

# Ministry Employee Relations Committee - Corrections

## Ministry of the Solicitor General

### Minutes

Tuesday, December 20, 2022

Central East Correctional Centre | 541 Highway 36, Lindsay, ON

## Attendees

### For the Union

- Chad Oldfield (Co-chair)
- Janet Laverty
- Scott McIntyre (virtual)
- Adam Cygler
- Peter Figliola
- Sandra Harper

### For the Ministry

- Kevin Sawicki (Co-chair)
- Barb Forbes (Co-chair) (virtual)
- Christopher Moore (virtual)
- Tracey Gunton
- Lisa O'Brien

## Resources

- Bart Nowak, Director, Strategic Business Unit
- Laural Rueffer, Manager, Strategic Labour Relations, Health Safety & Wellness, and Executive Services
- Justin O'Gorman, Team Lead, Employee Relations Branch, Treasury Board Secretariat
- Mena Zaffino, Director, Program Development and Implementation, Operational Support
- Liz Leduc, Employee Relations Committee Coordinator

## Observers

- Jarret Merriam, Superintendent, Central East CC
- Matt Hammer Deputy Superintendent, Operations/Staff Services, Central East CC
- Kate Godwin Deputy Superintendent, Finance, Central East CC
- Dave Sirrs, Local 368 President, Central East CC
- Leanne White, Local 368 1<sup>st</sup> Vice President, Central East CC
- Darryl Short, Local 368 2<sup>nd</sup> Vice President, Central East CC

## Guests

- Natalie McDougall, Manager, Program Evaluation Unit, SAFER Tool Presentation
- Rad Rose, Chief, Correctional Services oversight & Investigations (CSOI)
- Taylor Winslow, Manager of Investigations, CSOI, CSOI Process Presentation

## New Business

1. **Local ERC Level 1 Training** - Now that OPSEU and TBS facilitators have been training in ERC Level 1 and Level 2, the Union is requesting that the Parties develop a rollout plan to deliver this training to all Corrections LERCs and RERCs in the province with a goal to be completed by end of June 2023.

Action: Parties will map out a plan and will bring back to the table for review.

2. **Confidential Disclosure to Bargaining Agents Directive** (at MERC table 22-09-2021)  
The Union raised concerns that the Employer has not been providing disclosure as outlined in the Confidential Disclosure to Bargaining Agents directive. This issue has been raised previously. This has had a negative impact on labour relations. The Union is seeking the Employer's plan to ensure that this issue does not reoccur.

Action: Employer has every intention to follow the Disclosure to Bargaining Agents directive. Memo will be sent out to the field with respect to the confidential disclosure requirements under the directive.

3. **PPO WAT Time Study (PWC Referral)** – PPWC recognized that it's been more than 10 years since the last PPO WAT time study was undertaken and that there's a need to do so once more given the importance that the WAT plays in work distribution for PPOs. Union is concerned that the Employer's initial timelines to commence have been significantly delayed due to of the lack of resources available to meet the needs of this project. Union asserts such is unacceptable, Union requests that the MERC CS Employer raise this to corporate levels to establish prioritization and resourcing of the PPO WAT Time Study.

Action: Employer to take Union's request into consideration and will advise. In the interim, this referral from MERC Subcommittee of P&P Workload will remain at MERC until resources and timelines can be confirmed.

## Previous Business

### Institutional Services (IS) Items

- 1. 19 12 11 Agency Nurses in Institutions** – Meeting held with SolGen, TBS, and the Union on December 15, 2022. The Union outlined the ongoing concerns of the growing reliance on agency nurses to provide health care services within institutions, and the underlying attraction, recruitment, and retention issues directly related to the growing wage disparity between nurses within the Correctional Bargaining Unit and other similar employers in Ontario. The Union re-tabled proposals related to the N2/N3 salary allowance, the G24 salary allowance, and a reclassification of nursing positions.

Action: Employer to review information provided by the Union. Follow-up meeting to be scheduled in 2023.

- 2. 21 05 10 Compressed Work Week Agreements (CWWA)** – Employer provided the summary of Correctional Officer positions within each institution to the Union on December 17, 2022.

Union identified some discrepancies.

Action: Parties agree to further discuss.

- 3. 21 06 17 Security Assessment for Evaluating Risk (SAFER) Tool** – Presentation from SAFER Team. Union identified outstanding questions.

Action: Employer to respond.

