

Memorandum of Understanding
Between
Minister of Labour, Training and Skills Development
and
The Chief Administrative Officer of the Pay Equity
Commission and Head of the Pay Equity Office

September 2021

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The parties to this memorandum of understanding agree to the following:

1. Purpose

- a. The purpose of this memorandum of understanding (MOU) is to:
 - Establish the accountability relationships between the Minister of Labour, Training and Skills Development and the Chief Administrative Officer of the Pay Equity Commission (“Commission”) and Head of the Pay Equity Office (“PEO”) (the Commissioner).
 - Clarify the roles and responsibilities of the Minister, the Commissioner, the Deputy Minister, and the Director.
 - Clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the Pay Equity Office and the Ministry of Labour, Training and Skills Development that support the accountability requirements in a manner that respects the responsibility of Head of the PEO for the PEO’s independent regulatory decisions.
 - Recognises the independence of the PEO and Pay Equity Hearings Tribunal from one another, and the independence of the PEO from the Ministry, while respecting the statutory framework establishing the PEO and the Pay Equity Hearings Tribunal collectively as the Commission.
- b. This MOU should be read together with the *Pay Equity Act* (“Act”). This MOU does not affect, modify or limit the powers of the Agency or the Minister as set out under the *Pay Equity Act*, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. This MOU replaces the memorandum of understanding between the parties dated April 13, 2011.

2. Definitions

In this MOU:

- a. “AAD” means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive;
- b. “Act” means the *Pay Equity Act*, R.S.O. 1990, c. P.7, that governs the Pay Equity Office;
- c. “Agency” means the Pay Equity Office (PEO);
- d. “Annual Business Plan” means the annual business plan described under article 9.1 of this MOU;
- e. “Annual Report” means the annual report referred to in article 9.2 of this MOU;

- f. "Applicable Government Directives" means the Government directives, policies, standards and guidelines that apply to the Agency, as may be amended or replaced from time to time, which are listed in Appendix 2 to this MOU;
- g. "Appointee" means a member appointed to the Agency by the Lieutenant Governor in Council, but does not mean an individual employed or appointed by the Agency as staff;
- h. "Commission" means the Pay Equity Commission;
- i. "Commissioner" means the Chief Administrative Officer of the Pay Equity Commission and Head of the Pay Equity Office;
- j. "Constituting Instrument" means the *Pay Equity Act* that established the Agency;
- k. "Deputy Minister" means the Deputy Minister of Labour, Training and Skills Development or Deputy Minister of any applicable successor to the Ministry;
- l. "Director" means the director, or equivalent of the Pay Equity Office;
- m. "Executive Council Act" means the *Executive Council Act*, R.S.O. 1990, c. E. 25;
- n. "FIPPA" means the *Freedom of Information and Protection of Privacy Act*;
- o. "Fiscal Year" means the period from April 1 to March 31 of the following year;
- p. "Government" means the Government of Ontario;
- q. "MBC" means the Management Board of Cabinet;
- r. "Minister" means the Minister of Labour, Training and Skills Development or such other person who may be designated from time to time as the responsible minister in accordance with the *Executive Council Act*, R.S.O. 1990, c. E.25;
- s. "Minister of Finance" means the Minister of Finance or such other person who may be designated from time to time under the *Executive Council Act*;
- t. "Ministry" means the Ministry of Labour, Training and Skills Development or any applicable successor to the Ministry;
- u. "MOU" means this memorandum of understanding signed by the Minister and the Commissioner;
- v. "PEO" means the Pay Equity Office;
- w. "PEHT" means the Pay Equity Hearings Tribunal;
- x. "President of the Treasury Board" means the President of the Treasury Board or such person who may be designated from time to time under the *Executive Council Act*;
- y. "PSC" means the Public Service Commission;
- z. "PSOA" means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A;
- aa. "TBS" means the Treasury Board Secretariat;
- bb. "TB/MBC" means the Treasury Board/Management Board of Cabinet.

3. Agency's Legal Authority and Mandate

- a. The Pay Equity Commission was established by section 27 of the *Pay Equity Act*, 1987, S.O. 1987, c.34 and is continued by subsection 27(1) of the Act. The Commission consists of two separate and independent parts: The Pay Equity Office (PEO) and the Pay Equity Hearings Tribunal (PEHT).
- b. Pursuant to subsection 33(3) of the Act, the Lieutenant Governor in Council appoints the Head of the Pay Equity Office, and this person is also the Chief Administrative Officer of the Commission.
- c. The PEO's mandate is set out in the *Pay Equity Act*, including subsection 33(1), which states that the PEO is responsible for the enforcement of the Act.
- d. Section 4 of the *Pay Equity Act* states that the purpose of the Act is to redress systemic gender discrimination in compensation for work performed by employees in female job classes. The Act sets out a comprehensive scheme to be followed by employers for the achievement and maintenance of pay equity in their establishments.
- e. The PEO achieves its mandate through, among other things, the following mechanisms:
 - i. Providing public education programs; as well as programs necessary for stakeholders.
 - ii. Providing general information concerning any aspect of pay equity and related subjects;
 - iii. Investigating objections to pay equity plans and complaints of contravention, and attempting to effect settlements and take other actions as set out in the *Pay Equity Act* or in an order of the Pay Equity Hearings Tribunal;
 - iv. Issuing of orders and enforcement of orders under the *Pay Equity Act*,
 - v. Offering proactive compliance assistance services to employers.
- f. The PEO may conduct research, produce papers, and make recommendations to the Minister regarding any aspect of pay equity and related subjects.

4. Agency Type and Public Body Status

- a. The PEO is designated as a non-board governed, regulatory provincial agency under the Agencies and Appointments Directive (AAD).
- b. The PEO is prescribed as a public body and a Commission public body in accordance with Ontario Regulation 146/10 under the *Public Service of Ontario Act*, 2006. It is not organizationally part of the Ministry, but it is considered to be within Government.

5. Guiding Principles

The parties agree to the following principles:

- a. The Minister recognizes the independence of the PEO in the rendering of its regulatory decisions and further recognizes the need for the PEO's regulatory decisions to be made, and be seen by the public to be made, independently and impartially.
- b. The Minister recognizes that the PEO exercises powers and performs duties in accordance with its statutory mandate under the *Pay Equity Act*.
- c. The Minister recognizes that the PEO plays a meaningful role in the development of the policies and programs of the Government (e.g. advising the Minister on issues related to pay equity), as well as in the implementation of those policies and delivery of programs.
- d. The Commissioner acknowledges that they are accountable to the Minister, who in turn is accountable to the Legislative Assembly, for fulfilling the PEO's statutory mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the PEO.
- e. As an agency of the Government, the PEO conducts itself according to the management principles of the Government. These principles include ethical behaviour; prudent, effective and lawful use of public resources; fairness and equity; high quality service to the public; and openness and transparency to the extent allowed under the law.
- f. The Minister and Commissioner are committed to a strong agency that is empowered to fulfill its statutory mandate efficiently and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the PEO and fulfillment of its statutory responsibilities.
- g. The Minister and the Commissioner recognize the need to reflect and preserve the independence of the PEO and the PEHT from one another, and the independence of the PEO from the Ministry, while respecting the statutory framework establishing the PEO and the PEHT collectively as the Commission.
- h. The PEO and the Ministry agree to avoid duplication of services wherever possible, taking into account the need to reflect and preserve the independence of the PEO.
- i. The PEO and the Ministry will work together in a mutually respectful manner.

