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JOINT EQUITY, INCLUSION AND ANTI-RACISM SUB-COMMITTEE OF ACERC

EMPLOYER AND AMAPCEO

Summary of Issues

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Executive Summary

OPS Commitment

The Ontario Public Service (OPS) is committed to building and fostering a more inclusive, diverse, equitable, anti-racist, accessible and respectful workplace free from discrimination and harassment.

In order to take action to create systemic and sustainable change, the OPS launched a Third-Party Review of its inclusive workplace policies and programs. A key component of the review was to find effective approaches for identifying and addressing systemic employment barriers and discrimination. This reflected the commitment made by the Secretary of the Cabinet in September 2019 and July 2020, in response to advice from the Ontario Human Rights Commission, and built on the recommendations from the Huggins Report¹.

In June 2021, two final reports of the review were released to all OPS staff describing how systemic racism, discrimination and employment barriers continue to harm the wellbeing and careers of OPS employees who are Indigenous, Black, other racialized, LGBTQ+ and persons with disabilities. The reports contain over 200 recommendations to make the OPS a more inclusive, diverse, equitable, accessible and anti-racist workplace, free from discrimination and harassment.

The Secretary of the Cabinet and deputy ministers issued an apology and pledge to OPS employees, committing to concrete actions to address root causes of racism, discrimination, and harassment in the OPS and directed the development of an integrated plan for the actions in the pledge and other actions in the review.

Joint Union-Management Committee

During the 2022 round of collective bargaining, the Employer and AMAPCEO entered into an agreement that established a Joint Equity, Inclusion and Anti-Racism Subcommittee of AMAPCEO Corporate Employee Relations Committee (ACERC). The parties recognized a shared commitment to fostering a more inclusive, diverse, equitable, anti-racist, accessible, and respectful workplace, free from discrimination and harassment. The mandate of the Committee included a focused review of the AMAPCEO collective agreement and the impact of employment policies and programs, as they relate to the application of the AMAPCEO collective agreement from an equity lens. A key goal identified was to identify systemic employment barriers that may exist in the collective agreement that may unduly impact employees from equity deserving groups.

¹ Huggins, Arleen (2019). Independent External Review of Complex WDHP Cases. <https://www.ontario.ca/page/independent-external-review-complex-wdhp-cases>

The parties also agreed that the sub-committee would be utilized to consult, as appropriate, on initiatives being undertaken to implement the OPS Leadership Pledge commitments that impact AMAPCEO-represented employees.

The Sub-committee’s Terms of Reference was finalized in May 2023, with identified topics to be discussed at each meeting. Regular meetings were held between June 26, 2023 and September 18, 2024. Through these meetings, both parties had fulsome, open and frank discussions. Participants from both Management and AMAPCEO reflected and shared their experiences and perspectives, identified specific barriers they believe are faced by equity deserving groups, and discussed and suggested potential solutions for consideration, on a without precedent and prejudice basis.

Key Areas of Discussion

The parties identified the following areas of the AMAPCEO Collective Agreement and related policies and programs for discussions.

No.	Area	Collective Agreement Article(s) (non-exhaustive)	Potentially Related Policies and Programs (non-exhaustive)
1.	Recruitment and Job Mobility	17, 18, 52.13	<ul style="list-style-type: none"> • Advancing Into Management (AIM) Program • Anti-Racism Policy, April 2018/Ministry Anti-Racism Action Plans • Attendance Policy, May 2021 • Disability Accommodation Policy, March 2023 • Employee Benefits Directive, Jan 2003 • Employment Policy, Nov 2020 • Employee Performance Policy, April 2023 • Employee Recognition Policy, Aug 2006 • Employment Screening Checks Policy, Nov 2018 • FORTE • Leadership Pledge Commitments • Learning and Development Policy, Jan 2012 • Multi-Year Accessibility Plan • Policy on Preventing Barriers in Employment, Jan 2013 • Respectful Workplace Policy, Oct 2017 (reviewed 2022)
2.	Temporary Assignment Provisions, including Fee for Service	18, FXT.7	
3.	Job Security	27, 52.13, Transition and Reskilling MOA	
4.	Leaves of Absence	23, 24	
5.	Dispute Resolution Procedures	15	
6.	Insured Benefits	31, 33, 34, 35, PT9, PT10, PT11, PT12, FXT.10.2, FXT.10.3	
7.	Fixed-Term Employee	FXT	

			<ul style="list-style-type: none"> • Senior Leadership Potential Assessment (SLPA) Program
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The areas of the Committee’s discussions generally fell under the broad categories of:

- Potential collective agreement amendments
- Policy and program related issues
- Training and education

Throughout the discussion, some key themes emerged, which were similar to those identified by other bargaining units in the OPS. First, that there were areas of the collective agreement that may be reviewed to determine whether amendments could be made to reduce barriers to inclusion for equity deserving AMAPCEO-represented employees. Additionally, there were certain collective agreement provisions which were noted as being interpreted differently by managers and employees. This presents opportunities for better information sharing and an opportunity to provide greater clarity on the intent of the articles through explanatory notes. The Parties also discussed that both management and AMAPCEO-represented employees and workplace representatives could benefit from improved training in certain areas, such as cross-cultural awareness and labour relations (such as the dispute resolution process). This would promote improved relationships by approaching issues more collaboratively much earlier in the process and would make understand differing viewpoints more intentional and successful.

Overview of Key Areas of the Committee’s Discussion: Barriers, Member Experiences and Recommendations

As mentioned above, there were several key areas in which the discussions of the parties fell under:

- Potential collective agreement amendments
- Policy and program related issues
- Training and awareness

Potential collective agreement amendments that were discussed include:

- Explore the potential for a specific system/process for DEI and Anti Racism disputes.
- Review dispute resolution articles to ensure that the language is clear, accessible, and inclusive for the benefit of members and management:

1. Work with the Union to explore steps/policies to ensure neutrality during proceedings under Article 15.3.2.
 2. Explore amendment of Article 15.5.7 to include a timeline for disclosure and an opportunity to review the status of disclosures before the formal meeting to increase the effectiveness of the meeting and reduce the risk of re-traumatizing members.
 3. Explore an amendment of Article 15.5.8 to provide each side with the option to have additional and equal numbers of representatives, including a support person.
 4. Explore an amendment of Article 15.6.1 to remove limitations and provide that the number of complainants should be determined based on the nature and scope of the dispute.
- Explore the potential shortening of the duration of the probationary period from one year to six months and/or amend Article 17.3.1 to reduce the probationary period requirement for employees appointed to regular service from FXT positions.
 - Review the geographical location/distance (125km range) requirements for application, and relocation expense provisions.
 - Explore potential amendment(s) of Article 18.7.1(a) to reduce the term of temporary assignments which can be filled without posting/competition.
 - Leverage existing systems/policies to increase accountability and transparency in filling temporary assignments and ensure that the timelines in Article 18.7.2 are met.
 - Explore targeted temporary assignments to equity deserving groups within the OPS.
 - The Employer must comply with the collective agreement by bringing EOIs to ACERC (AMAPCEO Central Employee Relations Committee) for permission. Reminders should be distributed to managers of this requirement and reprimanded where this process is not followed. In the alternative, language should be adopted forbidding the practice.
 - Explore the application of the reskilling provisions to compassionate transfers.
 - Explore (at the Joint Steering Committee on Employment Accommodation) the documentation requirements and other potential barriers to access compassionate transfers/corporate health reassignments, and also the use of a trauma informed approach.
 - Explore the potential amendment of Article 18.8 (e) to simplify rules, reduce the timeframe for consideration of conversion and/or eliminate the 'continuing need'

requirement. Employer and AMAPCEO to explore undertaking an audit of temporary assignments and conversion.

- Explore the delinking of Articles 23.3 and 23.4 (Special or Compassionate Leave and Religious Leave).
- Explore new inclusive bereavement leave language and/or potentially expand the entitlement from one (1) to three (3) days of bereavement leave for extended family members.
- Review methods for members to share their status as Indigenous persons or persons with disabilities to enable their access to existing Article 27 provisions and potentially expand the equity deserving groups identified in the provision.
- Examine methods for improving access to paramedical coverage for individuals/families with more significant health needs.
- Review the definition of “Information & Information Technology” to determine whether the activities listed are still relevant for the purposes of Article 52.
- Amend Article 52 to include steps and actions to address consultant bias.
- Amend Article 17.3.1 to reduce the probationary period to a fixed period for FXT members who are appointed to regular service and have met the conditions set out in Article 17.3.1.
- Explore potential new inclusive bereavement leave language and/or expand the entitlement from one (1) to three (3) days of bereavement leave for extended family members of FXT employees.
- Explore provision of equal access to religious accommodation, and special and compassionate leave to FXT employees.
- Explore cost sharing of FXT coverage/increases of pay in lieu amounts.

Potential policy and program related improvements that were discussed include:

- Include reporting on Ministry anti-racism action plan initiatives to each AMERC (AMAPCEO Ministry Employee Relations Committee) as a standing agenda item.
- Explore potential rewording of the letter from the designated management representative in the formal resolution stage to clarify that the determination is not the end of the matter.

- The Employer should inform employees pursuing disputes of their entitlements under Article 15.
- Review the job classification process and related documents to eliminate barriers to access, such as language.
- Collect and analyze data on classification disputes with the aim of identifying and removing barriers to understanding the process.
- Use of alternative sources, such as existing networks of diverse employees, to reach a variety of candidate types and source diverse candidates.
- Increase audit of competitions to ensure equity in the recruitment process including detail review of all associated metrics during recruitment.
- Consider inclusion of specific policies regarding the assessment of non-traditional applicants, non-traditional qualifications, the reduction of credentialism and the assessment of non-Canadian training/experiences.
- Explore processes to review application requirements to neutralize resumes, such as removing names of postsecondary institutions.
- Review interview and performance review processes to address bias and ensure that a trauma informed approach is applied and that the processes are not skewed to a particular candidate's strengths.
- Monitor hiring/interview panels to ensure that they include diverse representation.
- Consider creation of DAS-like role with HR (Human Resources) infrastructure responsible for equitable and non-biased recruitment/interview conduct. (NTD).
- DEI and Anti-Racism policies should be implemented and actively promoted during recruitment.
- Use metrics to monitor and evaluate DEI and Anti-Racism as part of recruitment.

Amend Employment Screening Check Policy operational guidelines to ensure Employer will pay costs of internal applicants to positions where enhanced screening may be a job requirement.

- Increase monitoring/review the use of temporary assignments to ensure that their use does not perpetuate bias and discrimination.
- Explore contradiction of the use of temporary assignments as pathway for equity deserving groups which also creates the potential for discriminatory practices via shoulder tapping; and which, without the right supports, can set members of equity deserving groups up for failure.

- Explore a Lean (Lean Six Sigma) approach to the process for applications for compassionate transfer, e.g. the reduction of the administrative burden on employees to reduce barriers to access.
- Explore supports to ensure that equitable access is provided to resources in the reskilling and Targeted Direct Assignment (TDA) processes within the seven-day timeframe.
- Explore ways to encourage employees to complete/update employee forms given the importance of the forms in the reskilling and TDA process.
- Review awareness of employee rights and entitlements to remove barriers to access regarding voluntary exits.
- Review methods for Indigenous employees and employees with disabilities to share their status to enable access to existing protections in Article 27.
- Remind employees of the financial counselling available under the New OPS Inclusive Counselling Services as part of the Notice of Leave (NOL) package and available via the Ontario Pension Board.
- Review job templates, including management positions and higher, to ensure they are consistent and focus on transferrable skills.
- Establish and communicate clearly defined skills-based career pathways, as part of the TDA process.
- Review the socio-demographic characteristics of the I&IT employee community.
- Explore initiatives to require and track knowledge transfer from consultants to employees.
- Monitor the use of FXT positions to ensure that members of equity seeking groups have fair, just, and impartial access.

Potential training and education improvements that were discussed include:

- Provide for joint explanatory notes/bulletins which can provide explanations of terms like “continuing need” and “being on probation” and support the equitable and fair exercise of managerial discretion.
- Include awareness of dispute resolution processes as part of managerial onboarding.