- 4. 21 06 17 Time Out of Cell** – Notwithstanding the Employer's response to the Union's concerns regarding the physical set-up of many institutions, the Union's infrastructure concerns remain outstanding.

Regarding the multiple cell occupancy and TOOC requirements, the Union recommends that the Employer's response be communicated out to the field.

Segregation-like conditions on a regular housing unit. The Union reiterates that this remains a concern, as local discussions did not resolve the issues.

Lack of staffing resources – Employer's response does not address the concerns raised by the Union.

Action: Employer to follow up and respond.

- 5. 21 09 21 Issues Affecting Correctional Nurses** – Employer agreed to establish a time limited working group. Working group will be reviewed after a one year period.

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- a) Retention of Nursing positions – No update
- b) Classification of Nursing positions – No update
- c) Compensation and Wage Grid Placement for Nursing positions – No update
- d) Workload concerns for Nursing positions – No update
- e) Increase in mental health and addiction challenges for Nursing positions - No update
- f) Standardized training for Nursing positions – No update

Action: Parties to establish Terms of Reference and composition of working group prior to the next meeting.

**6. 20 09 23 Fixed-Term Issues** – Union provided draft questions for an FXT Q&A document to the Employer on December 16, 2022.

Union reviewed document provided by Employer and recommends adding a section for relevant GSB decisions.

Communication was sent to the field on December 07, 2022, to ensure the calculations of the quarterly hours are being provided to employees as per the Collective Agreement.

Action: Parties commit to finalizing the document prior to the next meeting.

**7. 21 09 21 Interdisciplinary Team Roles/Responsibilities** – Deferred

Action: To be discussed at the next meeting.

**8. 21 11 02 Kenora Jail Critical Staffing Shortages** – Parties agree to establish a working group. There has been a provincial EOI posted to fill CO vacancies in Kenora.

Action: Meeting to be scheduled.

**9. 21 12 14 eRoster Issues** – Meeting scheduled for January 23, 2023.

Action: Update will be provided for the next meeting.

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**10.22 04 12 Institutional Security Teams (IST) Positions** – Meeting held between the Parties on December 05, 2022. Parties far apart on the issues.

Action: Discussions ongoing.

**11.22 04 12 Institutional Programming** – Employer is continuing to review.

Action: Employer to respond at next meeting.

**12.22 06 09 Intermittent Inmate Process Changes** –

- Enforcement of GPS conditions – Employer agrees to put direction in the Institutional Services Policy and Procedures Manual
- TAP Coordinator – Employer will not be amending the policy at this time however, training criteria to perform the job function will be added.
- Programming referrals for domestic violence offences – Employer continues to review.
- Tight timelines for TA Coordinators to complete recurring TAP applications for intermittent sentences – Employer will review
- Lack of clarity regarding enforcement decisions by Recovery Science on the alert protocol – Employer to follow up.

**13.22 09 21 Peer Mentorship Program (PMP) Institutional Services**

**(MERC Referral from T&D Subcommittee)** – Direction to the field on December 15<sup>th</sup>, 2022, for institutions to continue with (or re-activate) local Peer Mentorship Programs.

Action: Parties to monitor.

**14.22 09 21 NBJ LERC Joint Referral Item** – The Segregation Review Team (SRT) has elicited feedback from front line staff in the form of a survey in addition to attending a meeting in the Eastern Region which is also where the combined Part B/C form pilot will take place. SRT is currently finalizing the form based on the feedback received.

Action: Form to be shared with the Union prior to finalization.

**15.22 09 21 CECC Agency Snow Removal Contract** – Union has filed a bargaining unit grievance over this issue.

Action: Remove item from agenda.

**16.22 09 21 TEDC LERC Referral – No Backfill for Recreation Department** – Employer continues to review.

Action: Employer to respond at the next meeting.

**17.22 09 21 Part B & C Segregation Reviews (MERC Referral from CNCC)** -The Segregation Review Team (SRT) has elicited feedback from front line staff in the form of a survey in addition to attending a meeting in the Eastern Region which is also where the combined Part B/C form pilot will take place. SRT is currently finalizing the form based on the feedback received.

Action: Form to be shared with the Union prior to finalization.

**18.22 09 21 New Recruits – FXT Contracts and Offer Letter Process (MERC Referral from CNCC)** – Employer has followed up with CCPAT / Corrections Recruitment Unit on the Union’s concerns. CCPAT has clarified the language in the correspondence to new recruits.

