

MEMORANDUM

TO: All Presidents with members in the Ministry of Community Safety and Correctional Services
All Stewards in the Ministry of Community Safety and Correctional Services

FROM: Ruth Hamilton, OPS Supervisor

DATE: February 17, 2012

SUBJECT: Ministry of Community Safety and Correctional Services
MERC Minutes – November 23, 2011

Attached, for your information, are the minutes of the above captioned meeting.

Please post or otherwise make them available to the members in your workplaces.

Also attached is a MERC referral form which should be used when referring unresolved local issues to the ministry level. The referral should be sent care of the Job Security Unit with all the supporting documentation, (e.g. minutes, correspondence, etc.), with any referrals.

PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,



Warren (Smokey) Thomas
President



Ruth Hamilton
OPS Supervisor

/is

att.

cc: MERC Chairs
Ministry ERC

**Ministry of Community Safety and Correctional Services
Ministry Employee Relations Committee**

Minutes

Wednesday, November 23, 2011
25 Grosvenor Street, 16th Floor, Main Boardroom, Toronto ON

Attendees: For the Union

Dan Sidsworth (Co-chair)
Monte Vieselmeyer
Jim Mitchell
Gorg Longhi
Jim Paul

For the Ministry

Marilyn Tomkinson (Co-chair)
Emelie Milloy
Rose Buhagiar
Pauline Jones
Christina Danylchenko

Guests/Observers:

- Sean Milloy, Employee Relations Advisor, Centre for Employee Relations
- Matt Robinson, Business Advisor, HR Strategic Business Unit
- Kevin Sawicki, Manager, Strategic Labour Relations Initiatives, SBU
- Stephen Wright, Northern Regional Training Coordinator
- Alven Swick, Area Manager, Ajax-Pickering Probation & Parole Services
- Deb Dumouchelle, Area Manager, Windsor Probation & Parole Services
- Clark Moss, local President, Central East CC

Note Taker:

- Lise Ledoux, Program Advisor to the MERC

Previous Business:

Community Services items

1. **11 04 19: Accommodations in P&P** – next meeting is scheduled for November 30th. Update will be provided at the next MERC meeting.

Action: ongoing.

2. **11 04 19: Lateral transfers in P&P** – ADM, CS is gathering data for further review. Union requesting to be involved in the review for discussion purposes.

Action: Moving the oversight of lateral transfers and job trades of PPOs to the Employee Transition Unit, MCSCS has been approved and will commence January 2012. Emelie to determine if this process includes other job classifications within community services.

3. **09 09 29 FLS Requirements all Community Services Locations**

Action: SBU is gathering information from the regions with respect to reconciliation of FLS positions. A three phase process will be implemented and data collection phase is expected to be completed by the end of January 2012. Item to be moved in the Shared Section on the next agenda as it covers community services, institutional services and Operational Support.

Institutional Services items

1. **09 11 24: Grievance Improvement Proposals**

Action: communiqué is ready for signing and distribution. To be removed from MERC agenda.

2. **10 01 27: Correctional Officer Recruitment Unit** – No update due to the transition of the Recruitment Unit. The Union is concerned with the delay of the Recruitment Modernization Initiative and the impact on the current staffing at the institutions.

Action: deferred to the next meeting.

3. **10 06 02: Mentoring of New Hires (Job Orientation)** – meeting was held and Management co-chair will share the information with the Union.

Action: work in progress. Amanda Saucier will be invited to the next meeting to present.

4. **10 09 29: Thunder Bay Jail 2-hour Shifts**

Action: local parties have resolved the issue. To be removed from MERC agenda.

5. **11 04 19: Local 678 - ARTC** – Union reported that there is an OLRB hearing scheduled on November 24th.

Action: no update

6. **11 04 19: Provincial Nursing Advisory Committee** – list of all nursing hires from November 2009 to present has been collected. Union is requesting disclosure of the work being done on nursing salaries if any.

