

# Divisional Health & Safety Review Committee

## MEETING MINUTES

<b>Divisional Health &amp; Safety Review Committee Meeting</b>			
Date of Meeting: March 8, 2017 201 County Court Boulevard		9:30 am-4:00 pm	
Date of Next Meeting: June 8, 2017			
<b>Union Members in attendance:</b>		<b>*Status</b>	<b>Position Title</b>
Tony Cunningham*		Co-chair	Youth Services Officer
Peter Harding		MERC	
Tom Gibson			
Mary Ferreira			
<b>Management Members in attendance:</b>		<b>*Status</b>	<b>Position Title</b>
Brad Hoover		Co-chair	YCDA, RMYC
Mark Mikoluff		CM	Manager, OSPEB
Elaine Ellis		CM	Project Manager
Andy Shepherd		CM	Probation Manager
Randy McAllister		CM	Manager, ISU

Note \*: CM – Committee Member    A – Alternative

Support: Kareena Chulu, Labour Relations Intern, OEU
Guests: Glenna Caldwell, Joscelyn Ross
Observer:
Regrets:

**DISTRIBUTION:**      Original Copies: H&S Members, OPSEU Staff Representative  
                                  E-mail copies:    H&S Members

A copy of these minutes is posted on the Youth Justice Intranet Site

Date of Meeting: November 29, 2016

Reference No.	ISSUE SUMMARY/Update	RECOMMENDED ACTION(S) ACTION REFERRED TO (name if applicable)
<b>1.0 NEW BUSINESS</b>		
01-03-08-17	Participant Evaluations of UMAB from PIC 08-12-09-16  Parties reviewed the wrap-up. Union requests Employer to consider the needs of the UMAB participants.	Remove from agenda.
02-03-08-17	Pepper Spray from PIC 11-12-09-16  Employer advised that the use of pepper spray has not been approved.  Union requests rationale for decision.	Employer to follow up.
03-03-08-17	The 2007 Psychotherapy Act  Committee refers this to MERC	Remove from agenda
04-03-08-17	Payment for Fixed-Term Workers for Antiretroviral Medications  Committee recommends, in the interim, for the Employer to provide cash to fixed-term staff for the purchase of antiretroviral medications pending reimbursement from WSIB to staff.	Bring forward
05-03-08-17	Definition of 'Critical Injury'  Union to provide Employer with information	Bring forward

Date of Meeting: November 29, 2016

Reference No.	ISSUE SUMMARY/Update	RECOMMENDED ACTION(S) ACTION REFERRED TO (name if applicable)
06-03-08-17	<p>Appendix COR20 (20.1.1c)</p> <p>Union requests ability to provide input to and review of Health and Safety related training through the DHSC table. Furthermore, believe COR20.1.1c guides health-related training material to go to DHS for review.</p> <p>Employer provided that training is currently captured in the Training and Development committee.</p>	
07-03-08-17	<p>Isolated Contraband</p> <p>Union recommends that in the future, if staff know there is a risk of contraband, but the type/nature of the contraband is unknown; the weapons search policy should be utilized and the youth should be contained in a room with a toilet.</p> <p>Employer recommends this be brought to the local-level committees.</p>	Remove from agenda
08-03-08-17	<p>Self-Identification</p> <p>Union recommends Employer review policy and make any appropriate adjustments.</p>	Employer to follow up

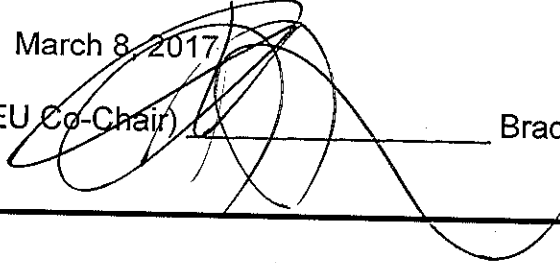
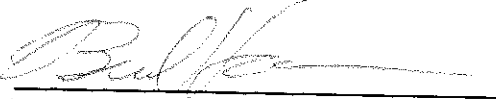
Date of Meeting: November 29, 2016

Reference No.	ISSUE SUMMARY/Update	RECOMMENDED ACTION(S) ACTION REFERRED TO (name if applicable)
09-03-08-17	<p>Opioid Overdose Response Protocols</p> <p>Union suggests that protocol be in place for responding to opioid overdoses. Furthermore nurses should be competent on the usage / administration.</p> <p>Employer will follow up to ensure all kits are in the health care department.</p>	Employer to follow up.
<b>Ongoing Business</b>		
01-11-29-16	<p>Practical Bio-Hazard Training</p> <p>Employer waiting on information to follow up.</p>	Employer to bring forward.
02-11-29-16	Practical Fire Extinguisher Training	Employer to bring forward.
06-11-29-16	<p>Youth Moved by Transfer Payment Agencies</p> <p>Parties agree that TP agencies will be asked to share information regarding youth transferred.</p>	Remove from agenda.

Date of Meeting: November 29, 2016

Reference No.	ISSUE SUMMARY/Update	RECOMMENDED ACTION(s) ACTION REFERRED TO (name if applicable)
08-11-29-16	Referral Process to Divisional Health and Safety  Referral process document to be shared with the youth probation offices and facilities.	Remove from agenda.
10-11-29-16	Definition of Weapon Related to UMAB  Employer provided that the definition of a weapon, which is currently in use, is per the definition provided within the Criminal Code (CCC).	Bring forward.
04-06-14-16	Working Alone in Isolated Areas LOPP 2.10.9	Bring forward.
05-06-14-16	Creation of LOPP Working Alone with Custodial Responsibility in DO Facilities  Union requests that policy should be created regarding working alone with custodial responsibility in DO facilities.  Union to forward definition of working alone.	Bring forward.
35-11-24-15	Duty Assignments – Custodial/Emergency Responses  Employer provided that each facility has LOPPs that identify the appropriate staff members to respond to emergency situations and the appropriate responses.	Remove from agenda