6. Accountability Relationships

6.1 MINISTER

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for the PEO's fulfilment of its mandate and its compliance with Government policies, and for reporting to the Legislative Assembly on the PEO's affairs.

- b. For reporting and responding to Treasury Board/Management Board of Cabinet (TB/MBC) on the PEO's performance and compliance with Government's applicable directives and operational policies.
- c. To the Cabinet for the performance of the PEO and its compliance with the Government's operational policies and broad policy directions.

6.2 COMMISSIONER

The Commissioner is accountable:

- a. To the Minister for the PEO's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned or delegated to the Commissioner by the *Pay Equity Act* any other applicable legislation (e.g. PSOA) as well as additional direction provided by the Minister as appropriate (e.g. Letter of Direction), this MOU, and applicable TB/MBC, Public Service Commission (PSC) and Government directives, including those set out at Appendix 2.
- b. For reporting to the Minister, as requested, on the PEO's activities.
- c. For ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the PEO.

6.3 DEPUTY MINISTER

The Deputy Minister is accountable to the Secretary of the Cabinet and the Minister for the performance of the Ministry in providing administrative and organizational support to the PEO and for carrying out the roles and responsibilities assigned by the Minister, the *Pay Equity Act*, this MOU, and applicable TB/MBC, PSC and Government directives.

The Deputy Minister is also accountable for attesting to TB/MBC on the PEO's compliance with applicable TB/MBC directives.

6.4 DIRECTOR

Note that the Director and staff supporting the Director are Ministry staff who are appointed under Part III of the PSOA. Non-board governed agencies are provided with their administrative support by the Ministry.

- a. The PEO's staff report to and are accountable to the Director for their performance.
- b. The Director is accountable to the Commissioner for the implementation of policy and the operations of the PEO.
- c. In accordance with Ontario Regulation 148/10 which delegates human resources management authority to the Director, they are accountable to the Chief Administrative Officer of the Ministry of Labour, Training and Skills Development for the management of the PEO's operations and staff.

7. Roles and Responsibilities

7.1 MINISTER

The Minister is responsible for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the PEO including fulfillment of its legislative mandate.
- b. Reporting and responding to TB/MBC on the PEO's performance and compliance with applicable TB/MBC directives, the Government's operational policies and policy directions.
- c. Recommending to Cabinet and/or other relevant Cabinet Committees (e.g. TB/MBC), where required, the merger, any change to the mandate, or dissolution of the PEO.
- d. Recommending to Cabinet and/or other relevant Cabinet Committees (e.g. TB/MBC) the powers to be given to, or revoked from, the PEO when a change to the PEO's mandate is being proposed.
- e. Meeting with the Commissioner to discuss issues relating to the fulfilment of the PEO's mandate.
- f. Working with the Commissioner to develop appropriate measures and mechanisms related to the performance of the PEO.
- g. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the PEO, pursuant to the process for PEO appointments established by legislation and/or by MBC through the AAD.
- h. Determining at any time the need for a review or audit of the PEO, directing the Commissioner to undertake reviews of the PEO on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the PEO resulting from any such review or audit.
- i. When appropriate or necessary, taking action or directing that the PEO take corrective action with respect to the PEO's administration or operations.
- j. Receiving the Commission's Annual Report and approving the report within 60 calendar days of receiving it.
- k. Tabling the Commission's Annual Report in accordance with subsection 33(8) of the Act.
- l. Ensuring that the Commissioner makes available to the public the Commission's Annual Report after it is tabled and within 30 calendar days of approving it.
- m. Informing the Commissioner of the Government's priorities and broad policy directions for the PEO.
- n. Consulting, as appropriate, with the Commissioner on significant new directions or when the Government is considering regulatory or legislative changes for the PEO.
- o. Responsible for formulating and carrying forward amendments to the Act and the regulations.

- p. Developing the PEO's MOU with the Commissioner, as well as any amendments to it, and signing the MOU into effect after it has been signed by the Commissioner.
- q. Reviewing and approving the PEO's Annual Business Plan.
- r. Recommending to TB/MBC any provincial funding to be allocated to the PEO.
- s. Outlining the high-level expectations, key commitments and performance priorities for the PEO at the beginning of the annual business planning cycle.

7.2 COMMISSIONER

The Commissioner, with the support of the Director, is responsible for:

- a. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the PEO, and otherwise directing the affairs of the PEO so as to fulfill its mandate.
- b. Ensuring that the PEO carries out the responsibilities assigned or delegated to it under the Act, any other applicable legislation as well as additional direction provided by the Minister as appropriate (e.g. Letter of Direction) and complies with all applicable legislation, this MOU, and all Government guidelines and directives.
- c. Seeking strategic policy direction for the PEO from the Minister, as required.
- d. Ensuring timely communications with the Minister regarding any issues or events that may concern, or can reasonably be expected to concern, the Minister in the exercise of his/her responsibilities relating to the PEO.
- e. Consulting with the Minister in advance regarding any activity which may have an impact on the Government and Ministry's policies, directives or procedures, or on the PEO's mandate, powers or responsibilities as set out in the PEO's Constituting Instrument.
- f. Monitoring and evaluating the performance of the PEO.
- g. Communicating performance objectives to the Director and may make recommendations or provide comments with respect to the Director's performance to the Assistant Deputy Minister of Corporate Services and Chief Administrative Officer of the Ministry in relation to the Government's priorities, the said objectives of the PEO, applicable MBC directives, and other corporate or Ministry policy directives.
- h. Coordinating with the Ministry, the development of performance measures for PEO staff and ensuring staff's performance are evaluated.
- i. Reporting to the Minister as requested on the PEO's activities within agreed upon timelines.
- j. Ensuring that the PEO operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.
- k. Developing the PEO's MOU with the Minister and signing it on behalf of the PEO.
- l. Setting and reporting on the strategic direction for the PEO, including the PEO's proposed Annual Business Plan, budget, Annual Report and financial reports, and submitting them to

the Minister in accordance with the timelines specified in the applicable TB/MBC and Government directives, and Appendix 1 of this MOU.