- Provide training and education of managers/directors/ADMs on the value of the informal resolution stage and how issues can be positively and safely addressed at this stage.
- Provide training for all staff involved at the informal resolution stage on utilizing a trauma-informed approach during dispute resolution.
- Provide coaching and guidance to managers on what reprisals are, including scenarios/examples of what would constitute a reprisal.
- Utilize fact sheets or similar documents to guide managers/HRAs on the provisions of the dispute resolution procedure, Article 15, and the entitlements of employees under it.
- Provide managers with training and resources on the application of probationary period, discretion on probationary period, and use of a trauma informed approach/processes.
- Consider adding this information to WIN so that employees can easily track their probationary period.
- Clearly defined and communicated skills-based career pathways.
- Educate hiring managers against giving advance informal notice of job postings to prospective applicants.
- The Employer should provide Managers with actionable guidance on how to consider and use compassionate transfers to ensure accountability and equitable treatment.
- The Employer should utilize fact sheets or similar documents to guide employees and managers/HRAs on the provisions of Article 23, Leaves of Absences and the entitlements of employees under it. And the Employer should provide guidelines for the exercise of discretion at Article 23.4. (Special or Compassionate Leave and Religious Leave).
- Utilize fact sheets or similar documents to guide managers/HRAs on the provisions of Article 24 (Pregnancy Leave, Parental Leave And Employment Insurance Top-Up) and the entitlements of employees under it.
- Provide support to members in accessing Learn On courses to allow for their access to their rights under Article 27 – Job Security/Reskilling.
- Explore options to broaden access to job searching tools and Learn On courses during leaves of absence.

- Update the benefits booklet/guide and ensure all benefits information/factsheets on Canada Life's website are updated to comply with accessibility standards.
- The Employer should require all consultants to have Diversity, Equity and Inclusion (DEI) and Anti-Racism training and review consultant's DEI and Anti-Racism programs and policies, to ensure that the consultant is addressing biases which may be reflected in programming/applications developed for the OPS.
- Provide coaching and guidance to managers to ensure equity deserving groups have access to FXT positions and provide positive support.

Conclusion

The work from the Joint Committee was an important early step in the process to create a more inclusive, diverse, equitable, anti-racist, accessible and respectful workplace, and the Parties recognize that there is still more work to do.

The Parties committed to further discussions of the issues raised and work collaboratively on addressing those issues and challenges.

The Parties do recognize that some of the issues raised which may have monetary implications would be most appropriately addressed during bargaining.

Appendix A

The Issues - Article Summaries

Article 15.2: Informal Resolution Stage

AMAPCEO Summary of Issue:

Managers' lack of understanding of labour relations has devalued the Informal Resolution Stage. Members' experiences are that managers often view this stage as adversarial. This undermines the effectiveness of the Informal Resolution Stage by, amongst other things, making it an unsafe space to resolve disputes and further traumatizes members, especially those from equity deserving groups who may be using the informal resolution stage to address equity issues such as racism in the workplace.

Unfortunately, higher levels of management often fail to support the dispute resolution process and instead explain away the manager's actions. This can be especially harmful to equity deserving groups who attempt to use this provision to address equity issues. Members are often pushed into the formal stage and treated poorly by management and colleagues.

OPS Managers do not acknowledge the right to have a Workplace Representative (WPR) at this stage and misinterpret the involvement of a WPR as meaning that it's the beginning of a dispute.

These factors result in the trauma already experienced during a workplace issue by members of equity deserving groups being compounded.

Questions:

1. What training and supports are provided to managers/supervisors/directors/ ADMs on the informal dispute resolution process?
2. What information is shared with employees, managers, and employees, on dispute resolution rights at the time of onboarding?
3. What is the process for the conduct of 360 reviews? Do managers choose who completes their 360 reviews?
4. Does the Employer collect data on informal meetings?
5. What are the Employers' perspectives on having a specific system/process - for DEI and Anti Racism disputes?

Employer Perspectives:

- The Employer recognizes that OPS Managers need greater support in the form of access to improved training that better addresses the needs of current and future

managers in areas such as grievance management, dispute resolution, and fostering positive relations in the workplace.

- The Employer further recognizes the need to equip OPS Managers with a better understanding of their roles and responsibilities in the grievance process and to empower them to focus on resolving workplace disputes (this includes a better understanding of the role of the Formal Resolution Stage designee).
- Other stakeholders in the grievance management process (e.g. Employee Relations Advisors, Human Resources Advisors, etc.) also need to receive adequate and timely training to support their ability to provide sound advice and guidance to OPS Managers that are engaged in the dispute resolution process.
- The Employer also understands the importance of identifying the different types of disputes (e.g. human rights) to identify trends and potential solutions.

Article 15.3.1: Formal Resolution Stage

AMAPCEO Summary of Issue:

Many members have expressed concerns about the impact of moving things forward and being afraid of having things put on record, which can have a negative impact on their workplace relations. The perception that “I have signed my death warrant” can be a significant barrier to participation. It’s important to give people the time they need to process and weigh whether they want to move through this process.

Employees need time to talk with their Workplace Representative (WPR) and process the information shared by the WPR. It’s important to recognize that the informal resolution process is not a quick fix, and it may take more than thirty days for an employee to feel ready to move forward.

The phrase “...*after the circumstances giving rise to the complaint have occurred or have come or ought reasonably to have come to the attention of the employee*” can be confusing to apply for members and creates a barrier to accessing the rights under this article.

Questions:

1. What are the Employers’ perspectives on having a specific system/process - for DEI and Anti Racism disputes?
2. How can traumatized employees be supported to file disputes within the deadline?

Employer Perspectives:

- Having a different process for each group of employees is cumbersome and may result to inefficiencies and inconsistencies.

- Every Collective Agreement has time limits for processing workplace disputes and/or grievances. This ensures that workplace dispute and/or grievances are addressed promptly, which helps prevent issues from lingering and escalating. The time limits also provide clear deadlines on when actions need to be taken.
- Taking into consideration that Diversity, Equity, Inclusion, and Anti Racism disputes are difficult for the parties, the Collective Agreement does provide for the time limits under Article 15 to be extended by agreement of the parties (See Article 15.5.5).
- The Employer remains open-minded to working with AMAPCEO to make appropriate changes such that the existing language is simpler and clearer to understand.

Article 15.3.2: Formal Resolution Stage

AMAPCEO Summary of Issue:

While the purpose of the meeting is for the Employer designate to determine whether the case against the Employer is valid, this process is traumatizing and creates a barrier as the designated management representative is seen as not being a neutral third party who is pursuing resolution of the dispute. Members are fearful of going through the process as they are fearful of not being treated fairly.

In addition, the letter from the designated management representative reads as a determination of the matter by the Employer “case is denied” and no further information is provided on next steps. The letter’s wording creates confusion as it can be interpreted as being the final determination of the matter.