Date of Meeting: November 29, 2016

Reference No.	ISSUE SUMMARY/Update	RECOMMENDED ACTION(S) ACTION REFERRED TO (name if applicable)
05-03-29-16	Weapons Search Policy  Employer provided that the policy is currently going through the process for approval.	Remove from agenda.
<b>3.0 STANDING ITEMS</b>		
	Quarterly report of Critical Injuries	
	New PPE Items	
Date Minutes Signed Off: March 8, 2017 Tony Cunningham (OPSEU Co-Chair)  Brad Hoover (Management Co-Chair) 		

## MCYS Divisional H&S Committee Meeting Notes

Brampton Probation Office – March 8, 2017

### Union Members

Tony Cunningham (Chair)  
Peter Harding  
Mary Ferreira  
Tom Gibson  
Joscelyn Ross (OPSEU)

### Employer

Brad Hoover (Chair)  
Mark Mikoluff  
Andy Sheppard  
Elaine Ellis  
Randy McAllister

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### New Business

#### 1. **Participant Evaluations of UMAB:**

Item moved to this table from PIC table. Union is seeking agreement with employer to increase time available to instructors for participant evaluations. Currently 25% of UMAB instructors' surveyed report, the current practice is not enabling a fulsome critique of the participants being trained. Union is requesting the employer consider the on-going needs of the participants.

#### 2. **Pepper Spray (OC Foam)**

Union requesting employer agree to a six month pilot project to be done at RMYC to allow a designated number of YSO's to have access to OC Foam throughout the facility (to be kept in locked boxes) to fill in the current identified gap in response time with the YSM's being the only staff member authorized to possess OC Foam. Employer initially indicating no support. Union requesting a formal response with rationale why employer does not support request.

#### 3. **2007 Psychotherapy Act**

Since the introduction of this Act, has the employer identified classifications within the Ministry that entail the practice of psychotherapy?

#### 4. **Payment for FXT workers for Antiretroviral Medications**

Union is requesting a system be created to provide the employee a method of payment (cash or cheque) for the purchase of antiretroviral medications pending reimbursement from WSIB to staff.

#### 5. **Definition of Critical Injury**

The Act has been recently amended to include fracture of an ankle

#### 6. **Appendix CORR 20 1.1(c)**

Language in the CA states the union will receive and review H&S training initiatives. Union believes training initiatives with H&S implications should be brought to this table for review. Employer does not concur and believes all training is reviewed by the Training and Development unit.

#### 7. **Isolating Contraband**

Union believes the Provincial weapons search policy continues to be misunderstood and not applied properly. Youth have been identified to be in possession of contraband of unknown origin, not being properly isolated and thoroughly searched as per the policy to ensure safety of the institution. Union requests the employer discuss with the YCA's the importance of applying the appropriate standard of the search policy.

#### 8. **Self-Identification**

Union is requesting a review and change to the current practice and policy of staff using full name (First & last) in the log book enabling youth to view.

#### 9. **Opioid Overdose Response Protocols**

Union suggests protocol be developed for responding to opioid overdoses. Furthermore nurses should be competent on the usage / administration.

## Old Business

### **1. Practical Bio Hazard Training**

No discussion employer still awaiting on information for follow-up. Bring Forward

### **2. Practical Fire Extinguisher Training**

Employer is conducting a 'business case' for taking on the purposed new training. Bring Forward

### **3. Youth Moved by Transfer Payment Agencies**

Employer sees this as a local issue. YCA's should be engaged in discussion with the TP agencies which service the DO Facility to facilitate the needs of sharing information.

### **4. Referral Process to Divisional Health and Safety**

Parties agree to maintain the current practice (timelines) and associated documents. Remove from Agenda

### **5. Definition of Weapon Related to UMAB**

Union continues to seek a clearer definition of "weapon" to include 'fists' as defined by various legal precedence. i.e. Criminal Code Section 2 includes the word "thing" when describing an object used with the intent to cause violence/harm. According to the Criminal Code of Canada, section 2 reads "weapon means any thing used, designed to be used or intended for use (a) in causing death or injury to any person, or (b) for the purpose of threatening or intimidating any person".

*"The decision of R.v.D.A.C., 2007 ABPC 171 proposed a general analytical approach to determine whether the thing is a weapon under S.2. The Court must ask the following three questions: did the accused use the thing to cause death or injury, or to threaten or intimidate any person, did the accused intend to use the thing to cause death or injury or to threaten or intimidate any person and was the thing being carried by the accused designed to be used in causing death or injury to any person, or for the purpose of threatening or intimidating any person? The thing is proven to be a weapon if the answer to any of these questions is yes."*

### **6. Working Alone in Isolated Areas**

Employer reports a document has been circulated to local facilities to determine the status of workers currently working alone in isolated areas. Still awaiting results. Bring Forward

### **7. Creation of Policy re Working Alone with Custodial Responsibility in DO Facilities**

Union is seeking a policy and definition of working alone. Union agrees to provide examples.

### **8. Duty Assignments**

Employer provided that each facility must follow their individual LOPP's to identify the appropriate staff members to respond to emergency situations

### **9. Weapons Search Policy**

Employer states the proposed policy is currently undergoing the appropriate review and implementation process. Bring Forward



WORKING Alone Doc.

**March 8, 2017 DHS meeting agenda**

OLD business requiring further action by union

**10.11.29.16** union to provide definition of weapon related to UMAB

According to the Criminal Code of Canada, section 2 reads “weapon means any thing used, designed to be used or intended for use (a) in causing death or injury to any person, or (b) for the purpose of threatening or intimidating any person”.

The decision of R.v.D.A.C., 2007 ABPC 171 proposed a general analytical approach to determine whether the thing is a weapon under S.2. The Court must ask the following three questions: did the accused use the thing to cause death or injury, or to threaten or intimidate any person, did the accused intend to use the thing to cause death or injury or to threaten or intimidate any person and was the thing being carried by the accused designed to be used in causing death or injury to any person, or for the purpose of threatening or intimidating any person? The thing is proven to be a weapon if the answer to any of these questions is yes.

*Its recommended employer apply ABPC 171 approach for youth in confined spaces who threaten to assault and injure staff and activate CRT for youth who have a weapon or are believed to have a weapon and activate CRT if it is believed youth intend to assault and injure persons ; especially youth with records of violence and assault..*

**05.03.29.16** Weapons Search Policy

DHS agreed to amendments to the Weapons Search Policy.