- m. Providing the Minister, Minister of Finance, and President of the Treasury Board with a copy of every audit report, a copy of the PEO's response to each report, and any recommendation in the report.
- n. Advising the Minister annually on any outstanding audit recommendations.
- o. Ensuring that the Director informs PEO staff of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- p. Ensuring the Director has in place appropriate management systems (financial, information technology, human resources) for the effective administration of the PEO.
- q. Ensuring the Director has in place an appropriate framework for PEO staff to receive adequate orientation and training with respect to the business and operations of the PEO and their particular responsibilities.
- r. Ensuring the Director makes PEO staff aware of and comply with applicable TB/MBC and Government directives, and all applicable legislation.
- s. Making sure a process for responding to and resolving customer service complaints from the public and the PEO's clients is in place.
- t. Carrying out effective public communications and relations for the PEO as its chief spokesperson.
- u. Cooperating with any review or audit of the PEO directed by the Minister, Auditor General or TB/MBC.
- v. Ensuring that the responsibilities for the institution head are carried out as set out in Regulation 460 for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- w. Consulting with the Deputy Minister as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC and Government directives and Ministry policies.
- x. Recognizing the Director's delegated responsibility for human resources management under s. 15.1 of this MOU, the Commissioner shall:
 - i. make every reasonable effort to ensure there is a timely, effective and efficient caseload management system to resolve complaints under the Act through investigation and dispute resolution mechanisms, the issuance of orders, and the seeking of enforcement of those orders where necessary;
 - ii. promote consistency, and where appropriate, expeditious decision-making by review officers and the PEO generally in the performance of the complaint resolution function;
 - iii. conduct such proactive inquiries as may be reasonable given the PEO's resources to enable it to provide information about pay equity and related issues to the Ministry and to ensure compliance with the Act;

- iv. promote compliance with the Act through public information and education programs; and
- v. ensure that the PEO has an effective performance measurement and management system.

7.3 DEPUTY MINISTER

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the PEO, including informing the Minister of policy direction, policies and priorities of relevance to the PEO's mandate.
- b. Advising the Minister on the requirements of the AAD, and other directives that apply to the PEO.
- c. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the PEO or any of its programs, or changes to the management framework or operations of the PEO.
- d. Facilitating regular briefings and consultations between the Commissioner and the Minister, and between the Ministry staff and the PEO staff as needed.
- e. Attesting to TB/MBC on the PEO's compliance with the mandatory accountability requirements set out in the AAD and other applicable TB/MBC directives, the Government's operational policies and policy directions based on PEO's mandatory requirements (e.g., Annual Report, Annual Business Plan).
- f. Ensuring that the Ministry and the PEO have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the PEO.
- g. Ensuring that the PEO has an appropriate risk management framework and a risk management plan in place for managing risks that the PEO may encounter in meeting its program or service delivery objectives.
- h. Undertaking timely risk-based reviews of the PEO, its management or operations, as may be directed by the Minister or TB/MBC.
- i. Establishing a framework for reviewing and assessing the PEO's Annual Business Plans and other reports in accordance with applicable TB/MBC and Government directives.
- j. Supporting the Minister in reviewing the performance targets, measures and results of the PEO.
- k. Advising the Minister on documents submitted by the PEO to the Minister for review or approval, or both.
- l. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.
- m. Undertaking reviews of the PEO as may be directed by the Minister.

- n. Cooperating with any review of the PEO as directed by the Minister or TB/MBC.
- o. Monitoring the PEO on behalf of the Minister while respecting the PEO's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.
- p. Negotiating a draft MOU with the Commissioner, as well as any amendments to the MOU, as directed by the Minister.
- q. Consulting with the PEO's Director and/or Commissioner, as needed, on matters of mutual importance including services provided by the Ministry and compliance with TB/MBC directives and Ministry policies.
- r. Meeting with the Commissioner as needed or as directed by the Minister, or on the request of the Commissioner.
- s. Arranging for administrative, financial and other support to the PEO, as specified in this MOU.
- t. Informing the Commissioner, in writing, of new Government directives and any exceptions to, or exemptions in whole or in part from TB/MBC directives, Government policies, or Ministry administrative policies.
- u. When required, submitting a report to the Secretary of TB/MBC on the wind-up of the PEO, following the disposition of any assets, completion of any outstanding responsibilities by the PEO, and the termination of any appointments.
- v. Ensuring (or his/her delegate shall ensure) a performance plan has been established for the Director, based on consultation with the Commissioner, that reflects the PEO's objectives, the Government's priorities, applicable TB/MBC and Government directives, and other corporate or Ministry policy directives.
- w. Approving (or his/her delegate shall approve) the performance evaluation and rating of the Director, based on input and recommendation from the Commissioner.

7.4 PEO DIRECTOR

The Director is responsible for:

- a. Managing the day-to-day financial, analytical, and administrative affairs of the PEO in accordance with the mandate of the PEO, TB/MBC and Government directives, accepted business and financial practices and standards, and this MOU.
- b. Advising the Commissioner on the requirements of and the PEO's compliance with the AAD, as well as other TB/MBC and Government directives and policies, and PEO policies, including annually attesting to the Commissioner on the PEO's compliance with mandatory requirements.
- c. Applying policies and procedures so that public funds are used with integrity and honesty.
- d. Providing leadership and management to the PEO staff, including human and financial resources management, in accordance with the approved Annual Business Plan, accepted

business and financial practices and standards, the PEO's Constituting Instrument, and Government directives.

- e. Ensuring that PEO staff are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- f. Ensuring appropriate management systems (financial, information technology, human resources) for the effective administration of the PEO are in place.
- g. Ensuring an appropriate framework for PEO staff to receive adequate orientation and training with respect to the business and operations of the PEO and their particular responsibilities are in place.
- h. Ensuring PEO staff are aware of and comply with applicable TB/MBC and Government directives, and all applicable legislation.
- i. Ensuring a performance plan has been established for each employee that reflects the PEO's objectives, the Government's priorities, applicable TB/MBC and Government directives, and other corporate or Ministry policy directives.
- j. Preparing the PEO's Annual Business Plan to be approved by the Commissioner prior to submission to the Minister.
- k. Assisting in the preparation of the PEO's Annual Report as directed by the Commissioner.
- l. Preparing financial reports.
- m. Ensuring that at least annual audited financial statements are prepared for public release and posting on the PEO's website after submission to the Minister, and tabling in the Legislative Assembly as part of the PEO's Annual Report.
- n. Establishing and applying a financial management framework for the PEO in accordance with applicable Minister of Finance/Treasury Board controllership directives, policies and guidelines.
- o. Translating the goals, objectives and strategic directions of the Commissioner into operational plans and activities in accordance with the PEO's approved Annual Business Plan.
- p. Ensuring that the PEO has the oversight capacity and an effective oversight framework in place for monitoring its management and operations.
- q. Keeping the Commissioner informed with respect to implementation of policy and the operations of the PEO.
- r. Establishing systems to ensure that the PEO operates within its approved Annual Business Plan.
- s. Ensuring that the PEO has an appropriate risk management framework and risk management plan in place as directed by the Commissioner.
- t. Supporting the Commissioner in meeting his/her responsibilities, including compliance with all applicable legislation, directives, policies, procedures and guidelines.

