

Memorandum of Understanding

Between

Minister of Finance

And

**Chair, Financial Services Commission of Ontario
& Chair, Financial Services Tribunal**

And

**Chief Executive Officer, Financial Services Commission of Ontario
& Superintendent of Financial Services**

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1. Purpose

- a. The purpose of this Memorandum of Understanding (MOU) is to:
 - i. Establish the accountability relationships between the Minister and the Commission and the Tribunal, through the Chair and the Superintendent.
 - ii. Clarify the roles and responsibilities of the Minister, the Chair, the Superintendent, and the Deputy Minister.
 - iii. Set out the expectations for the operational, administrative, financial, auditing and reporting arrangements between the Commission and the Tribunal, and the Ministry.
- b. This MOU should be read together with the *Financial Services Commission of Ontario Act, 1997*. This MOU does not affect, modify or limit the powers of the Commission or the Tribunal as set out in the 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.

2. Definitions

In this MOU

- a. “Act” means the *Financial Services Commission of Ontario Act, 1997*, S.O. 1997, c.28 that established and governs the Commission, the Superintendent and the Tribunal
- b. “Agencies” means, for the purpose of this MOU, the Commission and the Tribunal
- c. “AEAD” means the Treasury Board/Management Board of Cabinet Agency Establishment and Accountability Directive
- d. “appointee” means the chair and the vice-chairs of the Commission and a member appointed to the Tribunal by the Lieutenant Governor in Council
- e. “Chair” means the chair of the Commission and the chair of the Tribunal
- f. “Commission” means the Financial Services Commission of Ontario as established under section 2 of the Act
- g. “Deputy Minister” means the deputy minister of the Ministry of Finance
- h. “MBC” means Management Board of Cabinet
- i. “Minister” means the minister of the Ministry of Finance
- j. “Ministry” means the Ministry of Finance
- k. “PSOA” means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A.

- l. “regulated sectors” means the sectors defined in the Act as follows,
 - (a) all co-operative corporations to which the *Co-operative Corporations Act* applies;
 - (b) all credit unions, caisses populaires and leagues to which the *Credit Unions and Caisses Populaires Act, 1994* applies;
 - (c) all persons engaged in the business of insurance and governed by the *Insurance Act*;
 - (d) all corporations registered under the *Loan and Trust Corporations Act*;
 - (e) all mortgage brokerages, mortgage brokers, mortgage agents and mortgage administrators licensed under the *Mortgage Brokerages, Lenders and Administrators Act, 2006*, or;
 - (f) all persons who establish or administer a pension plan within the meaning of the *Pension Benefits Act* and all employers or other persons on their behalf who are required to contribute to any such pension plan
- m. “related statutes” means the related statutes that confer powers and duties on the Commission, the Tribunal and the Superintendent, and as are listed in Appendix A to this MOU
- n. “Superintendent” means the Superintendent of Financial Services, who is also the chief executive officer of the Financial Services Commission of Ontario, as provided for in section 5 of the Act
- o. “TB” means Treasury Board
- p. “Tribunal” means the Financial Services Tribunal as established under section 6 of the Act

3. Legal Authority and Mandate

- a. The legal authority of the Commission, the Superintendent and the Tribunal is set out in the Act.
- b. The Commission, the Superintendent and the Tribunal also exercise powers and authority under the Act and the related statutes.
- c. The mandate of the Commission is to provide regulatory services that protect the public interest and enhance public confidence in the regulated sectors; to make recommendations to the Minister on matters affecting the regulated sectors; and to provide the resources necessary for the proper functioning of the Tribunal.
- d. The mandate of the Superintendent is to be responsible for the financial and administrative affairs of the Commission; to exercise the powers and duties conferred on or assigned to the Superintendent; to administer and enforce the Act and the related statutes; and to supervise generally the regulated sectors.

- e. The Tribunal is an independent, adjudicative body composed of nine to fifteen members, including the Chair and two vice-chairs. The Tribunal has exclusive jurisdiction to exercise the powers conferred under the Act and related statutes that confer powers on or assign duties to the Tribunal. It also has exclusive jurisdiction to determine all questions of fact or law that arise in any proceeding before it.

4. Agency Classification

- a. The Commission is classified as a Regulatory Agency (with a governing board) under the AEAD. Pursuant to Ontario Regulation 374/07 made under the PSOA, the Commission is prescribed as a Commission public body.
- b. The Tribunal is classified as a Regulatory Agency under the AEAD. Pursuant to Ontario Regulation 374/07 made under the PSOA, the Tribunal is prescribed as a Commission public body.

5. Guiding Principles

The parties agree to the following principles:

- a. The Minister acknowledges that the Commission, the Superintendent and the Tribunal exercise powers and perform duties in accordance with their respective legal mandates. The Minister acknowledges the need for the Superintendent and the Tribunal's adjudicative/regulatory decisions to be made, and be seen by the public to be made, independently and impartially.
- b. The Minister acknowledges that the Commission plays a meaningful role in the development of the policies and programs of the government, as well as in the delivery of those policies and programs.
- c. The Minister acknowledges that supervising the regulated sectors places a responsibility on the Commission to participate in inter-jurisdictional organizations of provincial, federal and territorial financial services organizations.
- d. The Commission acknowledges that when policy development is contemplated by an inter-jurisdictional organization in which the Commission participates, the Minister's Office and Ministry policy staff should be advised and consulted prior to the initiation of the policy development and as the policy development progresses.
- e. The Chair, the Superintendent and the Commission acknowledge that accountability is a fundamental principle to be observed in the management, administration and operations of the Agencies. The Chair, the Superintendent and the Commission acknowledge that they are accountable to the government through the Minister. The Commission acknowledges that accountability to the government means accountability to the Minister through the Chair and the Superintendent. The Tribunal acknowledges that accountability to the government means accountability to the Minister through the Chair.

- f. As an agency of the government, the Agencies conduct themselves according to the management principles of the government of Ontario. These principles include ethical behaviour, prudent, efficient and lawful use of public resources, fairness, high quality service to the public, and openness and transparency to the extent allowed under law.
- g. The Agencies and the Ministry agree to avoid duplication of services wherever possible.

6. Accountability Relationships

6.1 Minister

- a. The Minister is accountable to the Legislative Assembly for the Agencies' fulfillment of their respective mandates, their compliance with government administrative policies, and for these purposes reports and responds to the Legislative Assembly on the affairs of the Agencies.
- b. The Minister is accountable to the Cabinet for the performance of the Agencies and their compliance with the government's operational policies and broad policy directions.
- c. The Minister is responsible for representing the Agencies in the Cabinet and its committees, the Legislative Assembly and before committees of the Legislature.

6.2 Chair

- a. The Chair is accountable to the Minister for the performance of the Commission (jointly with the Superintendent) and of the Tribunal in fulfilling their respective mandates, and for carrying out the roles and responsibilities assigned to him by the Act, the related statutes and other applicable legislation, applicable TB/MBC and Ministry directives, and this MOU.

6.3 Superintendent

- a. The Superintendent is accountable to the Minister for the performance of the Commission (jointly with the Chair) and for carrying out the roles and responsibilities assigned to him by the Act, the related statutes and other applicable legislation, applicable TB/MBC and Ministry directives, and this MOU.
- b. The Superintendent informs the Commission on the policies and operational decisions taken by him under the Act and the related statutes as appropriate.
- c. The Agencies' staff reports to and are accountable to the Superintendent for their performance.

6.4 Commission

- a. The Commission is accountable to the Minister through the Chair and the Superintendent for carrying out the roles and responsibilities assigned to it by the Act, the related statutes, applicable TB/MBC and Ministry directives, and this MOU.

6.5 Deputy Minister

- a. The Deputy Minister is accountable to the Minister for the performance of the Ministry in providing administrative and organizational support to the Agencies and for carrying out the roles and responsibilities assigned by the Minister, applicable TB/MBC and Ministry directives, and this MOU.