Action: Employer to provide the revised template to the Union.

**19.22 11 03 Corporate Health Care (CHC) Update – Contact Tracing** – Employer provided an update.

Action: Employer will issue a memo to the field with respect to pay administration as it relates to the return to work protocol.

**20.22 11 03 Corrections Attendance Support and Management Office (CASMO) Updates** – Employer provided the quarterly statistics to the Union. Union is requesting that the Employer look into whether the data provided by the Employer (EASP data) can be separated to distinguish an employee with an identified disability.

Union identified concerns with notifications to the local union of attendance meetings as outlined in Article 30 of the Collective Agreement.

Action: Employer to review and respond.

**21. 22 11 03 Employer Disclosure on Correctional Supervisors** – Union sent letter to the Employer outlining concerns on December 14, 2022. In addition to the concerns raised at the November 3, 2022, MERC meeting, the Union identified concerns with pension implications, the planned ongoing use of fixed-term Correctional Supervisors, and the filling of future vacancies in the Correctional Supervisor position.

The Union has significant concerns with the information released by the Employer on December 14, 2022, regarding the institutional allocation of Correctional Supervisor

positions, as some institutions have zero positions, and other similarly sized institutions have radically different allocation models. The Union is requesting the Employer's rationale for the current allocation model in each institution.

Action: TBS to schedule a meeting between the parties in the new year.

## Community Services (CS) Items

1. **14 09 10 PPO Staffing Issues** – The PPO Backfill Pool EOI was launched Dec. 12, 2022, with a closing date of Jan. 31, 2023.

Action: Update at the next MERC meeting.

2. **22 09 21 Peer Mentor WAT Credit (Referral from P&P Workload Subcommittee)** – Parties have scheduled a meeting on January 24, 2023, to discuss.

Action: Update at the next MERC meeting.

3. **22 09 21 Community Reintegration Officers (CRO) Issues (Referral from P&P Workload Subcommittee)** – Parties have scheduled a meeting on January 24, 2023, to discuss.

Action: Update at the next MERC meeting.

## Both Institutional and Community Services Items

1. **21 05 10 Office of the Auditor General of Ontario (OAGO) Recommendation 12** – Deferred.

Action: Parties agree to defer.

2. **21 12 14 Safe Workplace Directive** – Parties renewed the MOA regarding Fixed-Term COVID top-up effective November 1, 2022, to January 31, 2023.

Union is seeking updates on the rollback of Rapid Antigen Testing and masking requirements.

Action: Employer to provide updates when available.

**3. 22 04 12 Overtime and On-call Provisions for the Peer Support Program (PSP) Regional Leads** – Union has reviewed draft protocol.

Action: Parties to set up a meeting in January 2023 to discuss.

**4. 22 09 21 Ceremonial Unit – Members/Status and Reconciliation of Vacancies in Unit** – Union requests to know the full compliment. There was significant uptake to the EOI and interviews will occur in the new year.

Action: Employer to review and respond.

**5. 22 09 21 Community Reintegration Training (MERC Referral from T&D Subcommittee)** – Presentation by the Community Reintegration Unit was held on November 17, 2022. The Community Reintegration Unit (CRU) indicated that the policy was being reviewed and revised. The Union has several outstanding questions:

- 1) What is the workload cap that was assigned to the CRO positions?
- 2) How was this CRO workload cap developed, including the factors considered?
- 3) Why was the Appendix COR11 P&P Workload MERC Subcommittee bypassed in developing this CRO workload cap?

Additionally, the Union has ongoing concerns with the Employer's plan to shift work in excess of the CRO workload cap to institutional services employees, where only PPOs can apply for the specialized role of CRO.

Action: Employer will review and respond to the questions posed by the Union.

## Standing Items

**1. 12 05 09 Employment Stability List** – No active employees on the list.

**2. 16 03 31 Modernization** – No update.

**3. 11 06 02 Transition Updates**

- a) 20 12 09 Ontario Correctional Institute Updates** – Employer issued communication advising of a new target date of reopening winter 2023/2024.

Employer reviewing business cases on vacancies.

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b) **21 11 02 JVN positions** – MOAs have been signed and the filling of the positions are underway to fill 1 position at Sudbury, 1 at TBCC and 2 at ATRC. The EMDC MOA for 3 positions has been drafted.