Action: Employer to seek clarification regarding the discussion of this issue by the Advisory Committee prior to the next MERC meeting. Linda Ogilvie to be invited to the next MERC meeting.

SBU currently analyzing the data collected.



7. **11 04 19: 2010 Auditor General Report**

Action: Union provided dates. A meeting will be scheduled in January 2012.

8. **11 06 02: Use of tele-health type service (medical / psychiatric assessment) in non remote institutions**

Action: in progress. Linda Ogilvie to present at a future meeting

9. **11 06 02: Transition Updates** – opening of TIC has been delayed to December 5th. Owen Sound Jail and Walkerton Jail will close on December 4th. The Team continues to review issues across the province. Union thanks again Linda Elliott and the Transition Team for their work.

Action: in progress.

10. **11 09 28 Thunder Bay Jail Improving Labour Relations**

Action: Management co-chair to invite the local co-chairs to the next MERC meeting.

11. **11 09 28 Toronto Intermittent Centre issues** – meeting was held with some issues being resolved. Positive progress continues with the assistance of MERC and PJOHSC members. MERC recognizes that there will be challenges with opening a new facility.

Action: MERC is committed to lend support. To be removed from MERC agenda.

12. **11 09 28 Improving and Maintaining Local Labour Relations Re: Presidential Leave**

Action: A meeting will be scheduled to discuss outstanding issues regarding President's leave.

13. **11 09 28 Increase of the Interim Staffing Levels at Toronto Intermittent Centre Re: Correctional Officer** – MOA signed on the interim staffing levels.

Action: To be removed from MERC agenda.

14. **11 09 28 Personal Protective Equipment**

Action: Item to be removed from MERC agenda and issue will be discussed at PJOHSC table.

15. **11 09 28 Fixed Term Employees Suspension with Pay** – stage two grievance meeting was held. Clarification to previous minutes that this issue was brought forward by the Union.

Action: Employer to respond to stage two grievance meeting within time limits.

16. **11 09 28 Length of time for Section 22 investigations to be shortened** – Union requesting timely communication from the Operational Support (OS) to this committee.

Action: Union received commitment in respect to timely communication from the ADM, OS with respect to policies. Length of time for Section 22 investigations is currently being reviewed by the Employer.

17. **11 09 28 ASMP threshold-holds** – per the CA the two year review is being completed at JASIC.

Action: once review completed, update will be provided to MERC in order to be presented to CERC.

18. **11 09 28 IS Incident Workload Issues** – Union did not have any consultation or opportunity to provide input in the development of revisions to the use of force policy.

Action: Management co-chair will bring Union's issues forward.

Both Community and Institutions Services items

1. **11 04 19: OPS 2011 Employee Engagement Survey** – results were shared with the Union.

Action: Union to review the results and provide feedback.

2. **11 06 02: Threats Against Staff Policy**

Action: Issue has been tabled at PJOHSC December meeting and a draft policy will be shared at that time. To be removed from MERC agenda.

3. **11 06 02: Review of MERC Sub-committees** – draft list provided to Union.

Action: Union will review and provide feedback.

4. **11 06 02: Results Based Planning** – list has been created.

Action: SBU will share the list with the Union.

Standing Items:

1. **Systemic Change Steering Committee (formerly SAROC)** – both sides will provide the names of the Diversity subcommittee membership in the new year.
2. **Diversity Efforts Underway in the Ministry** – no update.
3. **Labour Relations / Regional Labour Relations Forum (RLRF)** – no update.
4. **Fixed Term Correctional Officer Hours and Number of Unclassifieds (provided quarterly)** – next report will be provided in January. Rose will provide detailed data at the next MERC meeting.
5. **Hardcopy of Superintendents List E-Copy** – provided to the Union.
6. **Joint Attendance Strategy and Implementation Committee** – correctional officers and youth officers continue to track towards the 3% attendance target. The Employer is pleased to see these average absenteeism rates and hope they will be maintained allowing this group to reach the incentive target for the 3rd year in a row.
7. **Joint Cost Generating Savings Opportunities** – no update.
8. **P & P workload sub-committee** – work continues to move forward. P&P workload subcommittee – ongoing review of time study data within pilot sites being completed and presentation to Community Services Executive Committee scheduled on November 24th. OAG subcommittee – continues work on best practices and recommendations, new job specs rolled out to the field. CSR subcommittee – continuing work on best practices and recommendations; new job specs rolled out to the field.
9. **Ministry file review committee** – Union expressed concern with resolution rates at this table.
10. **MERC Investigations Sub-committee** – parties met on November 21st and the draft document is near completion.

