 2021.</li> </ul>	<p>OPSEU continues to meet with the Recovery Secretariat on a bi-weekly basis to obtain updates and for OPSEU to provide feedback and raise concerns.</p>


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5.	<b>Mental Health Updates</b>	<ul style="list-style-type: none"> <li>• Vicarious Trauma training rolled out to CSD March 26, including 300 leaders and 400 corporate and some front-line staff with additional training to be released mid-June</li> <li>• 3 modules for managers, 2 for employees (20 mins each)</li> <li>• MAG Mental Health and Wellness Plan created in 2019 as a plan for all MAG employees, with recognition that it is not one size fits all</li> <li>• Took into consideration data from employee experience survey and pulse survey and will consider 2021 employee experience survey</li> <li>• Divisional management road show to hear about unique challenges their divisions are facing</li> <li>• Additional programs rolling out include: <ul style="list-style-type: none"> <li>- Self care sessions – currently in early stages of designing session for front line staff</li> <li>- Mental Health Minutes – monthly general wellness tips for March, April and May sent to broader ministry.</li> <li>- Other wellness campaigns and workshops for staff to attend and participate.</li> </ul> </li> <li>• OPSEU suggested incorporating into strategy a mechanism so that staff have time to complete the modules</li> </ul> <p>Updates, information and links to videos can be found at the MAG Wellness page: <a href="https://intra.ontario.ca/mag/mag-mental-wellness">https://intra.ontario.ca/mag/mag-mental-wellness</a></p>	The Employer will provide further updates at the next MERC as available.
<b>LERC Referrals</b>			

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6.	<p><b>Increased Workload in VWAP with No Increase in Resources – Waterloo Region, Wellington County</b></p> <p><b>Tabled: December 10, 2020</b></p>	 Update on Guelph VWAP Workload - ME	
<b>MAG Updates</b>			
7.	<p><b>Court Services Division (CSD)</b></p>	<ul style="list-style-type: none"> <li>• Learning and Development using a blended module orientation program. Program increased engagement and respects all adult learning types.</li> <li>• Orientation includes an overall view of court functions for new hires.</li> <li>• February 2021 offered new hires training program, offered again April 6, 2021.</li> <li>• Course duration is three weeks.</li> <li>• Will be offered every five to six weeks for remainder of year.</li> <li>• Positive feedback from attendees.</li> </ul>	<p>The Employer will provide further updates at the next MERC as available.</p>
8.	<p><b>Victims and Vulnerable Persons Division (VVPD)</b></p>	  VVPD Projects for MERC Update - May 2      VVPD Employee Engagement - MERC	<p>The Employer will provide further updates at the next MERC as available.</p>

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9.	<b>Criminal Law Division</b>	<ul style="list-style-type: none"> <li>• Memo by ADAG to CLD, expressing appreciation of the hard work of staff to ensure as many criminal matters continued to be held while keeping people safe</li> <li>• Criminal Backlog Strategy due to the impact of the pandemic is an important priority of the division</li> </ul>	Copy of memo to be shared with MERC committee
<b>Reports</b>			
10.	<b>Fixed Term Report (Article 16.5.1)</b>	<ul style="list-style-type: none"> <li>• The Fixed Term report ending March 31, 2020 was provided by the Employer on May 7, 2021.</li> <li>• OPSEU raised concerns relating to conversion eligibility.</li> </ul>	
11.	<b>Conversion Reports (Article 31A.15)</b>	<ul style="list-style-type: none"> <li>• The Conversion report ending March 31, 2020 was provided by the Employer on May 7, 2021.</li> </ul>	
12.	<b>FPT Deficit Hours (Quarterly Reports)</b>	<ul style="list-style-type: none"> <li>• The FPT Deficit Hours report ending March 31, 2020 was provided by the Employer on May 4, 2021.</li> <li>• CSD does not have any new deficit hours for 2021 to report.</li> <li>• Of the 16 employees who had 2020 deficit hours to be recovered, CSD has been able to fully recover hours from 13. The Supervisors will continue to work with the remaining three employees to schedule them accordingly to have that time recovered.</li> </ul>	Employer to provide further information on three employees with deficit hours.
13.	<b>Job Descriptions</b>	<ul style="list-style-type: none"> <li>• February 2021 disclosures – sent March 19, 2021</li> <li>• March disclosures – sent April 15, 2021</li> </ul>	