*It's recommended the Provincial Director Review draft to add new language to policy.*

NEW business

**1) PIC 08.12.09.16 Participant evaluations of UMAB**

a review of 206 UMAB participant evaluation forms from 2016 concluded 25% of participants wanted more practice time, 21% wanted training more often. A review of 775 UMAB participant forms from last 4-years indicates workers want more practice time every 3-4 months.

Workers also said they are not equipped to manage some disturbances; they want to be trained and equipped to manage violence to reduce injuries to self/ co-workers.

*It's recommended, prioritized needs of UMAB participants receive serious attention from DHS/PIC before any change to UMAB is made.*

## **2) PIC 11.12.09.16 Pepper Spray**

The employer has reviewed violence and peer-on-peer assaults since RMYC opened in 2009. The reviews indicated improvements in following areas: count, facility size, programming, family contact, staff training so on. The employer followed up by increasing family visits, creating life skills programs and by assigning more relationship custody training for workers.

In 2013-14, the Child Advocate said RMYC relationship custody skills were forged from a “legacy of adult correctional systems approaches to manage youth conflict” and said RMYC workers had an “inability to shift to less authoritarian” roles to manage conflict.

Presently, the MCYS-YJ employer says RMYC staff complements consist of new and inexperienced staff who struggle to confidently manage peer-on-peer violence and gang related issues. .

For more than 7-years, YSO have relied almost entirely on relationship custody training to manage a violent youth group. RMYC populations presently consist of gang affiliated youth acting out conflicts from the street. .

MCYS-YJ agreed to identify gaps in the response to violence after the June 2014 RMYC incident. The employer authorized managers to deploy OC as required. Managers have had OC for more than 30-months and have not used it. Violence is not inherent to the work we do when violence isn't controlled until other workers arrive on the scene to tip the balance to stop the violence. The gap is in the amount of time passing before enough workers are on the scene to control it.

UMAB evaluators say, “we need to equip and train workers to deploy work procedures equal to intensity of violence from youth” and recommend techniques “can be progressive and move to more intrusive techniques as required”. Spokespersons from comparable jurisdictions said OC deployment matches intensity of violence by stopping it with no injuries to workers and youth. Pepper spray is not punishment; it is PPE to be deployed to neutralize violence.

November 2016 BC Government officials and BCGEU and NUPGE union representatives continue to meet after 3 major disturbances within BC Youth Centre's. The parties are meeting to address Health and Safety problems at BC Youth Custody Facilities arising from violence and property damage. The parties continue to meet in recognition of gaps in Officer training and PPE use. Several recommendations are currently before the BC government including OC use by Youth Workers.

MCSCS Correctional Officers can deploy OC from their utility belts. Workers got OC in 2013 to address excessive, unnecessary injuries to workers due to assaults by inmates. The direct supervision model accelerated an end to negotiations resulting in OC use by workers. MCYS Youth Detention workplaces have always had a direct supervision model without OC use by Youth Workers and without CRT deployment by the employer. ICIT was regularly deployed by MCSCS before OC could be used by workers and ICIT is currently deployed by MCSCS for all major disturbances.

MCSCS union representatives report OC is an effective deterrent. In many cases, workers pull OC out and do not need to use it. The introduction of it to the disturbance stops the violence. WSIB claims for injuries due to violence are down from 2013. On average, OC is used 1-2 times per week per workplace. There have been fewer suspensions from use of force disturbances. Workers were disciplined every day for excessive use of force before 2013. Only 2-Officers have been disciplined for improper OC use.

MCSCS upper management was initially resistant; believing OC would be improperly used to punish inmates. Currently, MCSCS is very supportive of OC use by workers. Employers recognize workers use OC responsibly; inmates are immediately seen by healthcare and subsequently decontaminated properly.

MCYS can manage OC by implementing a narrow policy for its safe and measured use. Policy can be written to manage imminent threat of assault and injury from violence by youth only. Comparable youth and adult jurisdictions have broader policy applications.

**It's recommended MCYS implement a 6-month pilot at RMYC authorizing workers to have access to OC who respond to disturbances and who are in a disturbance without support. OC can be secured and strategically placed throughout workplace. Pilot can be reviewed by DHS to make recommendations to the Provincial Director. Training at RMYC for workers to use OC is cost neutral; RMYC is already assigning all workers to be Escort Trained.**

### Pepper Spray issued to TYSO

Workers are being unnecessarily injured from onset of violence to time managers respond to incident. Managers have had OC for years and haven't used it, they respond after crisis is over and after workers are assaulted. OC deployment by managers doesn't work; we can not measure what hasn't been used. Injuries and harm against workers arising from violence isn't inherent to the work they do when the violence against them can't be contained until responding workers are on the scene to assist them.

Commented (AT2): Do we have dates and examples of time taken to arrive?

The MCYS parties agreed to review and identify potential gaps with PPE use after 2014 RMYC incident involving critical injuries to workers.

YCJA/ CCC legislation supports workers to be trained to use OC. UMAB evaluators assigned by the employer recommend we equip and train workers to deploy work procedures equal to intensity of violence from youth. UMAB evaluators recommend techniques "can be progressive and move to more intrusive techniques" as required. YCJS Policies and Procedures sections read "specific techniques employed in a special containment are those which correlate with the level of intensity of the behavior of the person in need".

Employers from comparable jurisdictions were initially reluctant to give front line workers access to OC; believing it would be improperly used to punish youth and inmates. Youth service providers believed OC deployment by Youth Officers would irreparably damage relations with youth. Best evidence doesn't bear this out.

March 2015 Foxnews.com; reported by Bernini and Chakraborty. Injury to US workers 5 years ago fueled a major shift in US prisons for officers to carry OC. Capital Hill wants OC to be a permanent feature on officer utility belts. In June 2012, Lewisburg Federal Penitentiary became the first facility to give officers OC. Lewisburg showed a steady drop in assaults on prison staff. 9-months later, all high security federal prisons issued OC to officers. The program to issue OC to officers expanded to all medium and high security penitentiaries about 12-months after that.