Action: Draft document will be shared with Community Services.
11. **Security Provisions and Inmate Population Management Committee Recommendations** – document shared with MERC.

New Business

1. **11 11 23 Rank structure** – Union is awaiting a response to a complaint brought forward concerning the terminology for senior management. The Union is opposed to moving forward on any rank structure as long as offensive terminology is being used.

Action: Management co-chair to follow-up with the ADM, Operational Support.

2. **11 11 23 Social media** – correspondence has been signed (attached to minutes).

Action: To be removed from MERC agenda.

3. **11 11 23 Report writing involving use of force** – Union believes standard practice should be that staff are relieved as soon as possible after an incident to write reports. Additionally requesting that improved tools, resources and training be provided.

Action: Management will review and respond at the next meeting.

4. **11 11 23 MCSCS Employee Engagement**

Action: deferred to next MERC meeting

5. **11 11 23 Institutional Search Team (IST)** – Union is asking for clarification on the ADM, IS direction dated April 21, 2011 (funding, size of teams, FTEs).

Action: Management will seek clarification and report back at the next meeting.

6. **11 11 23 Local 617 Sudbury Jail** – asking for assistance with the vacation protocol.

Action: Dan and Pauline will assist.

7. **11 11 23 Custodial Training** – Union is requesting that custodial training be made mandatory for non-correctional staff that directly supervise inmates.

Action: Management to inquire and provide a response at the next meeting.

8. **11 11 23 CO Performance Development & Learning Plan** – Stephen Wright, Northern Regional Training Coordinator provided a presentation and they are rolling Phase two which include four institutions, one in each region including North Bay Jail, St. Lawrence Valley/Brockville Jail, Niagara DC and Toronto Jail.

Action: complete.

9. **11 11 23 Draft Staff Search policy** – Union identified concerns with draft policy and is willing to have further discussion.

Action: Management will review and respond.

10. **11 11 23 Impact of the proposed Federal legislation** – Union is seeking for a response to the November 9, 2011 letter written to the Premier from OPSEU President that was shared with MERC.

Action: Management will take appropriate action as per protocol. Union will contact the ADM, IS.

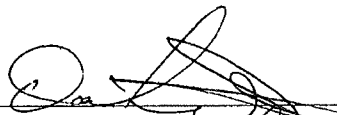
2012 Meeting Schedule

- Thursday, January 12, 2012
- Thursday, March 29, 2012
- Wednesday, May 9, 2012
- Tuesday, June 19, 2012
- Wednesday, September 12, 2012
- Tuesday, December 11, 2012

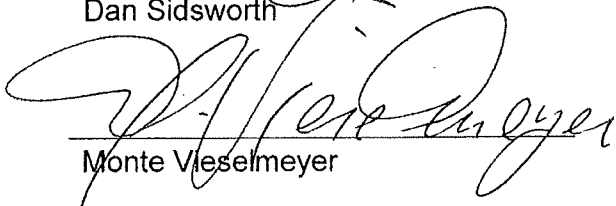
Next Meeting:

Date: Thursday, January 12, 2012
Location: tbd
Time: 9:30 a.m.