7. Conflict of Interest

- a. The Tribunal is a public body under the PSOA and has chosen to follow the conflict of interest rules established under the PSOA, which are set out in Ontario Regulation 381/07. Pursuant to section 62(1)3 of the PSOA, the Chair is the Ethics Executive for appointees. The Chair is responsible for ensuring that appointees are informed of the conflict of interest rules, including the political activity rules, and for promoting ethical conduct.
- b. The Commission is a public body under the PSOA and has chosen to follow the conflict of interest rules established under the PSOA, which are set out in Ontario Regulation 381/07. Pursuant to Ontario Regulation 375/07 under the PSOA, the Superintendent (in his capacity as CEO of the Commission) has been prescribed as the Ethics Executive for the Agencies' employees. The Superintendent is responsible for ensuring that the Agencies' employees are informed of the conflict of interest rules, including the political activity rules, and for promoting ethical conduct.
- c. Pursuant to section 9(1) of the Act, the Commission has established conflict of interest guidelines with which the members of the Commission, appointees and employees shall comply.

8. Roles and Responsibilities

8.1 Minister

The Minister is responsible for:

- a. Determining the need for any review and recommendation to TB/MBC on the elimination or consolidation of the Agencies, or any change to the Agencies' mandate
- b. Recommending to TB/MBC the powers to be given to the Agencies when a change in the mandate of the Agencies is being proposed
- c. Reporting and responding to the Legislative Assembly on the affairs of the Agencies
- d. Reporting and responding to the Cabinet on the Agencies' performance and compliance with the government's operational policies and broad policy directions
- e. Receiving the annual report from the Agencies, submitting the report to Cabinet and tabling it in the Legislative Assembly within 60 days of receiving the final draft

- f. Receiving other reports from the Agencies and tabling them in the Legislative Assembly if and as required
- g. When appropriate or necessary, taking action or directing that corrective action be taken in respect of the Agencies' mandate or operations
- h. Informing the Chair and the Superintendent of the government's priorities and broad policy directions for the Agencies
- i. Consulting, as appropriate, with the Chair and the Superintendent (and others) on significant new directions or when the government is considering regulatory or legislative changes for the Agencies
- j. Meeting with the Chair annually, or as requested by either party, to discuss issues relating to the fulfillment of the Tribunal's mandate
- k. Recommending the Agencies' MOU to MBC for approval before it is signed by the parties
- l. Reviewing the advice of the Chair on candidates for appointment or re-appointment as vice chair or as members of the Tribunal
- m. Reviewing the advice of the Superintendent on candidates for appointment or re-appointment as the Director of Arbitrations
- n. Reviewing and approving the Agencies' annual business plan
- o. Submitting the Agencies' three year business plan to MBC for acceptance once every three years
- p. Reviewing the recommendations of the Commission on the fees to be set under the Act and related statutes and approving or setting fees
- q. Reviewing, recommending and submitting to Cabinet the recommendations of the Commission on the manner in which assessments are applied to the regulated sectors and entities that form part of a regulated sector
- r. Recommending to TB/MBC any provincial funding to be given to the Agencies
- s. Directing that a periodic review of the Agencies be conducted as necessary and making subsequent recommendations to TB/MBC

8.2 Chair and Superintendent

The Chair and the Superintendent are responsible for:

- a. Keeping the Minister informed of issues or events that may concern the Minister in the exercise of the Minister's responsibilities
- b. Developing an MOU with the Minister and signing it on behalf of the Agencies

- c. Reviewing and approving the Agencies' annual statement of priorities, business plans, budget, annual report and financial reports, and submitting them to the Minister in accordance with the time lines specified in the applicable TB/MBC and Ministry directives, and this MOU
- d. Carrying out public communications and relations for the Commission
- e. Cooperating with any periodic review of the Agencies directed by the Minister or TB/MBC
- f. Consulting, as appropriate, with stakeholders on the Commission's goals, objectives and strategic directions

8.3 Chair

The Chair, as chair of the Tribunal, is responsible for:

- a. Providing leadership to the Tribunal
- b. Setting the goals, objectives, and strategic directions for the Tribunal within its mandate as defined by the Act and the related statutes
- c. Directing the affairs of the Tribunal so as to fulfill its mandate as defined by the Act and the related statutes
- d. Ensuring that the Tribunal has an appropriate risk management framework and mitigating strategy in place to help provide the proper level of assurance that program or service delivery objectives are met
- e. Ensuring that a system for the retention of formal Tribunal documents and making such documents publicly available, as appropriate, is in place
- f. Developing performance measures and targets for the Tribunal and monitoring the Tribunal's performance
- g. Implementing administrative policies for appointees concerning
 - i a code of conduct or conflict of interest framework
 - ii post-service conduct (lobbying, appearing before the Tribunal, etc.) including time periods for restrictions
 - iii a disclosure of wrongdoing framework
- h. As the Ethics Executive, promoting ethical conduct and ensuring that appointees are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules, and of their responsibilities relating to disclosure of wrongdoing
- i. Recording any declared or apparent conflicts of interest of appointees
- j. Making sure that an appropriate framework is in place for appointees to receive adequate

orientation and training

- k. Making sure that appointees are aware of and comply with applicable TB/MBC and Ministry directives
- l. Keeping the Minister informed of upcoming appointment vacancies and providing recommendations for appointments or re-appointments
- m. Ensuring that public funds are used by appointees with integrity and honesty
- n. Reviewing and approving claims for per diems and expenses of appointees
- o. Making sure a process for responding to and resolving complaints from the public and Tribunal clients is in place
- p. Directing corrective action on the functioning or operations of the Tribunal, if needed
- q. Consulting, as appropriate, with stakeholders on the Tribunal's goals, objectives and strategic directions
- r. Meeting with the Minister annually, or as requested by either party, to discuss issues relating to the fulfillment of the Tribunal's mandate

8.4 Superintendent

The Superintendent is responsible for:

- a. Providing leadership to the Agencies' employees
- b. Ensuring that the Agencies operate within the approved budget allocation in fulfilling their respective mandates
- c. Managing the day-to-day operations of the Commission in accordance with TB/MBC and Ministry directives, accepted business and financial practices, and this MOU
- d. Seeking support and advice from the Ministry, as appropriate, on day-to-day management issues
- e. Consulting with the Deputy Minister, as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC and Ministry directives and policies
- f. Setting and applying policies to ensure that the Agencies use public funds prudently and with integrity and honesty
- g. Establishing and applying a financial management framework for the Agencies
- h. Establishing systems to ensure that the Agencies operate within the approved business plan

- i. Making sure that appropriate management systems are in place for information technology and human resources for the effective administration of the Agencies
- j. Directing the development of an appropriate risk management framework and mitigating strategy for managing risks that the Commission may encounter in meeting its program or service delivery objectives
- k. Supporting the Commission in meeting its responsibilities
- l. Carrying out in-year monitoring of the Commission's operational performance and reporting on it to the Commission
- m. Advising the Commission on compliance with TB/MBC and Ministry directives and policies and procedures
- n. Preparing the annual statement of priorities, annual reports and business plans to be approved by the Commission prior to submission to the Minister
- o. Ensuring that an annual audited financial statement is prepared for public release and posting on the Commission's website after submission to the Minister and tabling in the Legislature
- p. Establishing a system for the retention of formal Commission documents and making such documents publicly available, as appropriate
- q. Establishing performance measures and targets for the Commission and a performance review system for the Agencies' employees and implementing the system
- r. As the Ethics Executive, promoting ethical conduct, and ensuring that the Agencies' employees are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules, and of the procedures for wrongful disclosure
- s. Recording any declared or apparent conflicts of interest and disclosures of wrongdoing
- t. Making sure that an appropriate framework is in place for the Agencies' employees to receive adequate orientation and training
- u. Making sure that the Agencies' employees are aware of and comply with applicable TB/MBC and Ministry directives
- v. Providing recommendations to the Minister for the appointment or reappointment to the position of Director of Arbitrations
- w. Arranging for audits, as needed
- x. Providing the Minister with a copy of every audit report and a copy of the Agencies' response to each report and any recommendations in the report
- y. Advising the Minister annually on any outstanding audit recommendations