4. **16 05 04 JAHN Settlement and Remedies** – Ministry Counsel engaged in mediation with the Ontario Human Rights Commission (OHRC) on December 8, 2022.

At this point, the OHRC is amenable to ongoing mediation and exploring the ministry's proposed resolution options.

An additional mediation date has been scheduled for January 17, 2023.

Diversion of inmates with mental health alerts including Serious Mental Illness (SMI) must continue to be a priority going forward and one that is a responsibility of everyone working in institutions. Collaboration between IS staff is also vital to ensure that SMI alerts are being applied consistently and as required.

5. **17 02 01 Statistics** – No update.

6. **17 09 27 Major Capital Projects** – For live updates, staff are encouraged to monitor the websites for Capital Projects <https://intra.ontario.ca/solgen/infrastructure> and Infrastructure Updates <https://www.infrastructureontario.ca/Eastern-Ontario-Correctional-Complex/>

Modular Build Facilities (MBF) at Kenora and Thunder Bay Correctional Centre (TBCC) are completed. The MBF at TBCC is operational with inmates being housed in the facilities.

The Union is requesting the number of funded positions to provide services to the MBFs (including fixed-term employees).

The Union continues to assert that representatives from both provincial committees need to be recognized as stakeholders in any planning sessions for new build facilities, in order to apply lessons learned from previous designs and builds.

7. **17 12 12 Staffing:**

a) **Audits (for operational managers and correctional officers)** –The results of the reports will be shared upon completion.

Union requests that MERC be involved in the current staffing audit process, as outlined in Appendix COR15.

**b) Site Specific Workflow Analysis (all departments) – Deferred.**

**8. 19 12 11 Standing Policy Updates – No update.**

**9. 19 09 25 Institutional Security Teams (IST)**

**a) Applications:** No new applications received.

**10. 19 04 25 Community Services Review –** Employer provided Union with an update to the High Risk Offender Strategy (HROS) and advised where some of the Union's recommendations regarding enhanced enforcement have been incorporated into the updated HROS. Union expressed that it is pleased that the HROS has been initiated but has concerns that the HROS has yet to address two (2) significant public safety concerns, curfew and house arrest compliance checks and the absence of action towards outstanding warrants. Union requests that the Employer invite and include the CS Union MERC Rep. as a party to the HROS table discussions.

Union requests that the MERC CS Employer Rep. once again meet with the MERC CS Union Rep. and the four (4) RERC Union Co-chairs to provide an update to same on the eight (8) or so different initiatives captured under the CS Review umbrella.

Action: Employer agrees to take Union's request into consideration and advise accordingly. In the interim, the Employer agrees to continue to schedule meetings with CS MERC and RERC Co-chairs to update progress on the High Risk Offender strategy and seek input and suggestions.

Employer agrees to schedule meeting with the CS MERC Union Rep. and the four RERC Union Co-chairs to provide updates on the CS Review items.

**11. 20 09 23 Provincial Overtime Protocol –** Union is requesting the rescheduling of the August 2022 meeting be prioritized.

**12. 20 09 23 Inmate Management Issues –** Parties to discuss the Union's proposal for the Special Handling Unit.

**a) 22 04 12 Discipline and Misconduct Strategy –** Document will be shared prior to release.

**13. 20 09 23 Annual Correctional Services Memorial Event –** Parties continue to work together to establish this committee in preparation for next years' memorial event.

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- 14. Use of Agency Cleaners in Institutions** – No update as the matter is still before the Grievance Settlement Board.
- 15. 18 12 12 Transition Exit Initiative (Appendix 46 Central Agreement)** – No updates since last meeting.
- 16. 20 09 23 Subcommittee Annual Reports** – Employer will develop a template for the 2023 reports.
- 17. 21 05 10 Anti-Racism Plan** – On December 7<sup>th</sup>, SolGen hosted its third Anti-Racism 360 facilitated session with focus topic of “Diversity & Inclusion” with guest speaker Millicent Dixon, Director of People Talent and Culture. The session was attended by over 300 participants.

