

MGCS Ministry Employee Relations Committee Draft Terms of Reference

Article 1 - Preamble

The key objectives of the Ministry Employee Relations Committee (MERC) are to promote effective, productive and respectful communication between the parties and foster constructive labour relations in the Ministry through leading by example. In support of these objectives, the parties recognize the importance of effective communication, sufficient information sharing of issues that are raised, mutual trust, and individual respect for all involved in the ERC process.

The parties recognize that employees are the most valuable resource and that effective utilization of employees is vital to the work of the Ministry.

The Union recognizes the goals and principles of the Ministry's operations and business lines.

The Ministry recognizes the legitimate role of the Union in representing its membership through the ERC process.

Article 2 - Authority

This agreement is made under the authority of Article 16 (Local and Ministry Negotiations) of the Central Collective Agreement. This article permits negotiations and discussion of matters of mutual interest to bargaining unit members and the Ministry.

Where as a result of negotiations under this agreement, an accord is reached on any local or Ministry matter of continued significance, such accord may be reduced to writing in a Minute or Understanding or Agreement between the parties. Any such minute or agreement shall not be binding on the Ministry without the approval of the Deputy Minister or his/her nominee, nor binding on the Union without the approval of the President of OPSEU or his/her nominee.

This agreement is guided by Appendix 29 of the Collective Agreement (Letter of Understanding and Ministry Employee Relations Committee Terms of Reference.)

This agreement covers all employees in the Ministry of Government and Consumer Services who are members of the Bargaining Unit as defined in Article 1 of the OPSEU Collective Agreement.

Article 3 - Duties of the Committee

The committee shall discuss issues as submitted by the parties in sufficient time to allow for proper preparation in advance of the discussion. Standing items of discussion may also be agreed to by the parties.

The committee shall discuss issues that have been referred from the workplace level that have been discussed at that level but have not been resolved.

The committee may refer items to the CERC that have been discussed at this level but remain unresolved.

The committee shall aim towards resolution of issues that respect the rights and entitlements contained in the collective agreement, and conform to Ministry and OPS-wide directives and policies.

Article 4 - Composition

There shall be no less than three (3) and up to five (5) members from each party. In addition the Union may include an OPSEU staff representative to participate, and the Ministry may designate an additional person to provide administrative support (e.g., take minutes.)

Other resources can join a meeting to discuss a particular item on the agenda.

Article 5 - Chairs

The MERC shall have Co-Chairs, one from Management and one from the Union, who will ensure the following:

- Schedule meetings
- Develop an agenda
- Ensure the minutes are prepared by the Ministry and released in a timely fashion
- Alternate as chairs of a meeting.

It shall be the responsibility of the Chair to ensure that discussions proceed in a manner that allows full discussions of the views of the members in an atmosphere of dignity and respect.

Article 6 - Frequency of Meetings

The committee shall meet at least four (4) times per year and meetings shall be scheduled as much in advance as possible. Changes to meeting dates shall be avoided

to the extent possible, to minimize disruption of committee members' schedules and to ensure maximum attendance.

Quorum is required at each meeting and shall consist of at least three (3) Union and three (3) Management members.

Additional meetings, including ad hoc working group meetings, may be scheduled with the agreement of the Co-Chairs.

Article 7 - Agenda

The agenda shall be developed as agreed to by the Co-Chairs and shall be circulated to committee members by the Ministry at least three (3) working days in advance of the meeting date.

Agenda items will be submitted by the parties in sufficient time to allow for proper preparation in advance of the meeting. Items may be raised at the meeting itself but, unless otherwise agreed to by the parties, only for the purpose of being scheduled for discussion at a subsequent meeting.

The committee will establish a timeframe within which to respond to an agenda item discussed at a meeting. In determining a timeframe, the parties shall consider the complexity of the issue and allow sufficient time to investigate and respond. In the event that the parties cannot determine a timeframe, a response shall be given within thirty (30) business days from the date of the meeting at which the issue was discussed. In addition, no party may withdraw an agenda item without agreement from the other party.

Article 8 - Exclusions from the Agenda

The following will not be the subject of discussion at MERC meetings or the subject of any Minute of Understanding or Agreement between the parties:

- a. Any matter which requires Public Service Commission approval
- b. Any matter which may involve amendments to legislation or regulations, or which may lead to the amendment or withdrawal of any directives of service-wide application
- c. Any matter which requires Central Agency approval
- d. Any matter which is the subject of an individual, group or union grievance unless the parties mutually agreed otherwise.

Article 9 - Minutes

The Ministry shall take annotated meeting minutes in accessible format, and where possible live minutes will be done and approved at the meeting. In the event live minutes cannot be done, then draft minutes will be circulated to the members of the committee for review within ten (10) business days from the date of the meeting. These minutes shall be signed by the Co-Chairs who authorise them for distribution and posting on the Ministry's intranet site and on the Union's website.

The minutes are not binding on either party nor are they subject to the grievance procedure.

Article 10 - Guests

Either party may invite one or more persons to provide expertise and advice on specific items, or as an observer or trainee, provided prior agreement of the other party is secured. If the guest(s) is an OPSEU bargaining unit employee of the Ministry, he/she will be entitled to paid leave with no loss of benefits or credits.

Article 11 - Time Off

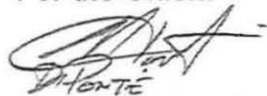
Union members of the committee shall have the time travelling to scheduled meetings, and the time spent at the joint meetings of the committee with no loss of regular pay, seniority and credits. Any travel and other expenses incurred by Union members of the committees will be borne by the Union, with the exception of unforeseen circumstances.

Article 12 – Term

This agreement shall be in force for the duration of the current collective agreement, and shall continue automatically thereafter for annual periods of one (1) year each, unless either party notifies the other in writing at least ninety (90) days prior to the expiration date that it wishes to amend or cancel the agreement.

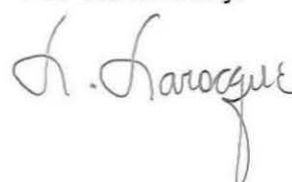
Dated this 12 day of January, 2018.

For the Union:



D. LONTE

For the Ministry:



H. Haroche 2018.01.15