August 2016 CBC news; reported by Janice Johnson. Alberta Young Offender Centre's have authorized OC use by Youth Workers for about 2-years. Advocates for youth don't want OC used on youth who refuse to follow directions. Advocates for youth said OC can only be considered for imminent dangers. The Alberta Child and Youth Advocate wants to be assured there are safe guards against OC use as a behavioral tool.

Commented (AT3): Tony do you have any Alberta documents that you can share?

Albertan Ministry spokesperson said there have been no injuries to staff or youth due to OC use. Albertan Ministry representatives said OC use has helped to avoid use of greater use of force to avoid harm to youth and staff. MCYS union recommends authorization for YSO to use OC to manage imminent assault and harm against workers and youth only.

### Distraction Techniques

Workers require the tools to defend themselves to prevent unnecessary injuries and harm. The parties have been reviewing YSO training for workers to protect themselves against violence, assault and injuries.

Participant Evaluation forms from 2013-2016 consistently show workers want practical self defense instruction on how to get away from grabs, chocks, punches, kicks, head butts from 2 or more youth. Is it reasonable for a worker to be trained to use Distraction Techniques under threat of critical injury and death? A distraction can be deployed to counter eminent danger to create time and opportunity to pursue some other approach.

YCJA/ CCC legislation supports workers to be trained to use Distraction Techniques. UMAB evaluators assigned by the employer advised MCYS to equip and train workers to deploy work procedures equal to intensity of violence from youth and can be progressive and move to more intrusive techniques. YCJS Policies and Procedures section reads "specific techniques employed in a special containment are those which correlate with the level of intensity of the behavior of the person in need".

MCYS can manage the use of designated Distraction Techniques by implementing policy for safe and measured use. The use of physical force is more intrusive than foam to manage threats of violence and assault by youth. MCSCS workers said they rarely deploy distractions; they said the deployment or threat of OC has managed all but a few disturbances since 2013. Designated Distraction Techniques can be deployed for close quarter attacks involving aggressive, violent youth assaulting workers under threat of critical injury and death who have no means of escape and who do not have support in site from responding workers.

**UMAB should be expanded to include round house escape punch, lapel grab and ground defense Distraction Techniques for health and safety of workers under threat of critical injury and death.**

**PIC needs to view tape of 2014 RMYC incident at FEB 21 2017 meeting to review example of workplace disturbance resulting in critical injury to staff from close quarter assault by aggressive, violent youth. Where the workers had no means of escape and support workers hadn't responded to the disturbance yet.**

Commented (AT1): Do you mean lapel grab?

Naturally occurring pepper resin is used to contain actively aggressive youth by Escort and CRT workers. It can also be used as an alternative to physical intervention for threats to personal safety in our workplaces. Policies for threats to **personal safety and security** from other jurisdictions are subjectively interpreted. MCYS can administer OC by implementing objective policies to eliminate improper uses of OC.

*It's recommended RMYC implement a 6-month pilot authorizing workers to access OC placed in grey boxes in the vestibule of youth accessible areas; by training all YSO in Self-Defence including the use of OC Foam; by the assignment of designated YSO on the daily roster within the compliment of responders to obtain OC Foam when responding to Codes and by authorizing workers in the middle of a crisis to access/ deploy OC whenever designated responders can not respond in time..*

*Pilot to be reviewed by DHS to make recommendations to the Provincial Director. Training for workers to use OC is cost neutral; RMYC has already authorized all workers to be Escort Trained. Please respond to proposal no later than April 2, 2017.*

### **3) The 2007 Psychotherapy Act**

The Act came into effect April 1, 2015. Anyone practicing psychotherapy must register with the college of Psychotherapists of Ontario. Are there any MCYS classifications that are not registered which entail the practice of psychotherapy? For example, YSO can provide restorative justice, plan of care, Peer on Peer and CISM counseling duties; do these duties constitute psychotherapy?

*Its recommended employer review classifications with counseling duties to determine if they entail practice of psychotherapy.*

### **4) Payment for Fixed Term workers for antiretroviral medications**

It needs to be reported to the employer when part time MCSCS workers come into contact with inmates Blood/ Saliva or any other body fluids requiring antiretroviral medications prescribed by a doctor. The employer can pay up front costs for medications required for the protection of the employee.

Full- time employees can utilize employment benefits to pay for medications required for this type of incident. The employee should be reimbursed by WSIB for fees when claim has been approved.

*Is recommended FxT get antiretroviral medication paid for by employer?*

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MCSCS union representatives report OC is an effective deterrent. In many cases, workers pull OC out and do not use it; the introduction of it to the disturbance stops the violence.

WSIB claims for injuries due to violence are significantly down from 2013. There have been fewer suspensions from use of force disturbances. MCSCS Workers used to get disciplined every day for excessive use of force before 2013.

MCSCS upper management was initially resistant; believing OC would be improperly used to punish inmates. MCSCS is currently very supportive of OC use by workers. Employers recognize workers use it responsibly; inmates are immediately seen by healthcare and decontaminated properly.

## **5) Definition of Critical Injury**

Provide clarity to JHSC, Health and Safety reps, Probation Managers, YCA, Local Presidents around the application of clauses (d) and (e) of Regulation 834. MOL interprets this provision as including the fracture of the wrist, hand, ankle or foot – i.e. any such fracture would constitute as a critical injury.

*It's recommended Probation Managers, YCA, JHSC co-chairs, Health and Safety reps and Local President receive update from DHS.*

## **6) Appendix COR20**

1.1(c) the Provincial Health and Safety Letter of Understanding states union will receive and review health and safety training initiatives; i.e. HS e-learning isn't reviewed by DHS?

*Its recommended union receives and review all health and safety training before workers access them online or before workers are assigned to participate in HS training.*

## **7) LOPP 2.4 CPR**

According to LOPP 2.4, YSM, YSO and RO receive annual CPR training? AED devices are used to reduce the need for workers to apply CPR; annual training on it would be as important.

