

**MINISTRY OF EDUCATION  
MINISTRY EMPLOYEE RELATIONS COMMITTEE (MERC)**

October 25, 2018

10:00a.m. – 12:00p.m.

4<sup>th</sup> Floor – Boardroom 441 South, Mowat Block, 900 Bay Street, Toronto

**In Attendance**

| For the Union   | For the Employer  | Guests             | Regrets                  |
|---|---|--------------------|--------------------------|
| Daryl O’Grady, Co-Chair, OPSEU<br>Wendy Abrams, OPSEU<br>Martin Grenier, OPSEU<br>Sandra Harper, OPS Negotiator | * Murray Leaning, Co-Chair, EDU<br>June Rogers, EDU<br>Holly Moran, EDU<br>Prachee Shukla, EDU<br><br>*Chair of the Meeting | Alissa Bryers, TBS | Juanita Sheridan,<br>TBS |

| STANDING ITEMS  | DISCUSSION   | ACTION REQUIRED   |
|---|--|---|
| Confirmation of the Agenda  | The parties confirmed the agenda.  |   |
| 1. Employer Updates<br>a) Seniority, Fixed Term and Seasonal Reports<br>b) TEI<br>c) Training and Development<br>d) Surplus | a) The seniority report, seasonal list and fixed term list were provided to the union by email on October 19, 2018.<br>b) As of September 30, 2018, 48 out of 60 (80%) TEI applications submitted by OPSEU-represented employees in the Ministry of Education have been approved.<br>c) The application period for the Diversity Career Champions Program was October 9 – 23, 2018. The new session will launch in December 2018. The Ministry completed five (5) learning and development | Employer to continue to provide updates.<br><br>OPSEU to provide names of fixed-term staff who have reached 18-month threshold to Employer for follow-up. |

| STANDING ITEMS  | DISCUSSION  | ACTION REQUIRED                          |
|---|---|--|
|   | <p>sessions in July and August for summer students. This included three (3) in-person sessions in Toronto as well as two virtual sessions for regional students.</p> <p>d) No surplus notice alerts have been provided in the Ministry since the last MERC meeting.</p> |  |
| 2. Seasonal Benefits                                      | The parties discussed improvements to the seasonal benefits activation timeline this year.  | Parties to provide updates as available. |
| 3. CCQALB BERC Update                                     | The BERC met on September 28, 2018. The next meeting will occur on November 15, 2018.   | Parties to continue to provide updates.  |
| 4. PDSB BERC Update                                       | The BERC met on October 17, 2018. The parties had a positive meeting and covered topics including payroll and benefits. The next meeting will occur in February 2019.   | Parties to continue to provide updates.  |
| 5. Governance Transfer of CJL                             | The governance transfer to the CJL Consortium is scheduled to occur on April 1, 2019. Discussions between the parties are ongoing.  | Parties to continue to provide updates.  |
| 6. Attendance Support Management Plan status              | On August 8, 2018 the Employer confirmed via email that there are no EDU employees remaining in the ASMP and that no EDU employees were included on the list that was previously shared with the union at CERC.   | Remove from agenda.                      |
| BUSINESS ARISING ITEMS                                    | DISCUSSION  | ACTION REQUIRED                          |
| 1. MERC to be given one day off each month to conduct the | Parties continued discussions on Union request for one day off per  | Move to Standing Items.                  |

| <b>BUSINESS ARISING ITEMS</b>                           | <b>DISCUSSION</b>   | <b>ACTION REQUIRED</b>  |
|---|---|---|
| business of the MERC                                    | month to conduct the business of the MERC. Parties to receive updates from CERC as they become available.   |   |
| <b>NEW ITEMS</b>  | <b>DISCUSSION</b>   | <b>ACTION REQUIRED</b>  |
| 1. Alternate Work Arrangement Agreements                | The Union confirmed that both Staff Representatives and Local Presidents sign local alternate work arrangement agreements. Province-wide agreements are to be signed by the parties at MERC.  | Remove from agenda.   |
| 2. Extension of Memorandum of Agreement (MOA) at CCQALB | The implementation date for the MOA was deferred to September 1, 2018 at the request of the employees so that they could continue to access the Compressed Work Week (CWW) over the summer. The parties agreed to extend the pilot agreement by an additional four (4) months (March 1, 2019).<br>The Union requested that the Employer consider adding a CWW component to the MOA. | Employer to provide revised MOA for Union sign-off. Employer to consider Union's request. |
| 3. Health and Safety Statistics                         | Union has requested that the Ministry provide workplace health and safety statistics (e.g. number of accidents, injuries, etc.). Union has offered to provide a sample of statistics that have been provided at other ministries, per s. 12 of the <i>Ontario Health and Safety Act</i> .   | Employer will follow up and provide Union with statistics.                                |
| 4. Retirement Eligibility Data                          | Union has requested data on number of OPSEU-represented employees eligible for retirement, as well as   | Employer to follow up with MGCS.  |

| NEW ITEMS                               | DISCUSSION  | ACTION REQUIRED   |
|---|---|---|
|   | ministry-wide numbers.  |   |
| 5. Hiring Freeze                        | <p>Union has requested a list of OPSEU-represented positions that the Employer is permitted to fill under the freeze on new hiring. The Employer confirmed that this determination is generally done on a case-by-case basis and that the freeze and approvals process applies to both unionized and management positions. CCQALB completed a business case to identify its Program Advisors and Investigators as an essential service exempt from the hiring freeze. PDSB's Educational Assistants caring for students with medical needs are also considered business critical.</p> | Remove from agenda.   |
| 6. Special and Compassionate Leave Days | <p>The Union requested clarification on how leaves pending approval are handled.</p> <p>The Employer confirmed that the four fold test arises from Grievance Settlement Board (GSB) case law:</p> <ul style="list-style-type: none"> <li>- The decision must be made in good faith without discrimination;</li> <li>- It must be a genuine exercise of discretionary power, as opposed to rigid policy adherence;</li> <li>- Consideration must be given to the merits of the individual application under review;</li> <li>- All relevant facts must be</li> </ul>                   | The Employer to follow up on suggested change to pay treatment. |

| NEW ITEMS | DISCUSSION   | ACTION REQUIRED |
|-----------|--|-----------------|
|           | considered and conversely, irrelevant considerations must be rejected. |                 |

For the Union: Original Signed by Daryl O'Grady

Date: October 25, 2018

For the Employer: Original Signed by Murray Leaning

Date: October 25, 2018