Questions:

1. What steps does the Employer take to ensure that the designated management representative is neutral? Is training provided?
2. What are the Employer’s perspectives on the use of the phrase “case denied” by the designated management representative in their written decision?

Employer Perspectives:

- The need for designees to be neutral is emphasized in the Designee Training. Employer will review the current Designee training and develop recommendations to have more designees in the pool.
- The Employer is open to reviewing the current language of the formal resolution letter (denying the dispute) as there may be instances that stating more in a letter could have a prejudicial value on the issue.

Article 15.5.7: General Dispute Resolution

AMAPCEO Summary of Issue:

There is no timeline for the provision of information under this article with the result that members must make requests to management for information and in some cases full disclosure is not provided. This compounds/increases trauma for equity deserving groups and negatively affects the members' ability to work.

Questions:

1. Are managers trained/guided on the need for and importance of full disclosure as part of dispute resolution?
2. Are managers made accountable for failing to provide full or timely disclosure?

Employer Perspectives:

- The Employer is open to reviewing the timeline issue on disclosures that was identified by AMAPCEO. The Employer also noted that in some cases, the information being requested is not readily available, which leads to a perception that the manager is not willing to disclose or hiding some information.
- The importance of disclosure can also be emphasized in the OPS Manager Labour Relations training (onboarding).

Article 15.5.8: General Dispute Resolution

AMAPCEO Summary of Issue:

The language does not limit the number of additional representatives who can participate on behalf of the Employer, and this creates room for imbalance in the number of representatives to the disadvantage of the member.

The dispute resolution process can be intimidating and traumatizing for members, more so for the already vulnerable members of equity deserving groups with the entire process seeming stacked for the Employer to intimidate employees who bring complaints.

Member requests for support persons to attend meetings have been denied. For members of equity deserving groups the issue being disputed can already be traumatic and the dispute resolution process is also intimidating and traumatizing so having a support person attend dispute resolution meetings is necessary for equitable support.

Questions:

1. What are the Employers' perspectives on having an equal number of representatives and/or support persons at dispute resolution meetings?

Employer Perspectives:

- These types of situations should be reviewed on a case-by-case basis, as there may be a reason as to why, in some cases, a support person is not allowed to attend. The Employer agrees that it should not be an outright denial, and a reason for any denial decision should be provided.
- The Employer advised that work has been done on creating opportunities for indigenous employees to attend certain meetings with a support person. The Employer remains open to reviewing if that work or some of that work can be extended to disputes, and if so, clearly define the role of the support person in the process.

Article 15.5.9: General Dispute Resolution

AMAPCEO Summary of Issue:

Reprisals happen notwithstanding this Article and there is no recourse for members. The effects of reprisals are compounded for members who come from non-dominant work cultures.

Members have faced reprisals such as no longer being invited to attend meetings they would have been invited to attend before they accessed their rights under the collective agreement, or having secondments ended prematurely, etc.

Questions:

1. Does the Employer have a list of what would be considered a reprisal?
2. Are managers educated on what reprisals are and can look like?

Employer Perspectives:

- OPS Managers need to be supported by Human Resource Advisors and Employee Relations Advisors in these situations, which can be included in the management training.
- There is no current list of what could be considered as reprisal, but scenarios can be emphasized in LR training.

Article 15.6.1: Group Dispute

AMAPCEO Summary of Issue:

Equity deserving groups have nuanced issues that may form part of a group dispute and limiting the number negatively affects access by members of equity deserving groups. This undermines the case presented as the extent and impact of the conduct may not be fully evident where there are limitations on numbers.

The number of complainants should be determined based on the nature and scope of the dispute and not limited with a one size fits all approach.

Questions:

1. Does the Employer have a fact sheet or similar documents to guide Managers/HRAs on the implementation of this provision?
2. Does the Employer collect data on group disputes?

Employer Perspectives:

- The Employer is open to reviewing the recommendation on the number of complainants in a group dispute who can attend.

Classification Disputes: Step 1

AMAPCEO Summary of Issue:

Classification disputes exist but there is no effective resolution of them to the detriment of members. Members of equity deserving groups are left feeling that they are not valued and have no choice but to move on or out of the OPS.

Questions:

1. Is the process to pursue a classification dispute accessibly documented to ensure that the language used doesn't become a barrier to access?
2. Does the Employer have any data on classification disputes and their status?
3. What are the Employer's perspectives on the slow pace of classification disputes?

Employer Perspectives:

- The Employer is open to reviewing the process for classification disputes that is set out in the parties' collective agreement.

Article 15.11.2: Arbitration Provisions

AMAPCEO Summary of Issue:

Failure to communicate the rights and entitlements under Article 15.11.2 exacerbate the negative effects of pursuing disputes on equity deserving groups.

Questions:

1. Does the Employer have a fact sheet or similar documents to guide Managers/HRAs on the provisions of Article 15.11.2 as this is not part of normal business?
2. Is the employee made aware of their entitlements under this article by the Employer?

Employer Perspectives:

- The Employer recognized that employees should be encouraged to work with AMAPCEO when collecting information about their rights and entitlements when working on filing a dispute; they should not just be relying on collecting information from the Employer and/or Manager.
- Managers get support with respect to employee entitlements from their Human Resources Advisors and Employee Relations Advisors.

Article 17: Probationary Periods

AMAPCEO Summary of Issue:

The concerns regarding probationary periods echo issues brought forward by AMAPCEO's equity caucuses in advance of the last round of bargaining. AMAPCEO's collective agreement contains a longer than average probationary period of one year, which results in a long period of vulnerability, particularly for employees from equity deserving groups.

Racialized members have reported experiences of feeling that their knowledge and skills may be leveraged during the probationary period, but work with the fear, and sometimes reality, that they are merely temporarily filling a seat and may be terminated or reprimed against during this period without recourse. This results in trauma for racialized employees during their initial period of employment, during which they are exposed to a host of other structural vulnerabilities vis-a-vis management and employees.

There is widespread confusion regarding what "being on probation" means, and this can result in a misapprehension that probationary employees may not have access to other collective agreement rights during this period. This can be problematic for newer employees who may otherwise wish to assert themselves in situations where discrimination or harassment is present.

Furthermore, Article 17 currently provides for the possibility of up to a six-month reduction in a probationary period in recognition of a regular employee's service as an FXT (Fixed Term) employee. This is conducive to discrimination as the reduction can be differentially

applied between employees from dominant cultural groups employees from other equity deserving groups, including Black employees.