- u. Carrying out in-year monitoring of the PEO's performance and reporting on results to the Commissioner.
- v. Keeping the Ministry and the Commissioner advised on issues or events that may concern the Minister, the Deputy Minister and the Commissioner in the exercise of their responsibilities.
- w. Seeking support and advice from the Ministry, as appropriate, on PEO management issues.
- x. Establishing a system for the retention of PEO documents and for making such documents publicly available when appropriate, for complying with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act, 2006* where applicable.
- y. Undertaking timely risk-based reviews of the PEO's management and operations.
- z. Consulting with the Deputy Minister as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC and Government directives and Ministry policies.
- aa. Keeping the Deputy Minister informed about operational matters.
- bb. Cooperating with a periodic review directed by the Minister or TB/MBC.
- cc. Fulfilling the role of ethics executive for public servants, other than Government Appointees, who work in the PEO.
- dd. Promoting ethical conduct and ensuring that all staff of the PEO are familiar with the ethical requirements of the PSOA and the regulations and directives made under that Act, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing.
- ee. Keeping the Commissioner informed on operational matters.
- ff. Preparing the PEO's Annual Business Plan to be approved by the Commissioner prior to submission to the Minister.
- gg. Reporting to the Commissioner on the implementation of the strategic direction for the PEO according to the Minister's direction, PEO's proposed Annual Business Plan, and Annual Report.
- hh. Preparing the PEO's Annual Report for the Commissioner's review and approval.

8. Ethical Framework

- a. As per paragraph 4 of subsection 62(1) of the PSOA, the ethics executive for the Commissioner is the Integrity Commissioner.
- b. As per paragraph 4 of subsection 62(1) of the PSOA, , the ethics executive for the Director is the Deputy Minister.
- c. As prescribed in Ontario Regulation 147/10 under the PSOA, the Director is the ethics executive for employees of the PEO. The Director is responsible for ensuring that employees are informed of the ethical rules to which they are subject, including the rules on

conflict of interest, political activity and protected disclosure of wrongdoing that apply to the PEO.

- d. Where the Director makes a determination on a conflict of interest or political activity matter, the Director will provide a copy of the determination to the Ministry's human resources branch.
- e. Where the Director receives a disclosure of wrongdoing, the Director may consult with the Ministry's human resources branch for advice regarding the application of any enterprise or corporate human resources directives, policies and/or guidelines.
- f. As required by the Management Board of Cabinet directive on disclosure of wrongdoing, the Director will provide information on any disclosure of wrongdoing for inclusion in the Deputy Minister's annual report to the Secretary of Cabinet.

9. Reporting Requirements

9.1 ANNUAL BUSINESS PLAN

- a. The Commissioner will ensure that the Minister is provided annually with the PEO's Annual Business Plan covering a minimum of three (3) years from the upcoming Fiscal Year that includes a financial budget and a risk assessment and management plan, for approval by the Minister. The Annual Business Plan shall be in accordance with the requirements set out in the AAD.
- b. The Annual Business Plan is to be submitted to the Ministry's chief administrative officer or designated equivalent within three months prior to the PEO's Fiscal Year-start.
- c. The Commissioner is responsible for ensuring that the PEO's Annual Business Plan includes a system of performance measures and reporting on the achievement of the objectives set out in the Annual Business Plan. The system must include performance goals, how they will be achieved, and targeted results and timeframes.
- d. The Commissioner will ensure that the Annual Business Plan includes a risk assessment and risk management plan to assist the Ministry in developing its risk assessment and risk management plan information in accordance with the requirements of the AAD to assess risks, develop and maintain necessary records, and report to TB/MBC.
- e. The Commissioner will ensure that any Annual Business Plan to be publicly posted does not disclose: personal information, sensitive or confidential employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the PEO in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the PEO.
- f. The Minister will review the PEO's Annual Business Plan and will promptly advise the Commissioner whether or not they concur with the directions proposed by the PEO. The Minister may advise the Commissioner where and in what manner the PEO's plan varies

from Government or Ministry policy or priorities as may be required, and the Commissioner will revise the PEO's plan accordingly.

- g. In addition, TB/MBC may require the Minister to submit the PEO's Annual Business Plan to TB/MBC for review at any time.
- h. The Commissioner, through the Director, will ensure that its Annual Business Plan is made available to the public in an accessible format, in both official languages, on the PEO website within 30 calendar days of Minister's approval of the plan.

9.2 ANNUAL REPORTS

- a. The Commissioner, with the support of the Director, is responsible for ensuring that the Commission's Annual Report is prepared and submitted to the Minister for approval within 90 calendar days after the Commission's Fiscal Year end as per subsection 33(5) of the Act. The Annual Report shall be in accordance with the requirements set out in the AAD. The Commissioner shall work in conjunction with the Presiding Officer of the Pay Equity Hearings Tribunal to prepare the Pay Equity Commission's Annual Report.
- b. The Commissioner, with the support of the Director, will ensure that the Annual Report is prepared in the format specified in the AAD.
- c. The Commissioner, with the support of the Director, will ensure that any Annual Report to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the PEO in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the Commission.
- d. The Minister will receive and review the Commission's Annual Report to confirm compliance with AAD requirements and will approve the report within 60 calendar days after the day of receipt.
- e. The Minister will, within 30 calendar days of approval, table the report in the Legislative Assembly.
- f. The Commissioner, through the Director, will ensure that its Annual Report is publicly posted in an accessible format, in both official languages, on the PEO website after the report has been tabled in the Legislature and within 30 calendar days of Minister approval.
- g. When distributing Annual Reports, digital formats and channels for distribution must be used unless otherwise required (e.g. by directive, legislation).

9.3 OTHER REPORTS

The Commissioner, with the support of the Director, is responsible for:

- a. Ensuring that the reports and documents set out in Appendix 1 to this MOU including all reports required by the PEO's Constituting Instrument, are submitted for review and approval by the Minister in accordance with the prescribed timelines.

- b. Supplying specific data and other information, at the request of the Ministry, that may be required from time-to-time for the purpose of the Ministry's administration or planning processes, including Multi-Year Planning.

10. Public Posting Requirements

- a. The PEO, through the Commissioner, will ensure that the following approved governance documents are posted in an accessible format, in both official languages, on the PEO website within the specified timelines:
 - i. Memorandum of understanding and any letter of affirmation – within 30 calendar days of signing by both parties
 - ii. Annual Business Plan – within 30 calendar days of Minister's approval
 - iii. Annual Report – within 30 calendar days of Minister's approval (the report must first be tabled in the Legislature).
- b. Posted governance documents should not disclose: personal information, sensitive or confidential employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the PEO in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the PEO
- c. The PEO, through the Commissioner, will ensure that the expense information for the Commissioner and senior management staff are posted on the PEO or Ministry website on a quarterly basis, in accordance with the requirements of the MBC Travel, Meal and Hospitality Expenses Directive.
- d. The PEO, through the Commissioner, will ensure that any other applicable public posting requirements are met.

11. Communications and Issues Management

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the PEO is essential for the Minister to meet his/her responsibilities for reporting and responding to the Legislative Assembly on the affairs of the PEO. The parties also recognize that it is essential for the Commissioner to be kept informed of the Government initiatives and broad policy directions that may affect the PEO's mandate and functions.

The Minister and the Commissioner, therefore, agree that:

- a. The Commissioner will keep the Minister advised, in a timely manner, of all planned events or issues, including contentious matters, that concern or can be reasonably expected to concern the Minister in the exercise of his/her responsibilities. This will take place through direct communication between the Commissioner and the Minister's Office.