*Its recommended YSM, YSO and RO receive annual AED training*

## **8) Isolating contraband**

Weapons Search policy continues to be misunderstood; managers are directed to limit SI use to youth in crisis, SI can be used for contraband under the Weapons Search Policy.

*Its recommended YCA talk to managers about the importance of isolating youth with contraband, and the need to assign JHSC union members to weapons searches investigations to make recommendations to YCA.*



January 24, 2013  
**PROVINCIAL HEALTH AND SAFETY**

**Letter of Understanding**

Mr. Rob Field  
 Senior Negotiator, Corrections Team, OPSEU  
 100 Lesmill Road  
 North York, Ontario  
 M3B 3P8

**Re: Letter of Understanding  
 Provincial Joint Health and Safety Committees for MCSCS and Youth  
 Justice Division of MCYS**

Preamble

The Employer and the Union recognize the importance of emphasizing Occupational Health and Safety (OH&S) issues in the workplace. With this in mind, the Employer and the Union agree to the establishment of a two (2) Provincial Joint Health and Safety Committees on Occupational Health & Safety to address safety throughout the MCSCS (Correctional Services Division) and MCYS (Youth Justice Division).

This document sets forth the terms of reference for those committees. The Employer and Union representatives recognize that terms of reference are necessary to guide the operation of the Committees and the issues they may be required to review.

I. Mandate

The purpose of the Provincial Joint Health & Safety Committees (the "Committees") is to review health and safety issues with Ministry-wide applications and make recommendations to the Deputy Minister that may lead to resolution of such issues and assist with implementation.

The Committees also function per the provisions of the guidelines as originally established pursuant to the Memorandum of Settlement signed between the parties on September 21, 1990 (MCS), the MOL Order dated November 13, 1990 (MCS) the Agreement agreed between the parties dated March 07, 1991 (MCS), the Right to Refuse Unsafe Work Protocol dated October 04, 1991 (MCS), and the Agreement dated October 19, 2006 (MCYS).

The parties agree to establish two Ministry-level Committees – one for Ministry of Children and Youth Services (Youth Justice Division) and one for Ministry of Community Safety and Correctional Services (Correctional Services Division).

Ministry Level Committees

Functions of and matters appropriate for consideration of the committees include:

- I.1 The purpose of the Ministry level committees is to review health and safety issues with ministry-wide application and to act as a forum where potential areas of concern can be discussed and recommendations for action made. Functions of and matters appropriate for consideration by the committee include:
- a) receive and review accident occupational illnesses statistics;
  - b) discussing issues which have ministry-wide application and have been identified by the Union or the Employer;
  - c) reviewing Ministry and/or Union health and safety training initiatives;
  - d) reviewing occupational health and safety and WSIB investigation reports of all fatal work-related accidents and critical injuries. The Employer will notify the Union Provincial Health and Safety Co-chair as soon as reasonably possible when a critical injury occurs, and shall provide report(s) directly related to the critical injury for review;
  - e) receiving and reviewing all newly issued health and safety directives and procedures issued by the Employer at the Ministry/Divisional level;
  - f) acting as a resource to local workplace committees/representatives;

- g) reviewing unresolved issues from the local level that have been referred to the Ministry level committees. The issues will be reviewed by a worker representative selected by and from the worker representatives of the ministry-level committee and an Employer representative of the ministry-level committee, with the objective of resolving the issue. This joint review will be undertaken prior to the unresolved issue being placed on the agenda for subsequent ministry-level committee meetings, or in the alternative the resolution of the issue will be reflected in the subsequent set of minutes.
- h) To promote conducting safety inspections on a regular basis through consultation with local OH&S committees or worker representatives.
- i) To review issues and minutes of local health and safety committees/representatives which have been raised at the local and have been jointly referred to PJH&S Committees.
- j) To inspect specific sites when there is appropriate justification for doing so as agreed upon by the Committee(s) for matters referred in accordance with the previous paragraph.

## 2. Membership

- 2.1.1 Each of the Committees shall be composed of four (4) Employer nominees chosen by the Employer and four (4) worker nominees chosen by the Union. The Union and the Ministry may each provide staff resources to the Committees as necessary.
- 2.1.2 (a) Two (2) of the members of each of the committees shall be selected as co-chairs, one of whom shall be selected by the members who represent the Union and the other of whom shall be selected by the members who exercise managerial functions.
- (b) MCSCS Committee Union co-chair will have approved half-time off and the Union Community Representative will have approved half-time off. MCYS Committee will continue with its current practice in accordance with the Employer's past practice to conduct the Committees' business. This time off will be a leave of absence without loss of pay or credits and considered a duty assignment and the time off will be paid by the Employer. Expenses incurred by the Committees' Union co-chair will be paid for by the Union.
- 2.1.3 The Employer co-chair of the MERC may, and the Union co-chair of the MERC will, sit as ex-officio members of these committees.
- 2.2.1 Union members of the Committees shall be permitted to take time from work to attend meetings of the Committees, unless such leave unduly interferes with the operating requirements of the workplace. Permission will not be unreasonably denied.
- 2.2.2 All time spent attending the committee meetings shall be considered as work time and paid at the regular or premium rate, as may be proper, for members who are Ministry employees.
- 2.3.3 Preparation time will be provided and approved by the Employer to Union members of one (1) day prior to scheduled committee meetings, to allow for total travel and caucus time.
- 2.3.4 Expenses related to travel for Union members of the Committees shall be paid for every second meeting in accordance with the government's and Ministry guidelines.

### Scheduling Meetings

- 3.1 Meetings of the Committees shall be scheduled quarterly or otherwise at the mutual agreement of the parties.

### Local Workplace Committees/ Representatives

- 4.1 The parties agree that all Ministry workplaces as defined by the Occupational Health and Safety Act will abide by the provisions established by the Occupational Health & Safety Act.
- 4.2 The Ministry and the Union agree to establish joint Occupational Health and Safety committees at each workplace as defined by the Occupational Health and Safety Act. Such workplace committees shall function in accordance with the provisions for joint Occupational Health and Safety committees.