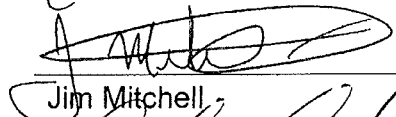
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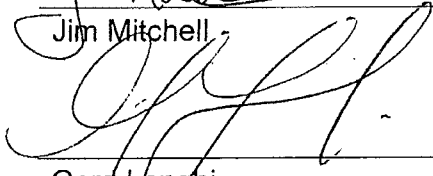
Dan Sidsworth



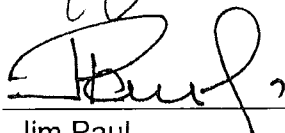
Monte Vieselmeyer



Jim Mitchell

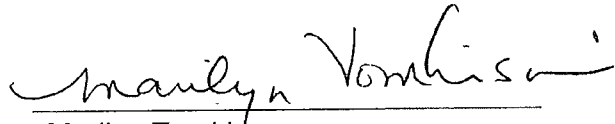


Gord Longhi




Jim Paul


For the Ministry:




Marilyn Tomkinson




Emelie Milloy



Rose Buhagiar



Pauline Jones



Christina Danylechenko



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Correctional Services

Correctional Services Division

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MEMORANDUM TO: All Institutional Local Presidents and Superintendents

**FROM: Marilyn Tomkinson, MERC Employee Co-Chair
Dan Sidsworth, MERC Union Co-Chair**

DATE: November 23, 2011

**SUBJECT: Improving and Maintaining Local Labour Relations,
and the Local Mediation-Arbitration Protocol**

In April of this year the Employer and OPSEU entered into two agreements which were developed with the goal of promoting a positive work environment where open dialogue is the encouraged method for resolving disputes at the earliest stage possible.

The agreements, the framework for Improving and Maintaining Local Labour Relations, and the Local Mediation-Arbitration Protocol are both attached for your reference.

This memorandum is being issued to remind all institutional staff of the importance of ensuring that your institution remains in compliance with these agreements.

Improving and Maintaining Local Labour Relations outlines terms and conditions relating to leave for local union presidents, improved local grievance resolution processes and improved overtime grievance administration. Highlights of this agreement include:

- Presidential leave granted to the local president or his/her designee to conduct the internal affairs of the local. Hours of leave have been determined by institution size.
- The position of Correctional Officer Bargaining Unit Scheduling Assistant (also known as bargaining unit scheduling assistant) is to be treated as a temporary position that will remain in effect until December 31, 2012.

- Hearing days are separated into "Stage 2 Days" and "Overtime Grievance Days" to make the grievance process more effective.
 - Stage 2 Days - are pre-scheduled days reserved for hearing Stage 2 grievances. Institutions will be required to pre-schedule at least two (2) days per month and will be expected to make all reasonable efforts to hold meetings regarding outstanding grievances on those days. This will not include grievances involving issues that are considered to be too complex. Some examples would include grievances that have corporate or Ministry-wide implications, grievances regarding the Workplace Discrimination and Harassment Policy (WDHP), discipline resulting from a WDHP investigation, etc. More serious matters will require stand-alone scheduling and meetings. Older grievances that have not had a Stage 2 should be included in this process in an effort to ensure that all grievances have had a meeting.

Overtime Grievance Day (OGD) - provides a forum in which to efficiently resolve overtime grievances.

- OGD will be held monthly, if required, for the purpose of hearing overtime related grievances. Grievances are heard two months after they are filed and this agreement includes a blanket agreement from the parties to extend the current time limits for overtime grievances. All settlements reached at the OGDs must be consistent with the Provincial Overtime Protocol. Consideration shall be given as to whether or not there were any other grievors who were eligible for the same overtime opportunity and if so, which grievor(s) is/are the most eligible. Only the person(s) who is/are the MOST eligible and who grieved the opportunity will be credited. Consideration shall also be given to whether or not a fixed term employee grieved the same day/period for not having reached their 40 straight-time hours in the week. Older grievances that have not had a Stage 2 should be included in this process in an effort to ensure that all grievances have had a meeting.