- z. Directing corrective action on the functioning or operations of the Commission, if needed
- aa. Consulting, as appropriate, with stakeholders on the Commission's goals, objectives and strategic directions
- bb. Participating in inter-jurisdictional organizations of provincial, federal and territorial financial service regulators to promote the effective supervision of the regulated sectors in Ontario
- cc. Ensuring that the Deputy Minister is advised and consulted when the Commission is contemplating significant new directions for the Commission that may lead to recommendations for amendments to any legislation or regulations
- dd. Providing updates and other information to the Liaison Committee referred to in section 8.6(o) of this MOU regarding the Commission's regulatory actions and the overall health of the credit union system
- ee. Meeting with the Deputy Minister at least quarterly to discuss issues relating to the efficient operation of the Commission and the provision of services by the Ministry to the Agencies.

8.5 Commission

The Commission is responsible for:

- a. Ensuring the provision of regulatory services that protect the public interest and enhance public confidence in the regulated sectors
- b. Making recommendations to the Minister on matters affecting the regulated sectors
- c. Ensuring the provision of resources necessary for the proper functioning of the Tribunal
- d. On request, making recommendations to the Minister concerning the manner in which assessments are applied to the regulated sectors and entities that form part of a regulated sector
- e. Making proposals to the Minister regarding the payment of fees in relation to any matter under the Act or related statutes
- f. Approving the annual statement of priorities, business plans, annual report, and other reports required by the Minister, in keeping with TB/MBC's requirements and the Act
- g. Establishing and applying conflict of interest guidelines that apply to the members of the Commission, appointees and employees
- h. Ensuring that policy statements issued by the Minister under section 12 of the Act receive consideration in the exercise of its responsibilities
- i. Approving the Agencies' MOU in a timely manner and authorizing the Chair and the Superintendent to sign it on behalf of the Agencies

8.6 Deputy Minister

The Deputy Minister is responsible for:

- a. Advising the Minister on the requirements of AEAD and other directives that apply to the Agencies
- b. Advising the Minister on the operation of the Agencies or their consolidation or elimination
- c. Establishing a framework for reviewing and assessing the Agencies' business plans and other reports
- d. Advising the Minister on documents submitted by the Agencies to the Minister for review or approval, or both
- e. Advising and assisting the Minister on meeting assigned ministerial responsibilities with respect to the Agencies
- f. Undertaking reviews of the Agencies as directed by the Minister
- g. Cooperating with any review of the Agencies as directed by the Minister or TB/MBC
- h. Monitoring the Agencies on behalf of the Minister while respecting the Agencies' authority and where warranted, identifying needs for corrective action and recommending to the Minister ways of resolving any contentious issues that might arise from time to time
- i. Ensuring that the Agencies have an appropriate risk management framework and mitigating strategy in place for managing risks that the Agencies may encounter in meeting their program or service delivery objectives
- j. Negotiating a draft MOU with the Chair and the Superintendent as directed by the Minister
- k. Consulting with the Superintendent, as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC directives and Ministry policies
- l. Meeting with the Chair as needed or as directed by the Minister
- m. Arranging for administrative, financial and other support to the Agencies as specified in this MOU
- n. Submitting a report to the secretaries of TB/MBC on the wind-down of the Agencies (immediately following the disposition of any assets), the completion of any outstanding responsibilities by the Agencies and the end of any appointments
- o. Establishing a Liaison Committee composed of employees from the Ministry, the Deposit Insurance Corporation of Ontario, and the Commission that will meet at least three times a year to provide updates and other information regarding their regulatory actions and the overall health of the credit union system

- p. Meeting with the Superintendent at least quarterly to discuss issues relating to the efficient operation of the Commission and the provision of services by the Ministry to the Agencies.

9. Reporting Requirements

9.1 Business Plan

- a. The Chair and the Superintendent will ensure that the Minister is provided with the Agencies' annual business plan for approval within the timelines established by the Minister for this purpose.
- b. The Chair and the Superintendent are responsible for ensuring that the Agencies' annual business plan fulfills the requirements of the AEAD.
- c. The Minister will review the Agencies' annual business plan and will promptly advise the Chair and the Superintendent whether or not he concurs with the directions proposed by the Commission. The Minister will advise the Chair and the Superintendent where and in what manner the plans vary from government or Ministry policy or priorities, and the Commission will revise its plan accordingly.
- d. The Chair and the Superintendent are responsible for ensuring that the Agencies' business plan includes a system of performance measures and reporting on the achievement of the objectives set out in the business plan. The system must include performance goals, how they will be achieved and target time frames.
- e. Once every three years the Chair and the Superintendent shall submit the Agencies' three year business plan to the Minister. The Minister will then provide a copy of this three year business plan, together with the Ministry's assessment of the plan, to TB/MBC for review and acceptance.
- f. The chair of TB/MBC may require the Minister to submit the Agencies' business plan to TB/MBC for review at any time.

9.2 Annual Report

- a. The Chair and the Superintendent are responsible for ensuring that the Agencies' annual report is submitted to the Minister, who is responsible for submitting the report to Cabinet and for tabling it in the Legislative Assembly. The Chair and the Superintendent will submit the annual report to the Minister within 120 days of the Commission's fiscal year end or 30 days of the receipt of the audited financial statements from the Auditor General (subject to the final review of the annual report by the Auditor General), whichever is later.

9.3 Annual Statement of Priorities

- a. The Chair and the Superintendent are responsible for ensuring that the Agencies' annual statement of priorities is delivered to the Minister and published in *The Ontario Gazette* on or before June 30 every year.

9.4 Other Reports

- a. The Superintendent is responsible for ensuring that the reports and documents set out in Appendix B to this MOU are submitted to the Minister according to the timelines set out in the Appendix.
- b. At the request of the Minister or Deputy Minister, the Commission will supply specific data, and other information, including without limiting the generality of the foregoing, pension valuations and other funding information, that may be required from time-to-time, or at regular intervals if requested, for the purpose of Ministry administration, issue management or policy development, or for any other purpose relating to the Ministry or the finances of the Province.

10. Communications

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the Agencies is essential for the Minister to meet his responsibilities for reporting and responding to the Legislative Assembly on the affairs of the Agencies.

The parties also recognize that it is essential for the Chair and the Superintendent to be kept informed of the government initiatives and broad policy directions that may affect the Agencies' mandates and functions.

The parties, therefore, agree as follows:

- a. "Communications" shall not include discussion or exchanging of information between the Agencies' personnel and the Minister, Deputy Minister or Ministry staff about specific current, past, or future cases to be heard by the Superintendent or the Tribunal.
- b. Inquiries received by the Minister's office regarding a proceeding in progress before the Superintendent, the Tribunal or in the courts will be re-directed to the Commission without comment. Any response made by the Minister's office to the inquiring party will indicate that the inquiry has been forwarded to the Commission or the Tribunal as appropriate and that the Minister cannot interfere with a regulatory and / or adjudicative matter.
- c. The Chair and the Superintendent will keep the Minister advised, in a timely manner, of all planned events and issues that concern or can be reasonably expected to concern the Minister in the exercise of the Minister's responsibilities.
- d. The Minister will consult with the Chair and the Superintendent, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the Agencies' mandate or functions.
- e. The Minister and the Chair and the Superintendent will consult with each other on public communications strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions.

- f. The Superintendent will maintain timely and effective communication with the Minister's Office and the Ministry, including providing notice of all publications, and drafts of such publications (as requested), within a reasonable time in advance of the publication date.
- g. The Agencies and Ministry will adhere to the Public Communications Protocol set out as Appendix C to this MOU.