- 4.3 It is the policy of the Ministry and the Union to encourage the active participation of all workers in the prevention of accidents and in the promotion of health and safety in the workplace.
- 4.4 The parties acknowledge that the joint Occupational Health and Safety system can only be successful where the representatives of the Employer and the workers are committed to these responsibilities. Therefore, the parties undertake to cooperate in ensuring that these provisions will be carried out by their respective organizations.
- 4.5 The parties have adopted these provisions in good faith and agree to promote occupational health and safety in the workplace, and assist joint Occupational Health and Safety committees, committee members and workplace representatives, by providing such information and assistance as may reasonably be required for the purpose of carrying out their responsibilities.
- 4.6 The purpose of these provisions is to detail the formation, function, composition and administrative processes for the joint Occupational Health and Safety committee system which is being adopted by the Union and the Ministry for workers throughout the Ministry.
- 4.7 The parties jointly encourage the resolution of all occupational health and safety complaints in accordance with these provisions. It is further recommended that workers and supervisors are to endeavour to jointly resolve occupational health and safety issues and complaints in their own workplace through the local joint committee process. It is the expectation of the parties to resolve outstanding issues and complaints jointly prior to the initiation of grievances under the Collective Agreement on Working Conditions and Employee Benefits. At the same time, these principles are not intended to abridge the right of the Union or a worker to inform the Ministry of Labour when it is felt that a health and safety complaint has not been satisfactorily resolved.
- 4.8 The Occupational Health and Safety committee structure may accept for discussion and resolution, items pertaining to the occupational health and safety except issues relating to staffing (including complement, deployment, scheduling, assignments, posts, etc.) overcapacity and security (both static and dynamic).

Yours truly,

Mark Dittenhoffer  
Manager  
Employee Relations Division, HR Ontario  
Ministry of Government Services

January 24, 2013  
PERSONAL PROTECTIVE EQUIPMENT

Letter of Understanding

Mr. Rob Field  
Senior Negotiator, Corrections Team, OPSEU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

Re: Letter of Understanding  
Personal Protective Equipment

The parties agree upon the joint objective of maintaining health and safety of all employees in Correctional Institutions and Facilities.

The parties agree that the MCSCS PJH&SC and the MCYS PJH&SC respectively will review, test, and recommend new security and personal protective equipment (PPE) in the Correctional Bargaining Unit.

The parties' objective is to improve and maintain the security, control, supervision, care and rehabilitation of adult offenders and young persons.

The mandate will include:

- reviewing current security equipment
- reviewing current PPE, including clothing
- reviewing the current usage and policies on said equipment
- reviewing PPE and security equipment from other jurisdictions, and recommending best practices
- recommending new equipment for usage within the Correctional System for Institutions, Facilities and Community Services
- assist in the development Correctional training specific to new PPE
- recommending policies and procedures for use of new PPE.

Yours truly,

Mark Dittenhoffer  
Manager  
Employee Relations Division, HROntario  
Ministry of Government Services

## 6. Probation and Parole/Community Services Professional Development

- *The parties agree that the Employer will issue letter within 90 days of ratification of agreement*

### LETTER TO CORRECTIONS – COMMUNITY SERVICES

Date: [Within Ninety (90) days of Ratification]

Memorandum to: All Community Services Employees

From: Marg Welch  
Assistant Deputy Minister  
Corrections – Community Services

Subject: Facilitating Professional Development in Probation and Parole

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Community Services is dedicated to the education and training of staff and creating an environment that promotes team building and wellness in each Probation and Parole Office. As such, it is my expectation that Managers in each Probation and Parole Office will facilitate professional development, education and training initiatives through various methods such as:

1. Holding mandatory staff meetings with agenda items set out in advance;

Note: Agenda items should include where applicable, the following:

- A review of new policies or updates to existing policies; and
- A review of health and safety, safety and security, and emergency procedures/protocols.

2. Arranging dedicated training/education sessions where operationally feasible; and
3. Jointly exploring methods to balance work and training requirements.

Sincerely,

Marg Welch  
Assistant Deputy Minister  
Corrections – Community Services

*[This Memo does not form part of the Collective Agreement]*

## 7. APPENDICES, LETTERS AND MEMORANDA OF AGREEMENT

- *The following Appendices, Letters and Memoranda of agreement shall be maintained in the Collective Agreement:*
  - *Appendix COR 3 – Probation Officers' Allowance*
  - *Appendix COR 4 – MERC Terms of Reference*
  - *Appendix COR 18 – Health and Productivity Program*
  - *Appendix COR 21 – Offender Transportation Sub-committee*
  - *Appendix COR 23 – Peer Mentorship Program*
  - *Appendix COR 29 – Institutional/Facility Security Team*
  - *Appendix COR 31 – Safety Equipment and Protective Clothing for PO and PPO*

## 8. HOUSEKEEPING – Long Term Income Protection Benefit Adjustments

- *The parties agree to the following:*

Appendix B  
U18 – Without Precedent and Prejudice

- *In response to OPSEU's proposal re: Appendix COR 20, the Employer agrees to provide full-time book-off for the MCSCS and MCYS Committee Union co-chairs.*

APPENDIX COR 20

[Date of Ratification]-January 24, 2013  
PROVINCIAL HEALTH AND SAFETY

Letter of Understanding

Mr. Rob Field Anastasios Zafiriadis  
Senior Negotiator, Corrections Team, OPSEU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

Re: Letter of Understanding  
Provincial Joint Health and Safety Committees for MCSCS and Youth Justice Division of MCYS  
MCSCS Provincial Joint Health and Safety Committee and the MCYS Divisional H&SC

2.1.2

(a) Two (2) of the members of each of the committees shall be selected as co-chairs, one of whom shall be selected by the members who represent the Union and the other of whom shall be selected by the members who exercise managerial functions.  
(b) MCSCS Committee Union co-chair will have approved half-full-time off and the Union Community Representative will have approved half-time off. Additional time off requests for the MCSCS Union Community Representative will be considered by the Employer on a case-by-case basis. The MCYS Committee Union co-chair will have approved full-time off. The MCYS Union Community Representative will continue with its current practice have an approved minimum of thirty-six and a quarter (36 ¼) hours per month time off, and additional time off will be considered by the Employer on a case-by-case basis, in accordance with the Employer's past practice to conduct the Committees' business. This time off will be a leave of absence without loss of pay or credits and considered a duty assignment and the time off will be paid by the Employer. Expenses incurred by the Committee's Union co-chair will be paid by the Union.