The HRSBU has also launched December’s Anti-Racism 360 toolkit for employer and leaders:

**Cultivating a culture of inclusion**

- Discussion Guide [[PDF file](#) [Word file](#)]
- Self-reflection Worksheet [[PDF file](#) [Word file](#)]

**Equality, diversity, and inclusion in 2021 – What’s it all about**

- Discussion Guide [[PDF file](#) [Word file](#)]
- Self-reflection Worksheet [[PDF file](#) [Word file](#)]

**Inclusion and the power of diversity**

- Discussion Guide [[PDF file](#) [Word file](#)]
- Self-reflection Worksheet [[PDF file](#) [Word file](#)]

**What is anti-racism?**

- Discussion Guide [[PDF file](#) [Word file](#)]
- Self-reflection Worksheet [[PDF file](#) [Word file](#)]

**What it takes to be an equity leader**

- Discussion Guide [[PDF file](#) [Word file](#)]
- Self-reflection Worksheet [[PDF file](#) [Word file](#)]

The focus in January 2023 will be Accessibility.

- 18. 18 09 06 Segregation Unit Workload** – No update.

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**19.19 04 25 Dog Handler Pilot** – Union continues to assert that these positions be permanently funded.

**20.21 09 22 Health Care Strategic Plan** – No update.

**21.20 06 24 Monitoring Technology-Based Supervision Conditions** – Employer provided the Union with an update on the Niagara Falls and Halton P&P Sinter Tech Sex Offender computer software monitoring pilot. There are currently five (5) active clients in the pilot and, to date, there have been two (2) infractions resulting in further follow up by police, including cautions and further investigation.

**22. 20 09 23 Health Care Unit Audit (referred from LERC-Union)** – Deferred until OCI reopens.

**23.21 02 10 Mohawk College Pilot Project** – No update.

**24.21 06 17 Ministry Contraband Strategy** – Union requests that the Searching of Staff policy be moved to a new business item:

Employer provided the finalized policy regarding the searching of staff to the Union on November 29, 2022. The Union provided a fulsome set of concerns on December 2, 2022, after reviewing the policy, and requested a delay in implementation to address the concerns. The Employer provided responses to the concerns on December 7, 2022, and held a meeting on December 8, 2022, and indicated they would be providing with the “go-live” date of December 12, 2022, disregarding the Union’s concerns. The Union sent a letter to the Deputy Solicitor General on December 9, 2022, outlining the outstanding issues.

Union reminds the Employer that the Auditor General Report recommendation #14 states: “In order to protect correctional staff from being coerced by inmates into bringing contraband into correctional institutions, we recommend that, similar to the practice at federal institutions, the Ministry of the Solicitor General work with the Ontario Public Sector Employees Union to implement measures to screen staff when entering the institution”. The Union requested the current policy as far in advance as possible, in order to provide an opportunity for meaningful dialogue/feedback as recommended by the Auditor General. The Employer accepted the recommendation as written, however it is the Union’s position that the Employer has failed to work with the Union.

The Union has ongoing concerns including, but not limited to the lack of funded positions for this initiative.

**25.20 12 09 Community Reintegration - Offender Discharge Planning** – Parties met Nov. 17, '22 where Employer provided Union with an update on the Discharge Planning Tables. Union's concerns have yet to be addressed, i.e.: 72-hours to complete checklist with no added resources, workload pressures with institutions without assigned CROs.

Action: Employer to review and respond.

**26.21 02 10 Electronic Medical Records (EMR) Project** – Memo distributed to the field on December 07, 2022. Site walk throughs of the institutions are 75% complete. The walk throughs have been helpful in determining where the computers should be located, what needs to be upgraded and where new cabling is required.

**27.21 05 10 Springboard Project** – Pilot is completed, remove item from agenda.

**28.21 09 21 Workplace Reviews Announcement** – Contract awarded for Monteith. Contract for Maplehurst request for service will be issued December 28, 2022. The contract will be awarded by January 2023.

## 2023 Schedule of Meetings

- January 31, 2023
- May 10, 2023
- June 27, 2023
- September 20, 2023
- October 26, 2023
- December 07, 2023

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# Signatures

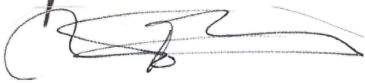
## For the Union:



Chad Oldfield



Janet Laverty



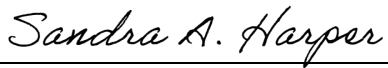
Scott McIntyre



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Sandra Harper

## For the Ministry:



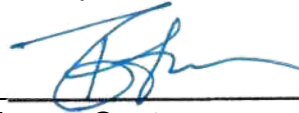
Kevin Sawicki



Barb Forbes



Christopher Moore



Tracey Gunton



Lisa O'Brien