The effectiveness of dispute resolution to address discrimination and its effects on employees from equity deserving groups is undermined by the fact that the employee has already been traumatized and the discrimination has already happened.

Questions:

Given that clarity on the application of probationary periods can address some issues around discrimination and trauma when applying them:

1. Are managers provided with guidance regarding what is expected during the probationary period and the requirement that performance standards be reviewed with employees within the first month of the period (Article 17.2)?
2. What are the parameters/guidance provided to managers regarding the application of Article 17.3.1 (i.e., exercise of discretion to reduce a probationary period)?
3. What information regarding the application of probationary periods are tracked in WIN (Workforce Information Network)?
4. Are dismissals during probation tracked?

Employer Perspectives:

- The Employer is open to reviewing its OPS Manager onboarding training materials to ensure the approach to support employees during a probationary period is included.

Articles 18.1 and 18.2: Posting Requirements

AMAPCEO Summary of Issue:

Members report the current processes and systems around job postings facilitate discrimination in the following ways:

1. Hiring Managers take advantage of advance notice of job postings and screening requirements, allowing them to inform their preferred candidates, who then are aware of a posting and have more time to prepare and submit applications.
2. Job postings being made only on the OPS (Ontario Public Service) careers website can limit the reach to a diverse range of applicants.
3. Some job postings are seen written to the qualifications of specific candidates in a manner that is not consistent with equitable hiring principles.
4. The absence of a flexible remote work policy and the geographical requirement for applications limits OPS career movement for equity deserving groups. The operation of this restriction prevents relocation expenses for those who may wish to move from more remote locations in the province to areas of high OPS employment, primarily Toronto.
5. Complex job postings which create a need to speak to someone to decode them creates an unlevel playing field and room for discrimination.

Questions:

1. What is in place to prevent Hiring Managers from giving advance notice of job postings to prospective applicants and to educate Hiring Managers that giving advance notice of job postings is conducive to a discriminatory environment?
2. Has the Employer considered standardizing job descriptions and postings to remove the opportunity for job postings to be tailored for candidates?
3. Has the Employer considered including other locations for job postings to ensure access by equity deserving group?
4. What is the status of the Digital Recruitment Modernization initiative?
5. How is candidate referral used in recruitment?
6. Are job postings reviewed by a neutral person/team to ensure that they are not so specific as to limit the possible pool of applicants?
7. Are OPS career pathways skills based? How are they communicated?
8. Do the geographical restrictions in Art 18.2 continue to be appropriate?
9. Has the Employer considered adding remote work and working out of satellite government locations to job postings to demonstrate the level of flexibility? This could attract non-traditional applicants or encourage current equity deserving employees to pursue different opportunities.
10. Can we have more information on the education programming the Employer is providing/developing to managers to address the issues we are raising?

Employer Perspectives:

- The Talent Acquisition Branch (TAB), which is the program area responsible for leading OPS Recruitment activities, reviews the job postings to ensure that the job profile or posting reflects the job description. The Employer advised that the Employer uses appropriate discretion when deciding how the selection criteria is weighed.
- Additional hiring process education could be of benefit for managers and employees.

Article 18.3: Selection Criteria

AMAPCEO Summary of Issue:

Application requirements, traditional resumes, lack or assessment of non-traditional qualifications, and failure to use a trauma informed approach to interviews perpetuates bias and discrimination.

Questions:

1. Are managers trained to assess non-traditional qualifications and to address unconscious bias/credentialism regarding educational backgrounds and other qualifications?

2. What systems/policies processes are in place to ensure equitable access to interviews?
3. When can parties expect an enterprise-wide assessment of the results of the Anti-Racism Action Plan/Ministry progress on implementing local anti-racism plans?
4. Are interview panelists trained to apply a trauma informed approach to interviews?
5. What systems/tools/practices are in place to neutralize resumes, that is, to eliminate the room for biases to be used in assessing a candidate's suitability for further interviews and/or hiring?
6. Why doesn't the Employer assume the cost of additional security screening for internal applicants to positions that require a higher level of check under the Employment Screening Check policy?

Employer Perspectives:

- The Employer is open to reviewing AMAPCEO's recommendation to include the reporting of Ministry anti-racism action plan initiatives to each AMERC.
- The new training for managers brings these issues (bias, etc.) to the managers for their awareness. TAB is also developing a stand-alone training program for employees, which is consistent to what they provide to managers.
- From the leadership perspective, there is also a Bias Awareness Training being provided to executives.
- Conversations have been happening on the TAB side on exploring options to have an anonymous screening system. Employer will provide updates as information becomes available.

Article 18.7.1: Temporary Assignments

AMAPCEO Summary of Issue:

Temporary assignments are not being filled equitably to the detriment of the racialized/equity deserving groups. From members' experiences, temporary assignments are used as a pathway for managers to "shoulder tap" persons they favour into positions and keep them there once temporarily assigned. This has inequitable effects on recruitment.

The positions targeted in the Equity Seeking Talent Program (ESTP) are hard to fill positions which the Employer has identified are hard to fill because of long hours/work schedule. Without the appropriate supports to equity deserving groups who may access the ESTP, they are set up to fail.

AMAPCEO acknowledges that as part of a recruitment strategy for Black and Indigenous applicants, temporary assignments are a powerful tool for OPS employment. However, very frequently, members complain about colleagues moving into temporary positions

without the temporary positions being posted. This creates longer term risk as members are ineligible to convert.

Questions

1. How is the Employer coaching managers and providing them with rules/guidance to ensure that equity deserving groups have equitable access to temporary assignments?
2. What systems are in place to monitor the use of temporary assignments to ensure that members of equity seeking groups are given fair, just and impartial access to temporary assignments?
3. What are the Employer's plans for the implementation of Equity Seeking Talent Program?
4. What supports are the Employer putting in place for employees to support their success in hard to fill positions?

Employer Perspectives:

- The Employer agrees that manager training is the vehicle to make managers aware of the posting requirements and their biases. The importance of appropriate HR/LR support to managers can't be emphasized enough.

Article 18.7.4: Expression of Interests (EOIs)

AMAPCEO Summary of Issue:

Although Expression of Interests (EOIs) are not permitted without the consent of the union, they are being used without consent. This is seen by members as way to skirt posting rules to select desired employees and unfairly enable those employees to be better positioned for the position.