11. Administrative Arrangements

11.1 Applicable TB/MBC and Ministry Directives

- a. The Chair is responsible for ensuring that the Tribunal operates in accordance with all applicable TB/MBC and Ministry directives, as well as applicable Ministry financial and administrative policies and procedures.
- b. The Superintendent is responsible for ensuring that the Commission operates in accordance with all applicable TB/MBC and Ministry directives, as well as applicable Ministry financial and administrative policies and procedures.
- c. Appendix D to this MOU sets out a list of applicable directives and policies as of the signing date of this MOU.

11.2 Administrative and Organizational Support Services

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

11.3 Legal Services

- a. Legal services are to be provided in accordance with the Ministry of the Attorney General's (MAG) Corporate Operating Policy on Acquiring and Using Legal Services. This Policy provides that legal work done on behalf of the government by ministries and specified agencies must be performed by government legal counsel or, in certain specific cases, by private sector lawyers whose retentions have been approved by MAG.

11.4 Freedom of Information and Protection of Privacy

- a. The Minister is the institution head for the purposes of the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31.

11.5 Delegation of Human Resources Management Authority Under the PSOA

- a. The Public Service Commission (PSC) can delegate HR authority in respect of Commission public bodies. Ontario Regulation 376/07 under the PSOA prescribes the persons in Commission public bodies to whom the PSC can delegate any of its powers, duties or functions. The Superintendent (in his capacity as CEO of the Commission) has been prescribed for the purposes of section 44(4)(a) of the PSOA in respect of Commission and Tribunal employees
- b. The Superintendent is accountable for exercising the delegated human resources authority in compliance with any relevant legislation, directives or policies and in accordance with the mandate of the Agencies, and within the parameters of the delegated authority.
- c. The delegations made by the PSC and exercised by the Superintendent are set out in Appendix F to this MOU.

11.6. Records Management

- a. The Superintendent is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The Superintendent is responsible for ensuring that the Agencies comply with the TB/MBC Management of Recorded Information Directive.
- c. The Superintendent is responsible for ensuring that the Agencies comply with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, c 34, Schedule A.

11.7 Client Service

- a. The Agencies have a formal process for responding to complaints about the quality of services received by clients of the Agencies consistent with the government's service quality standards
- b. The Agencies' annual business plan will include performance measures and targets for client service and the Agencies' response to complaints.
- c. The Agencies' process for responding to complaints about the quality of services is separate from any statute provisions about re-consideration, appeals, etc. of the adjudicative or regulatory decisions of the Superintendent or the Tribunal.

12. Financial Arrangements

12.1 Funding

- a. The Agencies cost recover from the regulated sectors through fees and assessments. The Agencies are funded out of the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislature. The majority of the Agencies' expenditures are funded by way of interim payments made under section 15 of the *Financial Administration Act*, R.S.O. 1990, c. F.12 (FAA). The Agencies also receive a voted allocation each year, in order to account for recoveries that are received after the end of the fiscal year.

- b. The Motor Vehicle Accident Claims Fund (MVACF), which is part of the Commission administratively, is accounted for separately and maintains distinct liabilities. Pursuant to the *Motor Vehicle Accident Claims Act*, the MVACF is financed through recoveries of claims and by a levy on all drivers' licences in Ontario.
- c. The Superintendent will prepare estimates of the Agencies' expenditures for inclusion in the Ministry's Results-Based Plan. He will deliver these estimates to the Minister in sufficient time to be analyzed and approved by the Minister. The estimates may, after appropriate consultation with the Superintendent, be altered as required.
- d. Financial procedures of the Agencies must be in accordance with TB/MBC and Ministry directives and guidelines and other applicable government direction.
- e. The Minister approves fees in accordance with the Act and related statutes. The Lieutenant Governor in Council may assess entities in the regulated sectors pursuant to section 25 of the Act with respect to all expenses and expenditures made by the Agencies and the Ministry in respect of the regulated sectors and shall take into account fees that the Crown has received from the entities that form part of a regulated sector.
- f. Fees, assessments and other revenues, except for the Pension Benefit Guarantee Fund (PBGF) assessments and except for MVACF revenues, shall be received on the account of the Consolidated Revenue Fund.
- g. The Superintendent will invest the assets of the PBGF in accordance with a statement of investment policies and goals, which he will file with the Minister.
- h. The Superintendent will maintain, in a manner consistent with generally accepted accounting principles, proper and complete financial records related to both the PBGF and MVACF.
- i. Under section 28 of the FAA, the Agencies shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities of the government of Ontario without the written approval of the Minister
- j. When ordered to do so by the Minister, under section 16.4 of the FAA, the Commission shall pay into the Consolidated Revenue Fund any money that the Minister determines is surplus to its requirements.

12.2 Financial Reports

- a. The Superintendent will provide to the Minister audited annual financial statements for each of the Agencies, PBGF and MVACF, and will include them as part of the Agencies' annual report.

12.3 Goods and Services Tax

- a. The Agencies acknowledge that property and/or services ordered/purchased by the Agencies are purchased by the Agencies for the use of the Crown in Right of Ontario.

- b. The Agencies are listed in Schedule A – Part II to the Reciprocal Tax Agreement between Ontario and Canada and are not liable to pay Goods and Services Tax.

13. Audit and Review Arrangements

- a. Pursuant to section 14 of the Act the Auditor General shall examine annually the accounts and financial transactions for the Agencies. The accounts and transactions of the MVACF are examined under the direction of the Auditor General.
- b. The Auditor General may, at any time, audit any aspect of the operations of the Agencies under the *Auditor General Act*, R.S.O. 1990, c. A.35.
- c. Regardless of any annual external audit, the Minister may direct that the Agencies be audited.
- d. The Finance and Revenue Audit Service Team, Ontario Internal Audit Division, Treasury Board Office, Ministry of Revenue and Ministry of Finance will provide internal audit services to the Agencies at the Agencies' expense. The Agencies' annual audit plan will be subject to the approval of the Commission's Audit Committee.
- e. The Internal Audit Division of the Ministry may also carry out an internal audit, if approved to do so, by the Ministry's Audit Committee or by the Corporate Audit Committee.
- f. The Superintendent will reply to questions from the Auditor General or other auditors with regard to audit findings, conclusions and recommendations.
- g. The Superintendent will promptly provide a copy of every report from an audit to the Minister. He will also provide a copy of the Agencies' response to the audit report and any recommendations therein. The Superintendent will advise the Minister annually on any outstanding audit recommendations.
- h. The Superintendent may request an external audit of the financial transactions or management controls of the Agencies at the Agencies' expense.

14. Staffing and Appointments

14.1 Staffing

- a. The Agencies are staffed by persons employed under Part III of the PSOA.
- c. The Agencies, in dealings with persons employed under the PSOA, are subject to TB/MBC human resources directives, and PSC directives under the PSOA.
- d. Pursuant to Ontario Regulation 376/07 under the PSOA, the Public Service Commission (PSC) has delegated some of its powers, duties or functions. The Superintendent (in his capacity as CEO of the Commission) has been prescribed for the purposes of section 44(4)(a)

of the PSOA in respect of the Agencies' employees. The delegations made by the PSC and exercised by the Superintendent are set out in Appendix F to this MOU.

- e. The Agencies' employees report to and are accountable to the Superintendent for their performance.

14.2 Appointments

- a. The Chair and vice-chairs are appointed by the Lieutenant Governor in Council on the recommendation of the Premier pursuant to section 4(1) of the Act.
- b. The members of the Tribunal are appointed by the Lieutenant Governor in Council on the recommendation of the Premier pursuant to section 6(3) of the Act.
- c. The director of arbitrations is appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to section 6(1) of the *Insurance Act*.