- b. The Minister and the Commissioner will share information in a timely fashion concerning any issue that affects the PEO's operations or may require the Minister's attention. This may include, but is not limited to, issues which:
 - i. Have a significant impact on stakeholders;
 - ii. Raise questions in the Legislature or are raised by the media or stakeholders;
 - iii. Have a significant financial or operational impact on the achievement and maintenance of pay equity in the province; and/or
 - iv. Require reports to Cabinet, TB/MBC, other Cabinet sub-committees or other Government agencies.
- c. The Minister will consult with the Commissioner in a timely manner, as appropriate, on broad Government policy initiatives or legislation being considered by the Government that may impact on the PEO's mandate or functions, or which otherwise will have a significant impact on the PEO.
- d. The Minister and the Commissioner will consult with each other on public communication strategies (e.g. policy or operational initiatives) and publications (e.g. discussion or research papers, reports). They will keep each other informed of the results of stakeholder and other public consultations and discussions.
- e. Prior to publishing any material that relates to the mandate of the PEO, the Ministry shall consult with the PEO to ensure accuracy of the information.
- f. The Minister and the Commissioner will meet as requested by either party, to discuss issues relating to the fulfillment of the PEO's mandate, management and operations.
- g. The Deputy Minister and the Commissioner will meet as requested by either party, to discuss issues relating to the delivery of the PEO's mandate, the efficient operation of the PEO, and the provision of services by the Ministry to the PEO. The Deputy Minister and the Director shall provide timely information and advice to each other concerning significant matters affecting the PEO's management or operations.
- h. The PEO and Ministry will adhere to the Public Communications Protocol set out in Appendix 3 to this MOU for ongoing issues management.

12. Administrative Arrangements

12.1 APPLICABLE GOVERNMENT DIRECTIVES

- a. The Commissioner, with the support of the Director, is responsible for ensuring that the PEO operates in accordance with all applicable TB/MBC, PSC and Government directives, as well as applicable Ministry financial and administrative policies and procedures.
- b. The Ministry will inform the PEO of amendments or additions to directives, policies and guidelines that apply to the PEO; however, the PEO is responsible for complying with all directives, policies and guidelines to which it is subject.

12.2 ADMINISTRATIVE AND ORGANIZATIONAL SUPPORT SERVICES

- a. The Deputy Minister is responsible for providing the PEO with the administrative and organizational support services listed in Appendix 4 to this MOU, and for negotiating with Ontario Shared Services concerning these services, as appropriate.
- b. Appendix 4 may be reviewed at any time at the request of either party to this MOU.
- c. The Deputy Minister will ensure that the support or services provided to the PEO are of the same quality as those provided to the Ministry's own divisions and branches.

12.3 AGREEMENTS WITH THIRD-PARTIES

- a. Procurement required to support the programs and services of the PEO will be done in a clear manner, consistent with applicable policies and directives, including but not limited to the MBC Ontario Public Service Procurement Directive.

12.4 LEGAL SERVICES

- a. The PEO shall supply its own legal services using rates of pay that are the same as, or less than, those of the Lawyers Compensation Plan of the Ontario Public Service.
- b. Upon notifying the Ministry of Attorney General (MAG) through the Director of Legal Services at the Ministry of Labour, Training and Skills Development, the PEO may utilize outside legal services when it requires expertise which is unavailable from its counsel, or when the use of its counsel would result in any conflict of interest.
- c. Outside legal services will be acquired in accordance with the Ministry of the Attorney General's Operating Policy on Acquiring and Using Legal Services.

12.5 CREATION, COLLECTION, MAINTENANCE AND DISPOSITION OF RECORDS

- a. The Commissioner is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The Commissioner is responsible for ensuring that the PEO complies with all Government legislation, directives and policies related to information and records management.
- c. The Director and the Commissioner shall protect the legal, fiscal and other interests of the PEO by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the PEO. This includes, but is not limited to, all electronic records, such as emails, information posted on the PEO's website(s), database data sets, and all records stored on personal computers and shared drives.
- d. The Commissioner is responsible for ensuring measures are implemented requiring the PEO's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs.

- e. The Commissioner is responsible for ensuring that the PEO complies with the TB/MBC Management and Use of Information and Information Technology (I&IT) Directive, in conjunction with the Corporate Policy on Recordkeeping, as applicable. See Appendix 5 for a list of I&IT services or products provided by the OPS.
- f. The Commissioner is responsible for ensuring that the PEO complies with the *Archives and Recordkeeping Act*, 2006.

12.6 INTELLECTUAL PROPERTY

- a. The Commissioner is responsible for ensuring that the legal, financial and other interests of the Government in intellectual property are protected.
- b. In order to ensure that the Ontario Government's intellectual property assets are managed efficiently, effectively, and consistently across Government, PEO shall comply with MBC's Managing, Distributing and Pricing Government Information Directive.

12.7 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

- a. The Commissioner and the Minister acknowledge that the PEO is bound to follow the requirements set out in the *Freedom of Information and Protection of Privacy Act* (FIPPA) in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The Minister is the institution head for the purposes of the FIPPA.
- c. The Minister has delegated all of their powers and duties under the FIPPA for the Commission with respect to the PEO to the Head of the PEO. The Commissioner recognizes that the Minister is ultimately responsible and accountable to the Legislature for ensuring compliance with the FIPPA.
- d. If the PEO or Commissioner becomes aware of a breach, potential breach or allegation of a breach of the FIPPA, it shall be reported to the Freedom of Information, Privacy and Information Management Office of the Ministry which may provide assistance in assessing the breach, potential breach or allegation of a breach. The Freedom of Information, Privacy and Information Management Office may report the breach, potential breach or allegation of a breach to the Office of the Chief Privacy Officer and Archivist of Ontario at the Ministry of Government and Consumer Services, as required.
- e. The Ministry's Freedom of Information, Privacy and Information Management Office shall coordinate meetings when necessary with the PEO and the Commissioner to review the PEO's privacy and information management practices and any issues related to the application and administration of the FIPPA.

12.8 SERVICE STANDARDS

- a. The PEO shall establish customer service and quality standards that are consistent with the appropriate standards of the Government, the Ministry and the Ontario Public Service.
- b. The Commissioner will ensure that the PEO delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive. The PEO's process for responding to complaints about the quality of services is separate from any statutory provisions about re-consideration, appeals, etc. of the PEO's decisions.
- c. The PEO has in place a formal process for responding to complaints about the quality of services received by clients of the PEO consistent with the Government's service quality standards.
- d. The PEO's Annual Business Plan will include performance measures and targets for client service and the PEO's response to complaints.
- e. The PEO shall comply with the *Accessibility for Ontarians with Disabilities Act, 2005*.