This also creates a vulnerability for members recruited in this manner as they will never qualify for conversion into the role on a permanent basis.

Questions:

1. What are the policies and procedures of the Employer that support the equitable use EOIs?

Employer Perspectives:

- The new training for managers includes information of the different collective agreements. The Employer will ensure that EOI requirements are included.

Article 18.8.1 (b): Compassionate Transfer

AMAPCEO Summary of Issue:

The lack of accountability, support structures, and the failure to use a trauma informed approach when assessing requests for compassionate transfer creates a barrier to accessing compassionate transfer and creates an avenue for discrimination.

Members' experiences also point to managers not using a trauma informed approach in addressing requests for compassionate transfer. This increases the barriers to access by discouraging employees from requesting compassionate transfer because they do not want to be further traumatized.

There is a need to define what is a "good fit," for managers to use when processing and using compassionate transfers. Otherwise, we are seeing the misuse of compassionate transfers where there is no recourse/accountability.

Managers also have a perception that you get a "more qualified person" if there is a competition which requires members to submit cover letter and resumes and respond to interview questions. This process creates a barrier as it relies on the employee's job application and interviewing skills but does not have same support/structure as someone requesting a corporate health reassignment.

Compassionate transfers are also not always responded to with any sense of urgency, and we have seen some take up to ten (10) years.

Questions:

1. How is the Employer coaching managers through this process and what are the rules provided by the Employer to managers to ensure that members of equity deserving groups seeking compassionate transfers are treated equitably?
2. What systems are in place to monitor the use of requests for compassionate leave to ensure that they are dealt with fairly and within a reasonable timeframe?
3. Are the documents which an applicant is required to complete in support of their application for a compassionate transfer provided in an accessible format to remove a potential barrier to access to compassionate transfers?

Employer Perspectives:

- The Employer to review the recommendation of using reskilling for compassionate transfers.

Article 18.8.1 (e): Conversions – Regular Employees

AMAPCEO Summary of Issue:

The lengthy conversion period in Article 18.8.1 (e) enables discriminatory practices.

Racialized OPS members report being used to fill vacancies so that the manager can put an incumbent in a position until such time that they can get a candidate they really want. This practice, coupled with the sporadic conversion of employees in temporary assignments and lengthy conversion period, enables discriminatory practices.

Questions:

1. How is the Employer coaching managers and what rules does the Employer provide to managers to ensure equity deserving groups have access?
2. What policies support the equitable application of this provision?
3. Is the Employer collecting data to assess the equitable use of this provision?

Employer Perspectives:

- Communication to both managers and employees can be provided. OPS Managers should be reminded about the conversion provisions and that they should be in regular communication with employees.
- Considering the importance of this issue, OPS Managers should be making themselves available to discuss these important issues with their employees.

Article 23.1: General

AMAPCEO Summary of Issue:

Managers leverage their power during the accommodation process to undermine employees and accommodate them to a lower level. In addition, when employees return from leave and require accommodation, managers feel that they are not able to perform at their previous level and place them at a lower level.

There is also a need to effectively communicate accommodation rights and entitlement as members of equity deserving groups are negatively affected and/or discriminated against when accessing accommodations.

Questions:

1. Does the Employer have a fact sheet or similar documents to guide Managers/HRAs on the provisions of Article 23?
2. Is the employee made aware of their entitlements under this article by the Employer?

Employer Perspectives:

- Accommodation situations are reviewed on their own, and employees should discuss their accommodation needs with their managers.

- It may be necessary to strengthen the messaging to managers to obtain support in these situations, whether the assistance is coming from Human Resources Advisors, Employee Relations Advisors or Disability Accommodation Specialists.

Articles 23.3 and 23.4: Special or Compassionate Leave and Religious Leave

AMAPCEO Summary of Issue:

With special and compassionate leave days linked under the current article, if someone uses their full complement of religious days, they will lose access to these days. The religious holidays provision and this article being tied together work to the detriment of members.

The experiences of members of equity deserving groups have been that if they request religious leave, and the manager does not see that specific date on the list of religious holidays, their request is not granted and they either must utilize a vacation day, file a dispute or work on the religious day.

Questions:

1. Does the Employer have any data on the use of Articles 23.3 and 23.4?
2. What is the process for declaring what's a religious holiday?
3. What supports are there for managers to exercise the discretion at Article 23.4?
4. What are the Employer's perspectives on delinking Articles 23.3 and 23.4?

Employer Perspectives:

- The Employer appreciates AMAPCEO's position on delinking the two articles. However, it has cost and productivity implications and may need to be further reviewed.

Article 23.8: Bereavement Leave

AMAPCEO Summary of Issue:

The bereavement leave language is not inclusive and is discriminatory for members of equity deserving groups whose family structures are different from traditional family structures. One example is that the current language provides for only one (1) day of bereavement leave for some family members, such as an aunt or uncle, who for members of equity deserving groups have in fact been their parent.

Employer Perspectives:

- The Employer recognizes that not all family structures are the same. The Employer also shared its perspective that the bereavement provisions are the bare minimum and that managers are regularly encouraged to use compassion and discretion when considering additional time-off for members who have experienced a close-personal loss.

- The Employer sees this as an issue that extends to other bargaining groups and will need to be reviewed further.

Article 24: Pregnancy Leave, Parental Leave and Employment Insurance Top-Up

AMAPCEO Summary of Issue:

Members of equity deserving groups have shared that it is unclear where they can find resources to support them in accessing during pregnancy and parental leave.

Questions:

1. What are the resources available to support employees in accessing parental leave, and employment insurance top up?
2. What are the resources available to support employees during pregnancy, parental leave, and employment insurance top up?

Employer Perspectives:

- There is information available for pregnancy/parental leave online. Employer will meet with its internal partners and discuss opportunities to ensure that the information is up to date.

Article 27.3.8: Employee Form

AMAPCEO Summary of Issue:

Employee forms are an integral part of the reskilling and TDA processes and without updated forms, members from equity deserving groups may be negatively affected. More guidance, support, and information needed from the Employer on the importance of the form and the need for its completion - akin to the issues raised during discussion on the compassionate transfer support.

In addition, the lack of access to Employer resources during special leaves can negatively affect equity deserving groups.