15. Liability Protection and Insurance

15.1 Immunity

- a. Pursuant to section 10(1) of the Act, no action or other proceeding for damages shall be instituted against the Superintendent, the Director of Arbitrations, any appointee, employees or any person engaged by the Superintendent or the Tribunal for any act done in good faith in the execution or intended execution of the person's powers or duties or for any neglect or default in the execution, in good faith, of the person's powers or duties.

15.2 Insurance

- a. The Agencies are covered under the province's Protection Program to protect themselves against claims that might arise from anything done or omitted to be done by the Agencies or appointees, employees, or agents, and from anything done or omitted to be done where bodily or personal injury, death, or property damage, including loss of use thereof, is caused.

16. Effective Date and Duration and Periodic Review of this MOU

16.1 Effective date of MOU

- a. This MOU becomes effective on the date it is signed by the parties.
- b. Subject to section 16.1(e), this MOU will continue in effect for not more than five years from the effective date.
- c. If a new Minister or Chair or Superintendent takes office before this MOU expires, the Minister, Chair and Superintendent must affirm by letter that the MOU will continue in force without a review, or alternatively they may agree to revise it.

- d. Without affecting the effective date of this MOU, the Minister or the Chair or the Superintendent may initiate a review of this MOU by written request to the other.
- e. A full review of this MOU will be conducted prior to its expiry not more than five years following the date it came into effect, or immediately in the event of a significant change to the Agencies' mandates, powers or governance structure as a result of an amendment to the Act. The MOU must be reviewed before the expiry and renewed or revised, but will continue in effect until superseded by a new memorandum of understanding.

16.2 Periodic Reviews

- a. The Agencies may be subject to a periodic review at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the Agencies that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and / or operations of the Agencies.
- b. The Minister will consult the Chair and the Superintendent as appropriate during any such review
- c. The Chair, the Superintendent and Commission will cooperate in any review.

Signatures

 Chair
 Financial Services Commission of Ontario
 Financial Services Tribunal

 Date

 Chief Executive Officer
 & Superintendent of Financial Services
 Financial Services Commission of Ontario

 Date

 Minister
 Ministry of Finance

 Date

APPENDIX A

RELATED STATUTES

Automobile Insurance Rates Stabilization Act, 2003, S.O. 2003, c.9

Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25

Co-operative Corporations Act, R.S.O. 1990, c. C.35

Corporations Act, R.S.O. 1990, c. C.38

Credit Unions and Caisses Populaires Act, 1994, S.O. 1994, c. 11

Insurance Act, R.S.O. 1990, c. I.8

Loan and Trust Corporations Act, R.S.O. 1990, c. L.25

Mortgage Brokerages, Lenders and Administrators Act, 2006, S.O., 2006, c.29

Motor Vehicle Accident Claims Act, R.S.O. 1990, c. M.41

Pension Benefits Act, R.S.O. 1990, c. P.8

Prepaid Hospital and Medical Services Act, R.S.O. 1990, c. P.21

Registered Insurance Brokers Act, R.S.O. 1990, c. R.19

APPENDIX B

SUMMARY OF REPORTING REQUIREMENTS

REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS	DUE DATE	REQUIREMENT	SPECIAL NOTES
Audited Financial Statements <ul style="list-style-type: none"> • Prepares 	<ul style="list-style-type: none"> • Office of the Auditor General 	As determined by the Office of the Auditor General	<p>In accordance with section 14 of the <i>Financial Services Commission of Ontario Act, 1997</i>, the auditor general shall examine annually the accounts and financial transactions of the Commission.</p> <p>In accordance with the <i>Agency Establishment & Accountability Directive</i>, the annual report will include audited financial statements.</p>	<p>Financial information is ready for the auditor by July 1.</p> <p>The timing of the Auditor General's audit may affect the preparation of the Annual Report.</p>
PBGF Financial Statements <ul style="list-style-type: none"> • Prepares 	<ul style="list-style-type: none"> • Office of the Auditor General 	As determined by the Office of the Auditor General	In accordance with section 14 of the <i>Financial Services Commission of Ontario Act, 1997</i> .	<p>Financial information is ready for the auditor by May 1.</p> <p>The timing of the Auditor General's audit may affect the preparation of the Annual Report.</p>
MVACF Financial Statements <ul style="list-style-type: none"> • Prepares 	<ul style="list-style-type: none"> • Office of the Auditor General 	As determined by the Office of the Auditor General	In accordance with section 9 of the <i>Auditor General Act</i>	<p>Financial information is ready for the auditor by May 1.</p> <p>The timing of the Auditor General's audit may affect the preparation of the Annual Report.</p>

REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS	DUE DATE	REQUIREMENT	SPECIAL NOTES
<p>Annual Report on Agencies</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister • Submits to Lieutenant Governor and tables in Legislature 	<ul style="list-style-type: none"> • Chair/Superintendent • Superintendent • Minister 	<p>Submits to the Minister by July 31 or 30 days after receipt of the audited financial statements from the Auditor General</p>	<p>In accordance with section 15 of the <i>Financial Services Commission of Ontario Act, 1997</i>, the Commission shall file with the Minister an annual report of the affairs of the Commission within a reasonable time after the close of each fiscal year.</p> <p>The Minister shall submit the report to the Lieutenant Governor in Council and lay it before the legislature if it is in session or, if not, at the next session.</p> <p>In accordance with the <i>Agency Establishment & Accountability Directive</i>, an agency will submit its annual report to the Minister within 120 days of its fiscal year-end.</p>	<p>The <i>Agency Establishment & Accountability Directive</i> indicates that the annual report is to be submitted within 120 days of the year-end but it can only be submitted after receipt of the audited financial statements from the Auditor General.</p> <p>The timing of the Auditor General's audit may affect the preparation of the Annual Report.</p>
<p>Agencies' Statement of Priorities</p> <ul style="list-style-type: none"> • Prepares • Public Consultation and publishes notice in The Ontario Gazette • Submits to Minister • Publish in The Ontario Gazette 	<ul style="list-style-type: none"> • Chair/Superintendent • Superintendent • Superintendent • Superintendent 	<p>Public Consultation: March 31</p> <p>Submit to Minister and publish: June 30</p>	<p>In accordance with section 11 of the <i>Financial Services Commission of Ontario Act, 1997</i>, the Commission shall, at least 60 days before the publication date of the statement, publish a notice in The Ontario Gazette inviting interested persons to make written representations.</p> <p>The Commission shall, not later than 90 days after the start of each fiscal year, deliver to the Minister <u>and</u> publish in The Ontario Gazette, a statement of priorities for the next fiscal year and a summary of the reasons for the priorities identified.</p>	
<p>Superintendent's Annual Report on Insurance</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister • Publishes 	<ul style="list-style-type: none"> • Superintendent • Superintendent • Superintendent 	<p>August 31</p>	<p>In accordance with section 36(1) of the <i>Insurance Act</i>, the Superintendent shall prepare for the Minister, an annual report showing particulars of the business of each insurer. The report shall be printed and published forthwith after completion.</p>	<p>The Superintendent's Report on Insurance is posted to the internet and is also published in the Agencies' Annual Report.</p>

REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS	DUE DATE	REQUIREMENT	SPECIAL NOTES
<p>Minister's Report on Statutory Accident Benefits Schedule</p> <ul style="list-style-type: none"> • Prepares • Submits to Deputy Minister • Submits to Minister • Tables in Legislature 	<ul style="list-style-type: none"> • Superintendent/MOF • Superintendent • Deputy Minister • Minister 	<p>Prepare/submit to the Deputy Minister at least once every two years by December 31</p>	<p>In accordance with section 289 of the <i>Insurance Act</i>, at least once every two years, the Minister shall table a report before the Legislature in respect of the adequacy of the statutory accident benefits and setting out changes made to the SABS since the last report and changes that are proposed at the time of the report.</p>	<p>Last report was submitted to the Minister in December 2006.</p>
<p>Superintendent's Report on Risk Classification and Rate Determination Regulations</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister • Submits to Lieutenant Governor-in-Council and tables in Legislature 	<ul style="list-style-type: none"> • Superintendent • Superintendent • Minister 	<p>Prepare/submit to the Minister at least once every three years by December 31</p>	<p>In accordance with section 417.1 of the <i>Insurance Act</i>, the Superintendent is to submit a report to the Minister on recommendations for amendments to the regulations, at least once every three years. The Minister is to submit the report to the Lieutenant Governor-in-Council and table it in the Legislature.</p>	<p>Last report was submitted to the Minister in December 2007.</p>
<p>Superintendent's Annual Report on the Facility Association</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister • Tables in Legislature 	<ul style="list-style-type: none"> • Superintendent • Superintendent • Minister 	<p>Prepare/submit to the Minister by September 30</p>	<p>In accordance with section 11.1 of the <i>Compulsory Automobile Insurance Act</i>, the Superintendent is to make an annual report of the affairs of the Facility Association to the Minister. The Minister is to table the report in the Legislature.</p>	<p>The Superintendent's examination includes a review of FA's financial statements historically sent to the Superintendent in May of each year following the FA Annual General Meeting. (Oct 31st year-end)</p>

REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS	DUE DATE	REQUIREMENT	SPECIAL NOTES
<p>Superintendent's Annual Report on the Registered Insurance Brokers of Ontario (RIBO)</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister • Tables in Legislature 	<ul style="list-style-type: none"> • Superintendent • Superintendent • Minister 	<p>Prepare/submit to the Minister by March 31</p>	<p>In accordance with section 10(2) of the <i>Registered Insurance Brokers Act</i>, the Superintendent is to report to the Minister the results of an examination of the affairs of the Registered Insurance Brokers of Ontario. The Minister tables the report of both RIBO and the Superintendent in the Legislature.</p>	<p>By November 30, RIBO shall provide to its members and the Minister an annual report relating to its activities that year.</p>
<p>Superintendent 5 Year Auto Review</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister 	<ul style="list-style-type: none"> • Superintendent • Superintendent 	<p>TBD</p>	<p>In accordance with section 289.1 of the <i>Insurance Act</i>, the Superintendent shall undertake a review of this Part and any regulations made under this part at least every five years and shall recommend any amendments.</p>	<p>First review to be undertaken by October 1, 2008.</p>
<p>Agency Business Plan</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister • Submits to MBC once every three years 	<ul style="list-style-type: none"> • Superintendent/Chair • Superintendent • Minister 	<p>Annually, by February 28</p>	<p>In accordance with the <i>Agency Establishment & Accountability Directive</i>, each year every agency must prepare a business plan. At least the plan will cover the agency's next three fiscal years. Once every three years on a rotational basis and by the end of the government's fiscal year, MBC will be provided with a copy of the business plan. MBC will review and approve the plan as needed.</p>	<p>Management Board of Cabinet reviewed the 2006-2009 Agency Business Plan on November 2, 2006. Minister signed 2007-2010 and 2008-2011 plans.</p>

REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS	DUE DATE	REQUIREMENT	SPECIAL NOTES
<p>Memorandum of Understanding</p> <ul style="list-style-type: none"> • Prepares • Submits to Minister • Recommends to MBC for approval • Signs 	<ul style="list-style-type: none"> • Chair/Superintendent/ Deputy Minister • Superintendent/ Deputy Minister • Minister • Superintendent/Chair/ Minister 		<p>In accordance with the <i>Agency Establishment & Accountability Directive</i>, there will be a current MOU with its responsible Minister. The MOU must be approved by MBC and then by the Minister.</p> <p>The MOU is in effect for not more than five years. The MOU, however, must be reviewed before the expiry and renewed or revised, but will continue in effect until superseded by a new memorandum of understanding.</p>	<p>If a new Minister or Chair or the Superintendent takes office before this MOU expires, the Minister, Chair and the Superintendent must affirm by letter that the MOU will continue in force without a review, or alternatively they may agree to revise it.</p> <p>The previous MOU was approved by MBC on April 17, 2003 and signed by the Minister on August 27, 2003</p>
<p>Other Reports on Agencies</p>		<p>As required by the Minister</p>	<p>In accordance with section 15(3) of the <i>Financial Services Commission of Ontario Act, 1997</i>, the Commission shall submit to the Minister all reports, other than the annual report, and all information that the Minister requires.</p>	
<p>Other Reports (Pension Policy Requirements)</p>		<p>Monthly</p>	<p>All data contained in the Pension Database System (“PDS”) including:</p> <ul style="list-style-type: none"> • all pension plan profile data; • all pension plan filings data; • all pension plan transaction data. 	<p>In accordance with the terms and conditions set out in the letter of understanding between the Ministry of Finance and the Commission</p>

APPENDIX C

PUBLIC COMMUNICATIONS PROTOCOL

1 Definitions

- a. "Public communications" means any material that is communicated to the public, either directly or through the media in:
 - Oral form, such as a speech or public presentation
 - Printed form, such as a hardcopy report
 - 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:
 - Members of the Legislative Assembly
 - The public
 - Media
 - Stakeholders
 - Service delivery partners

2 The Agencies will comply with the TB/MBC Visual Identity Directive and identify themselves in all media responses and news releases as an agency of the Government of Ontario

3 The Ministry and the Agencies will appoint persons to serve as Public Communications "leads":

- The Ministry lead is the Director, Communications and Corporate Affairs Branch, Ministry of Finance, or delegate
- The Agencies' lead is the Director, Corporate Policy & Public Affairs Branch, Financial Services Commission of Ontario, or delegate

4 For the purpose of this protocol, public communications are divided into three categories.

- a. Media responses or news releases related to the day-to-day business of the Agencies and their programs that do not have direct implications for either the Ministry or the government.
 - The Agencies should communicate their media responses or news releases to the Ministry lead, who will circulate as appropriate to other individuals within the Ministry.
 - This category does not include contentious issues, media responses or news releases that directly or indirectly announce grants or other funding to organizations.

- b. Media responses, news releases or communications plans where provincial or ministerial messaging on government priorities would enhance the Agencies' or the government's profile, or would provide opportunities for local MPP announcements.
 - § The Agencies' lead will notify the Ministry lead of upcoming media responses, news releases and communications plans fifteen days in advance for all non-contentious items that might generate media interest.
 - § The Agencies' lead will provide each week an Opportunities Calendar of events to the Ministry listing all events that might generate media interest.
 - § For non-contentious items, which provide government messaging opportunities or which involve funding announcements, the Agencies must also request approval of news releases or communications plans seven days prior to the date required.
 - § Final approval is required from the Minister's office. If the Agencies were not to receive comments or approval from the Minister's office or Ministry lead within forty-eight hours of the date on which the item is to be issued, the Agencies can proceed accordingly.
- c. Contentious issues, media responses, and news releases that may have direct implications for either the Ministry or the government, or are likely to result in inquiries being directed to the Minister or government (including all funding or grants announcements and contentious issues).
 - § For all contentious issues, the Agencies' lead will notify the Ministry lead immediately upon becoming aware of the issue and will notify the Minister's office simultaneously. The Ministry lead may also advise the Commission of contentious issues that require attention.
 - § The Agencies will provide all required background information on the issue to the Ministry lead, who will arrange to have a contentious issues note prepared. Contentious issue notes that are prepared by the Agencies will follow the protocol as established by the Ministry.
 - § The Agencies must obtain Ministry approval prior to issuing media responses or news releases in this category. The Agencies' lead will provide the media response or news releases to the Ministry lead who will initiate the approval process within the Ministry.
 - § Final approval on media responses and news releases in this category is required from the Minister's office.