12.9 EMERGENCY MANAGEMENT

- a. As a provincial agency, the PEO is subject to applicable TB/MBC Directives and Guidelines, and the Ministry's Emergency Management Plan mandated by the *Emergency Management and Civil Protection Act* (EMCPA), including the Ministry's Continuity of Operations Plan. Therefore, the PEO and the Ministry agree to develop and maintain necessary mutual arrangements to ensure continuity of PEO services as may be required in the event of an emergency as defined in the EMCPA.

13. Financial Arrangements

13.1 GENERAL

- a. The Ministry assists the PEO in meeting the PEO's financial management obligations. The PEO shall comply with financial procedures in accordance with TB/MBC and Ministry of Finance directives and guidelines, Ministry corporate financial and administrative policies and procedures, and other Government guidelines, directives and policies.
- b. In accordance with the Ministry's Delegation of Financial Management Authority Framework, the financial authority has been delegated to the Commissioner, Director and managers of the PEO, who shall exercise the delegations to support the PEO's mandate and operational goals.

13.2 FUNDING

- a. The PEO receives its funds from the Consolidated Revenue Fund through the Ministry's Expenditure Estimates, pursuant to an appropriation authorized by the Legislature.

- b. Accordingly, financial procedures of the PEO must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable Government direction.

13.3 FINANCIAL REPORTS

- a. The Commissioner, with the support of the Director, will provide to the Minister annual financial statements, and will include them as part of the PEO's Annual Report. The statements will be provided in a format that is in accordance with the province's stated accounting policies issued by the Office of the Provincial Controller Division.
- b. The PEO will submit its salary information to the Minister of Finance and/or the President of the Treasury Board, through the Ministry, in accordance with the *Public Sector Salary Disclosure Act, 1996*.

14. Audit and Review Arrangements

14.1 AUDITS

- a. The PEO is subject to periodic review and value-for-money audits by the Auditor General of Ontario under the *Auditor General Act* and/or by the Ontario Internal Audit Division of Treasury Board Secretariat.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so by the Ministry's Audit Committee or by the Corporate Audit Committee.
- c. Regardless of any previous or annual external audit, the Minister may direct that the PEO be audited at any time.
- d. The PEO will promptly provide a copy of every report from an audit to the Minister and the Minister of Finance/President of the Treasury Board. The PEO will also provide a copy of its response to the audit report and any recommendations therein. The PEO will advise the Minister annually on any outstanding audit recommendations.
- e. The PEO shall provide the information, material and access necessary for the conduct of any audit.
- f. The Commissioner may request of the Minister an external audit of the financial transactions or management controls of the PEO, at the PEO's expense.

14.2 OTHER REVIEWS

- a. PEO is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the PEO that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the PEO.
- b. In requiring a periodic review, the Minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Commissioner and the Minister, and how any other parties are involved.

- c. A mandate review of the PEO will be conducted at least once every six years. The next review will be completed by a date determined by the Minister and in accordance with the AAD mandate review requirements.
- d. The Minister will consult the Commissioner as appropriate during any such review.
- e. The Commissioner will cooperate in any review.
- f. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the PEO to TB/MBC for consideration.

15. Staffing and Appointments

15.1 DELEGATION OF HUMAN RESOURCES MANAGEMENT AUTHORITY

- a. Where the PSC has delegated its powers, duties and functions in relation to human resources management to the Deputy Minister or a prescribed individual under Ontario Regulation 148/10, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the mandate of the PEO, and within the parameters of the delegated authority.
- b. The Director has been delegated human resources management authority under Ontario Regulation 148/10.
- c. The Director is responsible for bringing any significant human resources matters to the attention of the Chief Administrative Officer/Assistant Deputy Minister of the Ministry or the Director of the branch responsible for providing strategic human resource advice in the Ministry, whether or not a delegated power is, or has been exercised by the Director.

15.2 STAFFING REQUIREMENTS

- a. The PEO is staffed by persons employed under Part III of the PSOA. Such persons are eligible for all the rights and benefits accorded under the PSOA and relevant collective agreements.
- b. The management of PEO staff shall be subject to all MBC directives and guidelines, Public Service Commission directives, other Government policies and procedures respecting human resources, and any applicable collective agreements or other applicable legislation or regulations.
- c. The Ministry will provide the PEO with administrative services and program analysis as required sufficient to ensure the efficient and effective administration of the PEO.
- d. The PEO and the Ministry shall avoid duplication of services to the extent possible, taking into account the need to reflect and preserve the independence of the PEO.
- e. The Deputy Minister is responsible for negotiating administrative services to be provided to PEO through Ontario Shared Services.

- f. The Commissioner shall, upon the request of the Minister or the Deputy Minister, supply specific data and other information which may be required from time to time for the Ministry to provide administrative, financial, human resources, and information technology support to the PEO.
- g. Human Resources Advisory Services, Human Resources Service Delivery Division, Ontario Shared Services, Ministry of Government and Consumer Services (MGCS) will develop job descriptions for the staff providing administrative services to the PEO in consultation with the Director.
- h. The specific administrative support services to be provided by the Ministry to the PEO are identified in Appendix 4 to this MOU.
- i. The Ministry is responsible for providing administrative support to the operation of the PEO, including the preparation of cheques and maintenance of financial records.
- j. Ministry employees may be assigned to the PEO as and when required.

15.3 APPOINTMENTS

- a. The head of the Pay Equity Office is appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to subsection 33(3) of the *Pay Equity Act*. Also pursuant to subsection 33(3), the person appointed as head shall be Chief Administrative Officer of the Commission. The Act does not require a fixed term of appointment for the head of the PEO.

15.4 REMUNERATION

- a. Remuneration for the Commissioner is set by Order in Council by the Lieutenant Governor of Ontario as per Schedule B of the MBC Agencies and Appointments Directive.
- b. Travel expenses of the Commissioner must comply with the MBC Travel, Meal and Hospitality Expenses Directives. Reasonable expenses shall be reimbursed.

16. Risk Management, Liability Protection and Insurance

16.1 RISK MANAGEMENT

- a. The Commissioner, with the support of the director, is responsible for ensuring that a risk management strategy is developed for the PEO, in accordance with the OPS Risk Management process.
- b. The PEO shall ensure that the risks it faces are dealt with in an appropriate manner.

16.2 LIABILITY PROTECTION AND INSURANCE

- a. The PEO is covered under the Government of Ontario's General & Road Liability Protection Program for bodily injury, personal injury, property damage and advertising liability claims made by third parties.

17. Effective Date, Duration and Periodic Review of the MOU

- a. This MOU becomes effective on the date it is signed by the Minister as the last party to execute it (“Original Effective Date”) and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. A copy of the signed MOU must be made available to the public on the PEO’s website within 30 calendar days of the Minister’s signature.
- c. Upon a change in the Minister or Commissioner, both parties must affirm by letter that this MOU will continue in force without a review (and attach the signed letter to the MOU); or alternatively, they may agree to revise it and sign a new MOU within six (6) months of the change.
- d. Either the Minister or the Commissioner may initiate a review of this MOU by written request to the other.
- e. If either of the parties deems it expedient to amend this MOU, they may do so only in writing. Any amendment shall only be effective after approval by the parties.
- f. A full review and replacement of this MOU will be conducted immediately in the event of a significant change to the PEO’s mandate, powers or governance structure as a result of an amendment to the *Pay Equity Act*, or any other applicable legislation.
- g. At a minimum, this MOU will be reviewed at least once every 5 years, or upon change in Commissioner or Minister, to ensure it is current and consistent with Government expectations.