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		<ul style="list-style-type: none"> <li>April disclosures – sent May 14, 2021</li> </ul>	
<b>Report Back Items</b>			
14.	<b>Financial Process Modernization</b>	<ul style="list-style-type: none"> <li>No updates at this time.</li> </ul>	The Employer will provide further updates as they become available.
15.	<b>Naloxone Kits in the Courthouses</b>	<ul style="list-style-type: none"> <li>No updates at this time.</li> </ul>	The Employer will provide further updates as they become available.
16.	<b>Tribunals Ontario</b>	<ul style="list-style-type: none"> <li>No updates at this time.</li> </ul>	The Employer will provide an update at the next MERC if available.
17.	<b>LERCs</b>	<ul style="list-style-type: none"> <li>OPSEU and MAG have prepared a joint memo that was sent to all MAG managers on Monday, March 8, 2021, regarding the importance of labour relations committees and encouraging the establishment of Local Employee Relations Committees (LERCs) at MAG workplaces where one does not already exist.</li> </ul>	



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		 MAG OPSEU Joint Memo.docx	
18.	<b>Enforcement Officer Refresher Training</b>	<ul style="list-style-type: none"> <li>• MAG enforcement officers required to successfully complete defensive tactics refresher training on an annual basis under CSD policy, including risk assessment and other control strategies</li> <li>• CSD policy states that an enforcement officer not completing training may not complete duties until training completed</li> <li>• In December 2020, OPSEU was agreeable to extending the training requirement to 18 months</li> <li>• Due to ongoing pandemic and stay at home orders, successful completion training in accordance with policy, which does not provide exemptions due to incomplete refresher training, has continued to be impacted</li> <li>• CSD is considering further amending annual refresher training policy/requirement to 24 months (does not impact training for new hires)</li> </ul>	Union and Employer to look into appropriate mechanism for such an extension.
19.	<b>Role of the Employer</b> <b>Tabled: December 10, 2020</b>	<ul style="list-style-type: none"> <li>• The Union has identified health and safety concerns relating to courtroom (virtual and in person) scheduling, decorum and compliance. The Union reiterated that s.2(2) of the Occupational Health and Safety Act prevails over any other legislation and policies governing the workplace</li> </ul>	The parties agree to continue discussions at the bi-weekly Covid-19 meetings.

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20.	<b>Landlord Tenant Board – Working Groups</b>	<ul style="list-style-type: none"> <li>• The Union met with the Employer, including a representative from the Landlord Tenant Board, who indicated that they have been receiving positive feedback from staff who have indicated they are enjoying the team environment, the ability to focus on a specific task and to have a point of contact for support. The use of the working group structure is ongoing.</li> <li>• OPSEU has noted their members have voiced concerns about going from the regional application system to the provincial application system.</li> </ul>	
21.	<b>Anti-Racism Action Plan</b>	<ul style="list-style-type: none"> <li>• The Employer advised that the new ministry Anti-Racism Lead has been announced and this individual has started on May 3, 2021.</li> <li>• The Employer also confirmed that the MAG Anti-Racism Action Plan was provided to OPSEU on April 8.</li> </ul>	

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22.	<b>New Toronto Courthouse</b>	<ul style="list-style-type: none"> <li>• Toronto Regional Management provided an update on the NTC project: <ul style="list-style-type: none"> <li>- Construction on the building has been completed up to floor 16, with mitigation measures to limit impact of COVID-19 implemented</li> <li>- A Staff transition committee, made up of volunteers from each courthouse impacted meet monthly</li> <li>- The role of this committee is to provide information, feedback and ideas how to make the change more seamless for all staff</li> <li>- Currently the committee is developing recommendations for remote employee engagement, including establishing a Sharepoint site to provide updates and information</li> <li>- It is anticipated that the Sharepoint site will be launched in June</li> <li>- Qs and As are currently being drafted for distribution</li> </ul> </li> <li>• OPSEU has expressed a concern that they are not receiving this information first-hand and have asked if there are opportunities for MERC to be more engaged</li> </ul>	<p>The Employer to provide updates at the next meeting.</p> <p>OPSEU to consider opportunities for MERC committee to be more engaged.</p>
23.	<b>Staffing and Recruitment – Workload Issues within CSD</b>	<ul style="list-style-type: none"> <li>• The Union and Employer had ongoing discussions regarding concerns over workload and initiatives to help mitigate some pressures.</li> </ul>	<p>The parties agree to continue discussions.</p>

<b>New Business</b>			
24.	<b>Milton Remediation</b>	<ul style="list-style-type: none"> <li>OPSEU has raised concerns about members being required to travel to new location and additional costs to be incurred.</li> </ul>	
<b>Inactive Status Items</b>			
25.	<b>SIU Reclassification</b>	<ul style="list-style-type: none"> <li>No action at this time.</li> </ul>	Item referred to Appendix 7 Committee.
<b>Next Meeting Dates</b>			
		<ul style="list-style-type: none"> <li>September 10, 2021</li> <li>December 9, 2021</li> </ul>	

For the Union




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Union Vice-Chair  
Coleen Houlder

For the Employer

*Angela Oh*

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Employer Co-Chair  
Angela Oh