5 Public communications by the Ministry that deal with Agencies issues, including media responses, news releases or communications plans, should be shared with the Agencies before publication. This will allow the Agencies an opportunity to provide input into the material as well as ensure accuracy of messaging regarding the regulated sectors.

Appendix D

Applicable TB/MBC and Ministry of Finance Directives

The following TB/MBC and Ministry of Finance directives, guidelines and policies apply to the Agencies:

Accountability and Governance

- Advertising Content Directive
- Accountability Directive
- Agency Establishment and Accountability Directive
- Government Publications
- Internal Audit Directive
- OPS Emergency Management and Security Directive
- Public Services of Ontario Act Accountability
- Risk Management Directive
- Transfer Payment Accountability Directive
- Visual Identity

Human Resources

- Attendance Policy
- Attendance Improvement Program Policy
- Benefits for SMG Employees Operating Policy
- Classification & Position Administration Directive
- Confidential Disclosure to Bargaining Agents (Interim Directive)
- Conflict of Interest and Post-Service Directive
- Continuation of Existing Classes & Salaries Directive
- Employee Benefits Directive
- Employee Recognition Guidelines
- Employee Recognition Policy
- Employee Recognition Program
- Equal Opportunity Operating Policy
- Executive Transition Support Program for SMG-Operating Policy
- Government Appointees Directive
- HIV Infection & AIDS in the Workplace Directive
- Hours of Work Directive
- Hours of Work Guidelines
- HR Management (Key) Directive
- HR Management Governance and Accountability Directive (Delegation of Authority)
- Injury Illness & Employment Accommodation In the OPS

- Labour Relations Policy
- Learning and Development Operating Policy
- Management Board of Cabinet's Compensation Directive
- Manager's Guide to Staffing within the OPS
- Managing Substance Abuse in the Workplace
- Merit Increases Directive
- MGS HR Directive
- Non-Represented Employee Benefits Directive
- Occupational Health and Safety Directive
- Pay On Assignment Operating Policy
- Pay, Pension & Benefits
- Performance Management Operating Policy
- Personal Screening Check Policy
- Personal Screening Checks Operational Guidelines
- Public Service Commission's Key Directive on HR Administration
- Public Service Pension Plan
- Recruitment and Selection for SMG-Operating Policy
- Salary Rates/Ranges Directive
- Self-Funded Leave Plan Policy
- SMG Performance Management Operating Policy
- Smoke Free Workplace Operating Policy
- Solar Ultraviolet Radiation Guideline
- Staffing Operating Policy
- Temporary Assignment of VDT Operators During Pregnancy Policy
- Unclassified-Appointment to Unclassified Service Policy
- Unclassified Contracts for SMG Positions Operating Policy
- Unclassified General Policy
- Unclassified-Legal Entitlements to Work In Canada Policy
- Workplace Discrimination & Harassment Prevention Policy
- Workplace Joint Health & Safety Committees and Health & Safety Representatives (Multi-Bargaining Agent Representation) Guidelines
- Workplace Repetitive Strain Injury Prevention Guide
- WSIB Claims Guide

Facilities and Accommodations

- Asset Directive
- Contractor Security Screening Operating Policy
- Emergency Evacuation Planning Directive
- Emergency Evacuation Planning Guideline
- First Aid Provision Guideline
- French Language Training and Evaluation Guideline
- OPS Emergency Management and Security Directive

- OPS Parking Policy
- OPS Physical Security Operating Policy
- Real Property and Accommodation Directive
- Security Plan Guideline
- Smoke Free Workplace Directive
- Smoke Free Workplace Operating Policy
- Smoke Free Workplace Guidelines
- Threat Risk Assessment Guideline

Public Services Commission

- Disclosure of Wrongdoing Directives
- Government Appointees
- Terminology Directive

Business Planning and Financial Management

- Accounting and Reporting Directive
- Assets and Liabilities Directive
- Business Planning and Allocations Directive
- Cash management Directive
- Corporate Financial Policies
- Delegation of Authority Key Directive
- Encumbrance Policy
- Expenditure Management Directive
- Expenditure and Authorities Directive
- Establishment and Use of Central Common Services Directive
- Financial Analysis Directive
- Financial Information Directive
- General Expenses Directive
- Internal Controls Management Directive
- Non-tax Revenue Directive
- Procurement Directive on Advertising, Public and Media Relations, & Creative Services
- Procurement Directives
- Procurement Operating Policy
- Real Property & Accommodation Directive
- Relocation Expenses
- Revenue Management Directive
- Revenue and Receivables Directive
- Staffing Management and Control
- Travel, Meal & Hospitality Expenses Directive

Information Technology

- Enhance Privacy: Computer Matching of Personal Information
- Freedom of Information and Privacy
- Information & Information Technology Security
- Information & Information Technology Directive
- Management of Recorded Information
- Systems and Controls Directive

Note: All OPS Directives, OPS Policies, OPS Guidelines are applicable unless listed as exempted in Appendix D.

Appendix E

Administrative and Support Services

This Appendix covers Information and Information Technology (I&IT) services as well as other administrative services, including human resources, facilities and finance.

Appendix E - I&IT Services

CAC I&IT staff at the Commission get support from the Commission's Corporate Services Division (including Staff Services Section for HR, facilities support and the Commission's Strategic and Operational Planning Branch for planning, budget support).

IT Function	CAC Role	CAC @ Commission Role	Service Levels
IT Budget/Funding	N/A	The Commission provides all funding for Commission IT from within the Commission's budget	N/A
IT Procurement	I&IT Purchase Order review/approval and provide advice Purchases are reviewed for compliance with CAC/OPS technical standards and guidelines and are processed via IFIS	I&IT Procurement Services including: needs analysis and recommendations, business case preparation, quotation and PO process, liaison with vendor, receive and implement product Funding (i.e.: ODOE) for all IT procurement will be provided by the Commission directly	Support provided in accordance with business case approvals, prescribed target dates and Commission budgets
Request for Services/ Request for Resources	RFS/RFR review/approval and provide advice Requests are reviewed for compliance with CAC/OPS standards and guidelines Liaise with vendors	RFR/RFS services including: needs analysis and recommendations, business case preparation, interviews, and final selection Funding (i.e.: ODOE) for all RFS/RFRs will be provided by Commission directly	Support provided in accordance with approved business cases, prescribed timelines and approved Commission (ODOE) budgets for resource acquisition
Commission Corporate Services	N/A	Provide call centre support for	Support provided: 7:00 am to 5:15 pm

IT Function	CAC Role	CAC @ Commission Role	Service Levels
Support		Commission Corporate Services inquiries (i.e.: Finance, HR, Facilities) via “Corporate Services Infoline”	M-F. Calls returned within 1 hour 99% of the time
Staff I&IT Support	N/A	Direct client support and advice on I&IT services Desktop services and direct client support After hours technical support	See “Commission Corporate Services Support” After hours support: 6:00 am - 7:00 am & 5:15 pm -11:00 pm M-F 9:00 am - 10:00 pm Sat, Sun, Holidays
Information Management	IM review, strategic advice, recommendations, implementation	IM support	Support provided as required
Project Management	Provides strategic advice and guidance	Project Management and Planning to Support the Commission’s Operational Plans	Support provided in accordance with the approved prioritization of Operational Planning projects and the application of the IT Project Management Lifecycle Methodology
Business Solutions	Provides strategic advice and guidance	Support in the planning of new business initiatives by providing innovative technology solutions User Requirements Gathering and Solution Definition Build vs. Buy Analysis Program Design, Testing, and Post Implementation Support Strategic information	Support provided in accordance with approved business cases, prescribed timelines and approved Commission (ODOE) budgets Core applications accessible: 7:00 am - 5:15 pm M-F Internet applications accessible: 6:00am -11:00 pm M-F