**Agreed**

6. Appendix COR7 – Provincial Overtime Protocol

Union proposes renewal of appendix in Collective Agreement

7. Memorandum of Agreement - Local Mediation-Arbitration Protocol and Improving & Maintaining Local Labour Relations

- *Eliminate the COBUSA positions in all MCSCS facilities save and except for those at CECC, CNCC, MHCC, TSDC, SWDC, HWDC, EMDC, ODC, TEDC and VCFW.*

MEMORANDUM OF AGREEMENT

Between

November 23, 2015

NEW APPENDIX

[Date of Ratification]  
Training and E- Learning

Letter of Understanding

Mr. Anastasios Zafiriadis  
Negotiator, Corrections Team, OPSEU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

Re: Letter of Understanding  
Training and E- Learning in the MCYS Facilities and MCSCS Institutions

Where an employee is required to complete training (e.g. e-learning / computer training) they will, where necessary and operationally feasible, be relieved of duties and may be backfilled.

Yours truly,

Michael Villeneuve  
Director  
Negotiations and Security Branch  
Treasury Board Secretariat

4. NEW Appendix – MCYS Use of Force & Canteen Sub-Committees

- o The parties agree to implement self-defense training within UMAB.

NEW APPENDIX

[Date of Ratification]

MCYS Self Defense and Canteen Sub-Committee

Letter of Understanding

Mr. Anastasios Zafiriadis  
Negotiator, Corrections Team, OPSEU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

Re: Letter of Understanding  
MCYS Self Defense and Canteen/Incentive Sub-Committee

The parties agree to the establishment of a sub-committee of the Divisional H&SC for the Ministry of Children and Youth Services.

The mandate of the sub-committee will include:

1. The development of the terms of reference for the sub-committee. The committee will be comprised of three (3) Union members, including the OPSEU Divisional H&SC Co-chair, and three (3) Employer representatives, including the Employer Divisional H&SC Co-Chair and shall be activated within ninety (90) days of ratification of this agreement.
2. The development and making of joint recommendations on training/standards for transportation, the use of escort officers and self defense/Understanding and Managing Aggressive Behaviour (UMAB) training.
3. The Employer agrees to implement self-defense training within UMAB which will, at a minimum, ensure compliance with legislative requirements.

4. Jointly making recommendations to the Employer pertaining to Canteen and Incentive Items to ensure continuity and consistency across the province.

It is understood that time off and compensation for sub-committee members will be dealt with in accordance with the usual practice adopted by Divisional H&SC for such matters.

Yours truly,

Michael Villeneuve  
Director  
Negotiations and Security Branch  
Treasury Board Secretariat

#### 5. NEW Appendix – Improving labour relations (Regional/Local) in Community Services

- The parties agree to a Memorandum of Agreement with respect to a mediation-arbitration protocol for MCSCS Community Services.
- The parties agree to a Letter of Understanding with respect to union leave in certain situations.

#### MEMORANDUM OF AGREEMENT

BETWEEN

ONTARIO PUBLIC SERVICE EMPLOYEES UNION  
("THE UNION")  
AND

TREASURY BOARD SECRETARIAT  
("THE EMPLOYER")

#### LOCAL MEDIATION-ARBITRATION PROTOCOL for COMMUNITY SERVICES

This will confirm the Employer's and the Union's joint commitment to improving and maintaining positive labour relations in MCSCS Community Services.

In an effort to resolve outstanding MCSCS Community Services grievances in a prompt and equitable manner, the parties agree to the following mediation-arbitration ("med-arb") protocol:

1. On a semi-annual basis, the union will provide the Employee Relations Advisor with a list of all active Community Services grievances in the province. Unless the parties agree otherwise, all grievances on the list:
  - must have had a stage 2 meeting (or the time limits for having a stage 2 meeting must have passed), and
  - must have an assigned Grievance Settlement Board ("GSB") number

Unless the parties agree otherwise, the following grievances shall not be included on the list:

- grievances that have been scheduled at the GSB,
  - classification grievances,
  - grievances related to the conduct of a WDHP investigation or discipline resulting from WDHP investigations, and
  - strike-related grievances
2. The ministry will review the list provided by the union, create regional lists of grievances to be heard at each med-arb session, and will provide the regional lists to the union. The employer reserves the right to exclude grievances from the regional lists and, upon receipt of the regional lists, the union may also remove grievances from the lists. The parties agree that only those cases on the regional lists will be addressed at the mediation-arbitration sessions unless otherwise agreed to by the parties.



## Letter of Understanding

Mr. Rob Field  
Senior Negotiator, Corrections Team, OPSBU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

The parties agree the MCSCS and the MCYS PJHSCs will review the trends of Occupational Stress and Work Place Violence.

The mandate will include:

1. Receive and review statistics on levels of violence that have occurred in the workplace. The focus will be to determine any trends in the escalation of serious violent incidents in the Ministries' Adult and Youth facilities and make recommendations. This will include a review of statistics, such as:
  - Offender-on-Offender incidents
  - Offender-on-Ministry Staff incidents
  - Ministry Staff-on-Staff in the work place
  - WSIB, EAP, LTIP data, CISM data
2. Recommend a strategic plan for staff training to provide the training to meet the physical and psychological demands on Correctional Bargaining Unit employees.
3. Recommend training to recognise and address the signs of depression, anxiety, addictions and occupational stress injuries related to violent and traumatic incidents that have occurred in the operational setting.
4. Identify support programs to treat depression, anxiety, addictions and Post Traumatic Stress Disorders for both short and long term Occupational Stress Injuries.

Yours truly,

Mark Dittenhoffer  
Manager  
Employee Relations Division, HROntario  
Ministry of Government Services

**Letter of Understanding**

Mr. Rob Field  
Senior Negotiator, Corrections Team, OPSEU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

**Re: Letter of Understanding  
Institutional/Facility Security Teams**

The parties agree that the Institutional Security Team (IST) currently established at Toronto West Detention Centre (TWDC) has a positive impact on TWDC's security.