Signatures

 _____ Commissioner Pay Equity Office	Sept. 2, 2021 _____ Date
 _____ Minister Ministry of Labour, Training and Skills Development	Sept. 6, 2021 _____ Date

Appendix 1: Summary of Agency Reporting Requirements

REPORT / DOCUMENT	DUE DATE	DETAILS	NAMES OF RESPONSIBLE OFFICIALS
1. Expenditure estimates	Submitted annually, at least three (3) months prior to the Agency's Fiscal Year end.	The Agency will prepare estimates of its expenditures for inclusion in the Ministry's business plan.	Commissioner
2. Agency Annual Business Plan	Submitted annually within three (3) months before the beginning of the Agency's Fiscal Year. The Annual Business Plan must be submitted no later than December 31 of each year.	Agency Annual Business Plan <ul style="list-style-type: none"> • Prepares • Approves • Provides to Minister 	<ul style="list-style-type: none"> • Director/ Commissioner • Commissioner • Commissioner
3. Annual Report	Submitted annually within 90 calendar days after the Agency's Fiscal Year end. The Annual Report should be submitted no later than June 30 of each year.	Annual Report <ul style="list-style-type: none"> • Prepares • Approves • Provides to Minister 	<ul style="list-style-type: none"> • Director/ Commissioner • Commissioner • Commissioner
4. Mandate Review	At least once every six (6) years, as per the AAD. The Ministry will notify the PEO of the Fiscal Year in which the review shall take place.	Mandate Review	Deputy Minister or delegate
5. Quarterly reports	On a date or dates specified by the Ministry	Quarterly reports for the Agency which must include: <ul style="list-style-type: none"> • Financial updating including hiring plans, 	Commissioner/Director

REPORT / DOCUMENT	DUE DATE	DETAILS	NAMES OF RESPONSIBLE OFFICIALS
		Information Technology (IT) plans, Other Direct Operating Expenses (ODOE) details, and anything else as required by TBS and/or the Ministry	
6. MOU	Reviewed at least once every five (5) years, or upon change in Commissioner or Minister	Memorandum of Understanding to outline the accountability relationship between the Minister and the Agency	Minister/Commissioner
7. Expenses	At least quarterly	Public posting of expenses of Agency Appointees/senior staff per the MBC Travel, Meal and Hospitality Services Directive	Commissioner/Director

Appendix 2: Applicable Government Directives

1. The following is a list of TB/MBC and Government directives, guidelines and policies that may apply to the PEO, including but not limited to:

A. General Accountability

- Accountability Directive
- Advertising Content Directive
- Agencies & Appointments Directive
- Communications in French Directive
- Contractor Security Screening Operating Policy
- Directive for Major Public Infrastructure Projects
- Donations Policy
- Enterprise Risk Management Directive
- General Expenses Directive
- Government Publications Directive
- Internal Audit Directive
- Operational Policy to the Directive for Major Public Infrastructure Projects
- MOI Realty Policy and Accommodation Space Policy (Schedule A)
- MOI Realty Exit Planning and Decommissioning Policy (Schedule B)
- Ontario Facilities Energy Reporting Directive
- Ontario Public Service Physical Security Operating Policy
- Ontario Public Service Procurement Directive
- Procurement Directive on Advertising, Public and Media Relations and Creative Communications Services
- Realty Directive
- Transfer Payment Accountability Directive
- Transfer Payment Operational Policy
- Travel, Meal and Hospitality Expenses Directive
- Visual Identity Directive

B. Financial Management

- Accountable Advance Operating Policy
- Accounting and Financial Reporting Policy
- Accounting Policy for Recoveries
- Bank Account Policy
- Bank Reconciliations Policy
- Billing Management and Recording Policy
- Budgetary and Appropriation Control Policy
- Business Planning and Allocations Directive

- Capital Expenditure Evaluation Directive
- Centralized Archiving of IFIS Financial Information Guidelines
- Chart of Accounts Policy
- Control and Maintenance of IFIS Customer Master Files Policy
- Credit Management Policy
- Data Integrity Policy
- Delegation of Financial Management Authority Policy
- Operating Policy on Forms Management
- Tangible Capital Assets Policy
- Transfer Payment Financial Management Policy
- Encumbrance Policy
- Environmental Contamination Financial Management Policy
- Expenditure Management Directive
- Financial Record Retention Policy
- iExpenses Policy
- IFIS Corrections Policy
- IFIS Foreign Exchange Policy
- IFIS Payment Override Policy
- IFIS Transaction Processing Policy
- IFIS User Identification and Responsibilities Policy
- Indemnification Directive
- Inter/Intra Ministry Journals Policy
- Loans and Other Account Receivable Policy
- Non-Tax Revenue Design Policy
- Non-Tax Revenue Directive
- Payment Terms Policy
- Policy for Management Information Access and Disclosure
- Payment Card Acceptance Policy
- Prepayment Policy
- Receipt Handling and Allocation Policy
- Recurring Supplies Invoices Policy
- Reorganization in IFIS Policy
- Revenue and Accounts Receivable Reporting and Analysis Policy
- Revenue Management Policy
- Small Value Financial Transaction Policy
- Stale-dated, Lost or Stolen Cheques Policy
- Use of Personal and Confidential Information in OPS Financial Systems Policy

C. Human Resources

- Acceptable Use of Information and Information Technology (I&IT) Resources Policy
- Anti-Racism Policy
- Attendance Policy
- Classification and Position Administration Directive
- Confidential Disclosure to Bargaining Agents Directive
- Continuation of Existing Classes and Salaries Directive
- Disability Accommodation Policy
- Disclosure of Wrongdoing Directive for Employees and Appointees in Public Bodies
- Employee Benefits Directive
- Employee Performance Policy
- Employee Recognition Policy
- Employment Policy
- Employment Screening Checks Policy
- Executive Pay Administration Policy
- General Expenses Directive
- Hours of Work Directive
- Human Resource Management Delegation of Authority Directive
- Human Resource Management Directive
- In-Range Movement Policy
- Learning and Development Policy
- Management Board of Cabinet Compensation Directive
- Merit Increases Directive
- Merit Pay Policy
- Occupational Health and Safety Policy
- OPS Service Directive
- Pay-for-Performance Program
- Pay on Assignment Operating Policy
- Perquisites Directive
- Policy on Preventing Barriers in Employment
- Relocation Expenses Directive
- Respectful Workplace Policy
- Salary Rates/Ranges Directive
- Workplace Violence Prevention Policy

D. Information and Information Technology

- Corporate Policy on Electronic Identification Authentication and Authorization
- Corporate Policy on Information and Information Technology (I&IT) Security
- Corporate Policy on Information Sensitivity Classification

- Corporate Policy on Protection of Personal Information
 - Corporate Policy on Recordkeeping
 - Government of Ontario Public Key Infrastructure (PKI) Policy
 - I&IT Policy on Open Source Software
 - Management and Use of Information and Information Technology (I&IT) Directive
 - Managing, Distributing and Pricing Government Information Directive
 - Open Data Directive
 - Policy on the I&IT Project Gateway Process
2. The PEO is responsible for complying with all directives, policies and guidelines to which it is subject, irrespective of whether it is included on the list above.
 3. The Ministry will inform the PEO of amendments or additions to directives, policies and guidelines that apply to the PEO.