Med-Arb protocol has been revised and strives to make the process more effective, financially responsible and balanced through the following changes:

- *Locations selected jointly by the parties based on grievance volume and local labour relations;*
- *Emphasis on Stage 2 process in order to complete the particulars and disclosure of each grievance;*
- *Local Union representatives granted time off to prepare for and attend Med-Arb sessions, enabling parties to move more swiftly through grievances when the Vice Chair is present on the days following these preparation sessions;*

Consolidation of all overtime grievances into sessions that will not require the grievors or local managers, as these are strictly "fact based" grievances proven by the documentation.

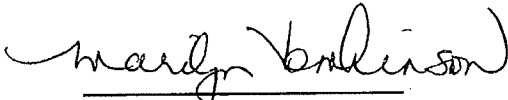
The agreements serve to foster and improve labour relations and reinforce our ongoing commitment to resolve matters in a less formal and more expeditious, cost effective manner.

There remains an expectation that the local parties will engage in these processes in good faith with the mutual desire of resolving disputes early and in a less formal manner. Should any institution identify barriers for abiding by these agreements we would ask that you email the respective MERC Co-chair who will be tasked with resolving any difficulties.

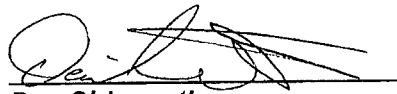
Dan Sidsworth dansidsworth@cogeco.ca

Marilyn Tomkinson marilyn.tomkinson@ontario.ca

Signed by:



Marilyn Tomkinson
MERC Employee Co-Chair



Dan Sidsworth
MERC Union Co-Chair

CC: Steve Small, Assistant Deputy Minister, Institutional Services and Organizational Effectiveness Division
Marg Welch, Assistant Deputy Minister, Community Services
Curt Arthur, Assistant Deputy Minister, Organizational Support
Regional Directors and Directors
Ministry Employee Relations Committee





MEMORANDUM

TO: Correctional Services Division Staff

FROM: Ministry Employee Relations Committee and
Provincial Joint Occupational Health and Safety
Committee

DATE: November 8, 2011

SUBJECT: Internet/ Web Based Social Networks

The following is to remind all Correctional Services Division Staff of the importance of maintaining the integrity of their positions.

In order to preserve the security, health and safety of all employees, Staff is encouraged to consider the sensitivity of their employment, when using social web-based media. Privacy cannot be guaranteed when choosing to communicate through web-based social networks, such as, "FaceBook" and "MySpace". Staff may find their personal or work information compromised. In some instances, personal/workplace information may be accessed by uninvited social media end-users, such as, ministry inmates/clients.

A handwritten signature in black ink, located in the bottom left corner of the page.

Responding to inmates/clients or their friends and families through web-based social networks is strongly discouraged as this may be considered a conflict of interest. It is therefore imperative that staff report these incidents immediately to their managers.

Please refer to the following links of the Institutional Services Policy and Procedures Manual, for further information on Internet/Web Based Social Networks and Conflict of Interest:

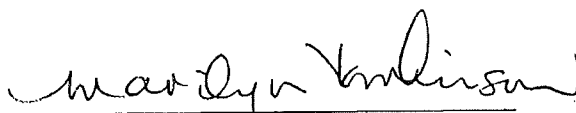
http://intra.mcs.gov.on.ca/content/manuals/adult_inst/technology/use_of_the_internet_intranet.asp

http://intra.mcs.gov.on.ca/content/manuals/adult_inst/administration/employee_related/conflict_of_interest.asp

Thank you for your cooperation in this matter.



Dan Sidsworth
Ministry Employee Relations
Committee
Union CO-Chair



Marilyn Tomkinson
Ministry Employee Relations
Committee
Employee Co-Chair



Brian Chauvin
Provincial Joint Health and Safety
Union Co-Chair



Daryl Pitfield
Provincial Joint Health and Safety
Employer Co-Chair

C.c.