The Employer commits to the continuation of the TWDC's IST and will establish an IST at the Toronto South Detention Centre when it is commissioned. ISTs may be established in other Correctional Institutions in MCSCS and MCYS Facilities.

Where Field Intelligence Officers are assigned, ISTs will be established upon the direction of the Superintendent.

This agreement will be in effect for the term of the Collective Agreement.

Yours truly,

Mark Dittenhoffer  
Manager  
Employee Relations Division, HR Ontario  
Ministry of Government Services

January 24, 2013  
SAFETY EQUIPMENT AND PROTECTIVE CLOTHING FOR PO AND PPO

Letter of Understanding

Mr. Rob Field  
Senior Negotiator, Corrections Team, OPSEU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

Re: Letter of Understanding  
Safety Equipment and Protective Clothing for PO and PPO

Probation Officers and Probation and Parole Officers are often required to work in the community and in remote locations as a requirement of their jobs. The Employer shall provide safety equipment and protective clothing where it requires that such shall be worn by its employees in accordance with Article 9.2.

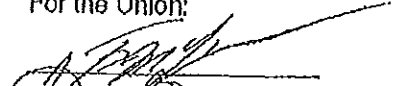
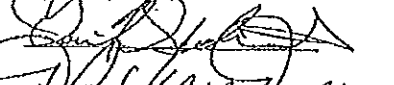
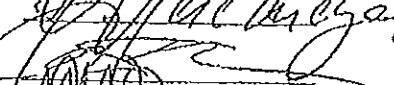
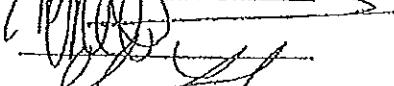
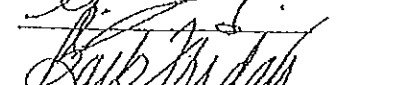
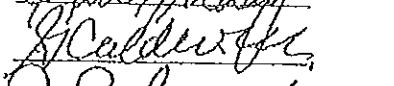

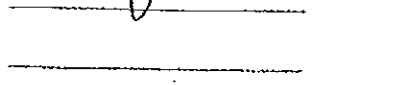
Any disputes regarding Probation Officer and Probation and Parole Officer safety equipment and protective clothing shall be referred to the respective MERC for discussion and resolution.

Yours truly,

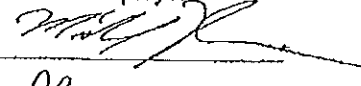
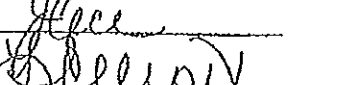
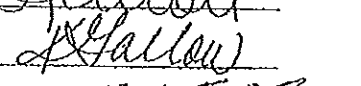
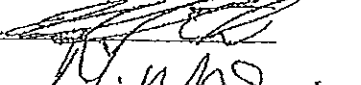
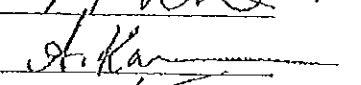
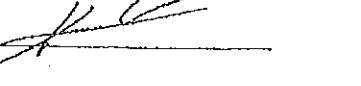
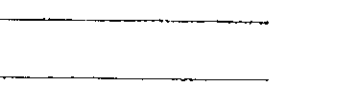
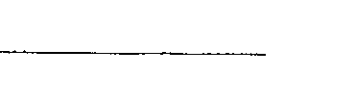
Mark Dittenhoffer  
Manager  
Employee Relations Division, HROntario  
Ministry of Government Services

Agreed to by the parties at Toronto on this 11<sup>th</sup> day of February, 2015.

For the Union:

For the Employer:

AGREED TO ITEMS

1. Appendix COR 14 – Occupational Stress Injuries

APPENDIX COR 14

Revised: [Date of Ratification] January 24, 2013  
OCCUPATIONAL STRESS INJURIES

Letter of Understanding

Mr. Rob Field Anastasios Zafirliadis  
Senior Negotiator, Corrections Team, OPSBU  
100 Lesmill Road  
North York, Ontario  
M3B 3P8

The parties agree the MCSCS PJHSC and the MCYS PHSG-Divisional H&SC will review the trends of Occupational Stress and Work Place Violence.

The mandate will include:

1. a) Receive and review statistics on levels of violence that have occurred in the workplace. The focus will be to determine any trends in the escalation of serious violent incidents in the Ministries' Adult and Youth facilities and make recommendations. This will include a review of statistics, such as:
  - Offender-on-Offender incidents
  - Offender-on-Ministry Staff incidents
  - Ministry Staff-on-Staff in the work place
  - WSIB, EAP, LTIP data, CISM data

The Employer shall provide such statistics to the committee on a semi-annual basis. There will be two reporting periods: 1) January 1 – June 30 and 2) July 1 – December 31. Statistics will be provided to the Union within thirty (30) days of each reporting period.

b) The MERC and the MCYS Divisional H&SC or the MCSCS PJH&S, as applicable, will be notified by the Employer as soon as practicable, of any serious assaults on staff, serious staff injuries, credible threats against staff, or other incidents as the parties may agree.

The Local President or Designate will be notified by the Employer as soon as practicable, of any assaults, injuries, threats against staff, or other incidents as the parties may agree.

2. Recommend a jointly developed strategic plan for staff training to provide the training to meet the physical and psychological demands on Correctional Bargaining Unit employees.
3. The development and making of joint recommendations on training to recognise and address the signs of depression, anxiety, addictions and occupational stress injuries related to violent and traumatic incidents that have occurred in the operational setting. Further, the committee will be given an opportunity to review the training content and provide feedback prior to implementation.
4. Jointly identify support programs to treat depression, anxiety, addictions and Post Traumatic Stress Disorders for both short and long term Occupational Stress Injuries.

Yours truly,

Mark Dittenhoffer Michael Villeneuve  
Manager-Director, Negotiations and Security Branch  
Employee Relations Division  
Treasury Board Secretariat