Appendix 3: Public Communications Protocol

1. Purpose

- a. The Minister and the Commissioner adopt this communications protocol consistent with their mutual obligations to keep each other informed as set out in Section 11 “Communications and Issues Management” of this MOU.
- b. The purposes of this communications protocol are to:
 - i. Establish clear lines of communication between PEO and the Ministry
 - ii. Set out a process for notification by PEO and the Ministry regarding communications materials and opportunities
 - iii. Set out a process for dealing with requests from Ministry and PEO staff for relevant briefing materials
 - iv. Set out online compliance obligations of the PEO; and to
 - v. Identify the Ministry support that will be provided to the PEO.

2. Context and General Principles

- a. The Minister and the Commissioner and their respective organizations recognize that timely exchange of information and consultation are essential to success in discharging their respective responsibilities.
- b. The Ministry and the Agency will work together, as appropriate, in preparing communications plans and tactics. Clear and direct lines of communication between the Ministry and the PEO are essential and intended to foster mutual awareness and the sharing of information relevant to both Ministry and Commissioner roles.
- c. This communications protocol will support both the Agency’s implementation of its legislated mandate and the promotion of the work it does. It will also support the Minister’s accountability to the Legislative Assembly and to Cabinet for the same.
- d. The communications protocol supplements the MOU which defines the specific roles, responsibilities and relationships between the Minister and the Commissioner.
- e. The Minister acknowledges the independence of the Commissioner in undertaking his/her statutory responsibilities and further recognizes the need for the Commissioner’s actions to be taken and be seen by the public to be taken independently and impartially. The Minister and the Commissioner agree that this communications protocol must be interpreted in that context.

3. Definitions

- a. “Public communications” means any material that is communicated to the public, either directly or through the media in:
 - i. Oral form, such as a speech or public presentation

- ii. Printed form, such as a hard copy report
- iii. Electronic form, such as a posting to a website.
- b. A “contentious issue” is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly or the public, or is likely to result in inquiries being directed to the Minister or Government. Contentious issues may be raised by:
 - i. Members of the Legislative Assembly
 - ii. The public
 - iii. Media
 - iv. Stakeholders
 - v. Service delivery partners.

4. Lines of Communication

- a. The Ministry and the Agency will appoint persons to serve as public communications “leads”.
 - i. The Ministry lead is the Director of Communications or designate
 - ii. The Agency lead is the Commissioner

5. Notification of Communication Materials and Opportunities

- a. The Ministry and the Agency will establish business practices consistent with the Purpose and Context and General Principles of this communication protocol.
- b. The business practices will include:
 - i. A process for notification by the Agency and Ministry of communications materials and opportunities.
 - ii. A process for dealing with requests from Ministry and Agency staff for relevant briefing materials.
 - iii. These processes will reflect the need to provide notification and briefing materials on both a proactive basis (e.g. major speeches, policy initiatives, etc.) and a reactive basis (e.g. media inquiries, stakeholder initiatives, etc.).

6. Agency Website

- a. In keeping with the independence of the Commissioner, the PEO is responsible for maintaining the content of its website.
- b. The PEO is responsible for the following:
 - i. Coordinating posting of information in accordance with all applicable directives, e.g. the MBC Travel, Meal and Hospitality Expenses Directive.
 - ii. Coordinating any other mandated Ontario.ca postings as they apply to the Agency.
- c. The PEO is responsible for ensuring its website is AODA (*Accessibility for Ontarians with Disabilities Act, 2005*) compliant and for attesting to compliance, as prescribed in

the AODA. The Ministry may choose to include PEO compliance in its own attestation. The Ministry Communications Branch will act as liaison and advise the Office regarding compliance with the requirements of the AODA, should it be required.

- d. The PEO is responsible for ensuring all website content adheres to French Language Services requirements.

7. Visual Identity

- a. The Agency will comply with the TB/MBC Visual Identity Directive and identify itself in all media responses and news releases and on its website as an agency of the Government of Ontario.

Appendix 4: Administrative or Organizational Support Services

The Deputy Minister is responsible for ensuring that the Ministry and/or Ontario Shared Services provides the following administrative support services to the Agency:

1. Financial administration: pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services, and records and forms advisory services
2. Human resource services: classification, advice and consultation regarding recruitment procedures and staff relations, job description writing, career counselling and staff development, and advice and consultation regarding corporate initiatives such as occupational health and safety
3. Corporate educational opportunities and career planning services are available and open to Agency staff; the Ministry must assist the Commissioner in ensuring that these are communicated effectively to Agency staff
4. Information technology and telecommunications services: advice, consultation and support
5. Internal audit: financial compliance, management, human resource and information systems audits, operational reviews, and special investigations as required
6. Accommodation: facilities planning and relocation services, including AODA compliance, and lease renewals
7. Freedom of information and protection of privacy program services
8. French language services translation and interpretation services
9. Business planning
10. Performance measurement and program evaluation
11. Communications and marketing: advice, consultation and support on public communications opportunities and contentious issues to be provided by the Ministry, as required by this MOU.
12. Risk reporting and management

Appendix 5: List of I&IT Services or Products

The Labour and Transportation I&IT Cluster (LTC) provides a broad range of I&IT products and services to the Agency, as an extended entity of MLTSD directly or through third-party service providers. The description of these services and how to access them are contained within the [Enterprise I&IT Service Catalogue](#) and [LTC I&IT Services Catalogue](#).

Per the [OPS Management and Use of I&IT Directive](#), the LTC on behalf of the Agency must acquire, develop or procure all I&IT services and products and has overall responsibility for the delivery of these I&IT products and services to the Ministry. The LTC will work with the Agency to determine the best course of action to acquire the desired service and ensure that all appropriate and required I&IT planning and procurement assessments and protections are applied.

Core LTC offerings as outlined in the [LTC I&IT Service Catalogue](#) include:

- Business Solutions Delivery
 - This category lists services that identify, clarify and translate Ministry business requirements into I+IT services that leverage cluster experience and knowledge to implement innovative solutions, e.g. requirements analysis, estimation and project delivery.
- Data Services
 - Includes services that provide meaningful, contextual and processed data for the LTC clients to inform and support business operations, management decision making, strategy development and record keeping compliance, e.g. data management and analytics.
- Transformation and Innovation
 - Lists services that assist the LTC clients to make informed, fiscally responsible and future-centric business decisions to help transform business service delivery, e.g. proof of concepts and design sprints.
- Enterprise Brokered Services
 - Identifies services provided by our OPS delivery partners, e.g. desktop services, enterprise email.