Questions:

1. What kind of supports does the Employer have in place in the workplace to ensure that within the seven-day compressed timeframe everyone is on a level playing field to complete the employee form?
2. Are the resources/supports provided in an accessible format?
3. Has the Employer considered ways in which employees can be encouraged to complete employee forms?

Employer Perspectives:

- Consider a discussion point with employees about the importance of completing the employee form, perhaps after probation or as part of the regular performance reviews.
- The issue of modernizing the employee form was also discussed at the last round of bargaining and can be revisited again.

Article 27.4: Program to Reduce Adverse Impacts of Surplussing and Bumping

AMAPCEO Summary of Issue:

Members are unaware of their rights and entitlements under the entirety of Article 27, which is a complex article, and especially under Article 27.4. This creates a barrier to access for members, especially member of equity deserving groups who may not be aware of their rights and entitlement and are therefore unable to access them.

Questions:

1. How are members made aware of their voluntary exit rights?
2. Is the Employer tracking members awareness of their voluntary exit rights and taking steps to improve it?

Employer Perspectives:

- The Employer is open to reviewing how information on employee rights and entitlements can be provided.

Articles 27.6 and 27.14: Notice of Layoff and Labour Adjustment Training

AMAPCEO Summary of Issue:

It is recognized that a protective carve-out for both Indigenous persons and persons with disabilities is provided under Article 27, including Article 27.6, but a barrier exists as members face difficulties in identifying as part of either equity deserving group. The barrier arises as a member may not wish to identify as part of their normal employment for fear of facing discrimination and when they are facing an Article 27 process, which has various deadlines built in, and choose to identify, there is no clear HR process to allow them to identify at that time.

The existing provision only recognizes two equity deserving groups.

Members on leaves of absence do not have access to Employer resources and this affects their access to resources and their entitlements.

Questions:

1. How is the Employer collecting and storing the data identifying members as Indigenous persons or persons with disabilities for the purpose of allowing the member to access their entitlements under these articles?
2. How are members supported in accessing the appropriate categories of Learn On courses and other resources?
3. How can access to resources such as Learn On, FORTE and the OPS Careers Portal during a leave of absence be broadened?

Employer Perspectives:

- Self-identification (and collection of data) has been a challenge across all employee groups in the OPS. These challenges are not specific to any one socio-demographic group.
- The Employer recognizes that the parties should continue working collaboratively to identify opportunities to encourage employees to provide this information to the Employer.
- Access to this type of information will help the Employer and AMAPCEO identify trends and specific areas where additional efforts need to be made.

Article 27.7: Pay in Lieu Option

AMAPCEO Summary of Issue:

Making informed choices under Article 27 requires employees to understand the potential financial impacts and equity deserving groups may require tailored financial counselling. In exercising this entitlement, a member is required to understand the personal financial impact of choosing this option.

Questions:

1. As part of the employee's Notice of Layoff (NOL) package, is there an intention for the Employer to remind the employee of the financial counselling available under the New OPS Inclusive Counselling Services and Ontario Pension Board financial planning services?

Employer Perspectives:

- Employer will review the current NOL package and include the information on inclusive counselling and other available services (i.e. OPB).

Article 27.8: Targeted Direct Assignment

AMAPCEO Summary of Issue:

Members report the current processes and systems around job postings facilitate discrimination in the following ways:

- Hiring Managers take advantage of advance notice of job postings and screening requirements, allowing them to inform their preferred candidates, who then are aware of a posting and have more time to prepare and submit applications.
- Some job postings are seen written to the qualifications of specific candidates in a manner that is not consistent with equitable hiring principles.
- The absence of a flexible remote work policy and this limits OPS career movement for equity deserving groups.
- Complex job postings which create a need to speak to someone to decode them creates an unlevel playing field and room for discrimination.

Questions:

1. How is the Employer addressing gaps or questions on how independent managers assess entry level requirements?
2. How is the Employer mitigating against management bias during this process?

Employer Perspectives:

- TAB and HRA support to managers will need to be reinforced to address the issues raised.

Article 27.21: Pension Bridging Option

AMAPCEO Summary of Issue:

Making informed choices under Article 27 requires employees to understand the potential financial impacts and equity deserving groups may require tailored financial counselling. In exercising this entitlement, a member is required to understand the personal financial impact of choosing this option.

Questions:

1. As part of the employee's NOL package is there an intention for the Employer to refer the employee to Ontario Pension Board and remind the employee of the financial counselling available under the New OPS Inclusive Counselling Services?

Employer Perspectives:

- The Employer will review the current NOL package and include the information on inclusive counselling and other available services (i.e. OPB).

Article 31: Benefits - General

AMAPCEO Summary of Issue:

The benefits booklet/guide was last updated 9 years ago and needs updating as the benefits information/factsheets on Canada Life's website is difficult to access.

Both the benefits booklet and the benefits information/factsheets on Canada Life's website need to be reviewed for compliance with accessibility standards.

Employer Perspectives:

- The Employer will review the issue raised.

Article 34.2 (e): Paramedical Coverage

AMAPCEO Summary of Issue:

It is recognized that the parties have worked to improve benefits by increasing mental health service coverage and establishing the HCSA. However, per-visit paramedical reimbursement entitlements have not been increased in over 20 years and have fallen badly behind real world cost. This has an inequitable effect for members of equity deserving groups (or their dependents) with more significant healthcare needs.

Employer Perspectives:

- This is an issue that is broader than the equity deserving groups and is likely an issue that is best addressed by the parties during collective bargaining process.
- In the last round, the parties introduced a new Health Care Spending Account (HCSA) that is intended to provide more flexibility to employees. This new HCSA recognizes the diverse and evolving needs of AMAPCEO employees.

Article 52.13: Posting and Filling Vacant Positions, I&IT Enterprise

AMAPCEO Summary of Issue:

The lack of transparency inherent in the use of mass centralized recruitment as a hiring practice reduces career mobility options for AMAPCEO employees.

The lack of control that the Employer has in the DEI and Anti-Racism programs/practices of consultants, especially where it can result in biases being programmed into IT programs and processes.

The use of consultants not only limits the Employer's ability to quickly address equity within the IT infrastructure and can result in IT systems perpetuating biases and systems of discrimination where there is one dominant group being recruited; for example, if there is an entire Russian team attached to an IT project.

International Labour Organization literature has shown that IT programming bias can perpetuate systems of discrimination.