Steve Small, Assistant Deputy Minister, Institutional Services and Organizational Effectiveness Division
Marg Welch, Assistant Deputy Minister, Community Services
Curt Arthur, Assistant Deputy Minister, Organizational Support
Regional Directors and Directors
Provincial Joint Occupational Health and Safety Team
Ministry Employee Relations Committee

November 9, 2011

The Honourable Dalton McGuinty
Premier of Ontario
Legislative Building
Room 281, Queen's Park
Toronto, Ontario M7A 1A1

Dear Premier McGuinty:

It is becoming increasingly clear to many Canadians that our country is at a crossroads. Do we repeat the failed public policies of the past or do we move forward? Will we adopt evidence based public policy or blindly follow ideological dictates?

The current debate around the federal government's crime legislation, *The Safe Streets and Communities Act (C-10)*, provides a strong demonstration of this.

This basic approach of this legislation is, in the opinion of almost all experts, the wrong way to proceed. The tough on crime approach has been repeatedly found to be a failure. Most jurisdictions, many of which are in the United States, that have followed this policy route are now abandoning it.

The Harper government's crime legislation is fundamentally flawed in many ways. It will be costly and ineffective. Our communities will not be safer. Our jails will struggle with even greater overcrowding. More people with mental health problems will be incarcerated. And provinces will be saddled with an increasing bill as result.

All credible estimates of the cost of this legislation suggest the price tag will be enormous. The Parliamentary Budget Officer had put a figure of \$5 billion over five years for just one aspect of the legislation. Predictions are that the new drug sentences alone will see a dramatic increase in the number of offenders in already overcrowded correctional facilities. Most of these costs will be borne by the provinces.

The sad part of all this is that it will not make our communities any safer. Very little in the legislation will: prevent crime; help the victims of crime; reduce the number of guns used in crimes; or reduce the number of gangs and organized crime in Canada.

Instead of adopting proven methods to make our communities safer, the Harper government has instead opted for the failed policy options of the American right wing. Similar to the experience of our neighbours to the South these measures will, in all likelihood, make things worse, not better, for Canadians.

It flies in the face of the pragmatic and compassionate approach to criminal justice that Canadians pride themselves in. Our jails are increasingly becoming the treatment option of last resort for many individuals with addictions or mental health problems.

..... Page 2

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Le SEFPO est associé
à la FTO, au CTC
et au SNEGSP



The figures are staggering when you consider that up to 80% -90% of offenders have addictions problems and 40%, or more, have mental health issues.

Our province will be forced to shoulder much of the burden brought by the federal government's tough on crime posturing. As such there is an obligation on you and your government to raise these concerns with the Prime Minister and his government.

We have received mixed messages from the province. The Assistant Deputy Minister of Institutional Services has stated the Ministry will not be negatively impacted by the new legislation. This is a completely opposite position of what other provinces like British Columbia have taken. You have been quoted saying that the federal government must not be allowed to download the cost of its crime bill onto provincial taxpayers. What is the official position of the Ontario government?

To accept this new burden while our members struggle with severe over-crowding, increasing number of offenders with mental health problems, staff shortages, and escalating levels of workplace violence is completely unacceptable. In addition to this, your government's decision to close three correctional facilities and one partial is out of step with what is happening. Out of respect for these workers' continued dedication to keeping the citizens of this province safe, you need to raise these issues within your government and the Harper government.

We are encouraged that many provinces are starting to speak in opposition. But the provinces need to take a strong united position.

The Ontario Public Service Employees Union will support you and your government in speaking out against this legislation. We would welcome the opportunity to meet and discuss these matters further.

Thank you for your time and consideration.

Sincerely yours,



Warren (Smokey) Thomas
President
Ontario Public Service Employees Union

WT:ted

cc: James Clancy, National President, National Union of Public and General Employees
Honourable Madeleine Meilleur - Minister Community Safety and Correctional Services
Dan Sidsworth, OPSEU, MERC Co-Chair