Questions:

1. Is knowledge transfer between consultants and employees to enable IT work to be done by OPS employees following the end of the contract monitored/tracked?
2. Are consultants participating in/responding to OPS Procurement required to have DEI and Anti-Racism programs and policies?
3. Are consultant's DEI and Anti-Racism programs and policies reviewed to ensure that the consultant is addressing biases which may be reflected in programming/applications developed for the OPS?
4. Does the Employer provide DEI and Anti-Racism training for contractors?

Employer Perspectives:

- The Employer is open to reviewing recruitment in the Information and Information Technology program areas, and its use of consultants, to evaluate the potential for occurrence of bias and/or discriminatory practice in the hiring process.

FXT. 7: Filling of Positions with Fixed Term Employees

AMAPCEO Summary of Issue:

FXT members are particularly vulnerable because they are on contract. This vulnerability is compounded for members of equity deserving groups who are not given a fair chance to fill subsequent FXT positions or convert into regular permanent positions. We have seen when the FXT position is converted under Article 18.7.2, Managers take that opportunity to hire persons like the Manager.

The "continuing need" and "being on probation" language under the criteria is vague. Vague collective agreement language creates barriers to access and have also been used by managers to discriminate against members from equity deserving groups. For instance, managers release an FXT because there is no "continuing need" and months later re-advertised the same job.

The lack of a requirement for the Employer to provide reasons to the employee for releasing creates a lack of managerial accountability to employees and the experience of equity deserving members is that they may suffer the most. FXT members report that when they ask questions, they can find themselves released from positions and with the

Employer not being required to provide reasons, members cannot act if the circumstances were unfair.

The discretionary nature of a reduction in probationary periods for FXTs who are appointed to the regular service can lead to discrimination, where Caucasian/dominant culture employees are provided with reductions in the probationary period more frequently than employees from racialized/equity deserving groups.

Questions:

1. What do “continuing need” and “being on probation” mean?
2. What are the policies that the Employer is using to ensure that managers are not abusing their discretion to the detriment of equity deserving employees?
3. Are managers coached on how they can provide positive support to FXT employees considering the Leadership Pledge?
4. What systems are in place to monitor the use of FXTs to ensure that members of equity seeking groups are given fair, just and impartial access to FXT positions?
5. Is the Employer coaching managers to provide positive support to FXT employees and monitoring the use of FXTs to ensure that they are filled fairly and like does not hire like?

Employer Perspectives:

- The Employer is open to working with AMAPCEO to develop explanatory notes that are intended to help clarify definitions and other requirements. These materials can be used by AMAPCEO employees and OPS Managers.

FXT.8 Bereavement Leave

AMAPCEO Summary of Issue:

The bereavement leave language is not inclusive and is discriminatory for members of equity deserving groups whose family structures are different from traditional family structures. One example is that the current language provides for only one (1) day of bereavement leave for some family members, such as an aunt or uncle, who for members of equity deserving groups have in fact been their parent.

Employer Perspectives:

- The Employer understands the concern and is open to exploring options that will improve inclusivity for bereavement-related entitlements for FXT and regular employees.

FXT.9 Religious Accommodation

AMAPCEO Summary of Issue:

The religious accommodation rights for FXTs and regular employees are different, and this creates an inequity for persons who are from the same culture within the same workplace.

Questions:

1. How does the Employer address circumstances where employees from the same culture who work in the same place do not have the same religious accommodation entitlement?

Employer Perspectives:

- The Employer is open to further discussion on FXT benefits related to religious accommodation, to support greater equity between FXTs and regular employees with respect to collective agreement entitlements.

FXT.10 Payment in Lieu of Benefits

AMAPCEO Summary of Issue:

FXTs, who are generally at the lower end of the socio-economic scale within the bargaining unit, report the cost of opting into benefits is daunting, especially for those with families. Family coverage falls far below what would be covered by pay-in-lieu of benefits.

Employer Perspectives:

- The Employer understands the concern and will be open to reviewing options related to FXT entitlements, taking into account some distinctions between the regular and FXT employee groups.
- The Employer provides FXTs the ability to opt into benefits. Any change to be made to AMAPCEO FXTs will have an impact to AMAPCEO's overall benefit costs, and the broader organization given the presence of FXTs in every bargaining unit in the OPS.

Appendix B

Dates the Joint Equity, Inclusion and Anti-Racism Sub-Committee of ACERC met

April 4, 2023
June 26, 2023
October 3, 2023
December 5, 2023
February 6, 2024
April 2, 2024

Appendix C

Participants at the meetings of the Joint Equity, Inclusion and Anti-Racism Sub-Committee of ACERC

During the series of meetings, the following representatives from AMAPCEO attended one or more meetings of the Sub-Committee:

- Dave Bulmer, President
- Cynthia Watt, Vice-President
- Jennifer Harewood, Director, Front District
- Tim Sim, Secretary and former Director, Mid-town District, and former Chair, Indigenous Circle
- Bonnie Wiltshire, Chair, Black Caucus
- Matthew Hill, Team Lead (acting), Labour Relations and Bargaining
- Ben Rossiter, Team Lead, Labour Relations and Bargaining
- Sangeeta Boondoo, Labour Relations Specialist

During the series of meetings, the following representatives from the OPS Employer attended one or more meetings of the Sub-Committee:

- Steven MacKay, Director, Negotiations Branch (NB), Employee Relations and Negotiations Division (ERND), Centre for Public Sector Labour Relations and Compensation (CPSLRC), TBS
- Donna-Mae Robinson, Director, CEHREE, PCD, TBS
- Richard Sharpe, Director, Black Equity Branch, PCD, CPCT, TBS
- Taunya Paquette, Director, Indigenous Equity Branch, PCD, CPCT, TBS
- Millicent Dixon, Director, Centre of Excellence for Human Rights and Employee Experience (CEHREE), PCD, CPCT, TBS
- Minerva Papasin, Manager, NB, ERND, CPSLRC, TBS
- Carey Marsden, Director (A), Indigenous Equity Branch, PCD, CPCT, TBS
- Bart Novak, A/Director, Workplace Discrimination & Harassment Prevention Office, HR Service Delivery Division, TBS
- Janice Tepper, Director, HR Strategy and Policy Branch (HRSPB), CPCT, TBS
- Jennifer Price, Director, Employee Relations Branch, ERND, CPSLRC, TBS
- Brittany Albert, Talent Acquisition Branch, CPCT, TBS
- Joanna Macri, Manager, NB, ERND, CPSLRC, TBS