IT Function	CAC Role	CAC @ Commission Role	Service Levels
		and information technology planning	9:00am - 10:00 pm Sat, Sun, Holidays Target uptime: 99.9%
Network Infrastructure Services	Strategic advice and guidance	Network Security and Infrastructure Services (including antivirus, patch management) Internet/Intranet hosting services** (including content filtering and firewall) File and print network services and support Remote network access Ongoing monitoring and performance/capacity management Systems Maintenance and Enhancements	All services** accessible 6:00am - 11:00 pm M-F Support provided: 9:00 am-10:00 pm Sat, Sun, Holidays Target uptime: 99.9% 2 weeks advanced notice given for scheduled maintenance/downtime Network monitoring 24/7 ** Note: internet services accessible 24/7
Business Continuity Planning	Provides strategic advice and guidance	I&IT Business Continuity Planning	Support provided as per BCP commitments
E-mail Services	Provides strategic advice and guidance	E-mail/Blackberry services (including SPAM filtering)	Support provided Services accessible 24/7 Target uptime 99.9%
Telephony Services	N/A	Deployment, administration and support of Commission's PBX including: call centre/ACD, voice mail, 1-800, fax lines, phone sets	Support provided Services accessible 24/7 Target uptime 99.9%
Staff Training	N/A	End user training including: applications/ software, hardware, telephony, security	Support provided as required

Appendix E – Other Administrative Services

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
Financial Reporting/Audits	Provide timely information re public account preparation, directives and guidelines	<p>Prepare financial statements for the Agencies, PBGF, MVACF and four secretariats (CCIR, CAPSA, JFFMR and GISA) based on GAAP</p> <p>Work with external auditors, including the Office of the Auditor General of Ontario, during annual audits of the entities</p> <p>Prepare financial reports for Public Accounts reporting based on PSAB</p> <p>Commission's Audit Committee approves all financial statements of the Agency, MVACF and PBGF</p> <p>Work with Internal Audit Division to develop the annual audit plan</p> <p>Track all audit recommendations and implementation status and keep the auditors and the Audit Committee apprised of the status. Note: copies of all audit reports and responses are provided to MOF</p> <p>Ensure audited financial statements are included in the Agencies's Annual Report</p>	<p>Commission to have financial statements ready for auditors: Agency: July 1 MVACF: May 1 PBGF: May 1 GISA: Sept 1 CCIR: Sept 1 CAPSA: Sept1 JFFMR: Sept 1</p> <p>MVACF: June 30 PBGF: June 30 Agency: Sept 15</p> <p>January</p> <p>Quarterly</p> <p>The timing of the Auditor General's audit may affect the timing of the Annual Report. Financial information must be ready for the auditor by July 1</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
Delegation of Financial Authority	Maintains and administers MOF Delegation of Financial and Administrative Authority Framework	<p>Commission manages (add/deletes) internal delegations of financial authority</p> <p>Commission ensures the proper delegations have been loaded into the eDA system</p> <p>Training and support to Commission staff</p> <p>Periodically reviews delegations to ensure they are current</p>	<p>On initial rollout of eDA system, and then as required/annual review</p> <p>Will update with staffing changes.</p> <p>Annual.</p>
Chargebacks	Provides supporting documentation used to calculate the amounts for quarterly Ministry/OPS charge backs.	<p>Timely payment of charge backs.</p> <p>Negotiation of chargeback amounts, in accordance with new or revised Service Level Agreements</p>	Quarterly.
Service Management	<p>Seek resolution to service delivery concerns identified relative to OSS business line services including:</p> <p>financial processing; payroll/benefits processing; employment programs and services; procurement; General Administrative Delivery Services Branch services (GADSB), e.g. risk management / insurance services, surplus assets, distribution mail and print services, forms management, translation</p>	<p>Identify and inform the MOF Corporate Planning and Finance Branch of service delivery concerns</p> <p>Receive OSS business line services, including working within mandatory enterprise-wide Vendor of Record arrangements in support of meeting the agency business needs, including the Fleet Management - Passenger Vehicle Management Services Agreement</p> <p>Payment of services acquired/arranged directly from GADSB to support business requirements, paid through OSS generated Program Production Journals</p>	As needed

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
Lease	<p>Provides, at the beginning of the year, calculation of lease charges - calculation is based on the lease and is adjusted based on current information about the amounts which are subject to changes, as per the lease agreement</p> <p>Provides, before the end of each fiscal year, the calculation of the yearly lease costs and charges, to the best of its knowledge, as per requirements issued by the Office of the Provincial Controller</p> <p>Provides, upon receipt from the landlord, the final calculation of the yearly lease adjustment (landlord's statement of adjustment)</p> <p>Liaises with the Ontario Realty Corporation (ORC) during lease negotiations, and on other leasing issues which may arise throughout the year</p>	<p>The Commission reviews and approves this calculation</p> <p>The Commission works with MOF, which liaises with the ORC, on leasing issues and during lease negotiations</p>	<p>Annual</p> <p>During Q4</p> <p>During Q4</p> <p>As needed</p>
Finance	<p>Co-ordinates with the Commission, posting of entries to IFIS for all hard closes, soft closes, fiscal year end calculations and the statement of adjustments</p> <p>Supports Commission financial analysts for in-year financial management and tracking</p>	<p>Provides timely advice and quarterly financial updates to MOF</p> <p>Maintain Special Purpose Accounts for MVACF, and others, as approved</p> <p>Maintains the MOF CUBE for financial forecasting and the SBPS database for salaries forecasting.</p>	<p>Meets all posting deadlines as provided by MOF</p> <p>Monthly</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
	Provides resource management and support, system support and training to Commission financial analysts	<p>Reconciles expenditures, encumbrances and revenues in IFIS</p> <p>Coordinates forecasts from agency program areas and provides quarterly budget updates to Commission Senior Management Committee and the Commission</p> <p>Reviews fees and assessments on a regular basis to ensure full cost recovery and recommends changes as necessary</p> <p>Responsible for producing billing information for external stakeholders and coordinating assessment invoices, which are produced by OSS, in accordance with existing Service Level Agreements</p>	<p>On-going</p> <p>Quarterly</p> <p>Annually</p> <p>Insurance sector – September and February</p> <p>Other assessed sectors – February</p>
Planning/ Submissions	<p>Reviews MB/ TB submissions and provide comments; facilitates submissions through the approval process</p> <p>Provides advice and assistance in preparation and submission of Commission's annual Results-based Plan</p> <p>Assists in coordinating approvals for Orders-In-Council, fee changes, assessment regulation, changes, Commission's Agency Business Plan</p>	<p>Develops MB/ TB submissions</p> <p>Prepares the agency portion of the annual Results-based Plan, which is included in MOF's submission</p> <p>Develops Agency Business Plan for annual submission to the Minister and submission to MB/TB every 3 years</p> <p>Prepares draft Orders-in-Council; changes to the Minister's Schedule of Fees; changes to the assessment regulation.</p>	<p>As needed</p> <p>Annually – in accordance with timelines provided by MOF</p> <p>Annual</p> <p>As needed</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
Procurement	Provides assistance in development and acquisition of goods and services (e.g. consulting services) to ensure compliance with OPS procurement processes	<p>Conducts procurement in accordance with MOF and OPS policies, procedures and directives</p> <p>Provides training and support throughout the organization</p> <p>Maintains procurement records and tracks procurement activities across the organization</p> <p>Provides semi-annual report of all existing consulting service contracts to MOF and annual reporting on existing Advertising and Creative Communications contracts to MOF</p> <p>Initiates and approves purchase requisitions in IFIS according to Commission's delegation of authority</p>	<p>As needed</p> <p>On-going</p> <p>Semi-annual and annual– in accordance with timelines provided by MOF</p> <p>As needed</p>
Corporate Credit Cards	Conducts reviews of Purchasing Card and Travel card usage, delinquent accounts and Diversion Accounts	<p>Conducts monthly reconciliation of Purchasing card and Travel card expenditures and Diversion Accounts and maintains internal record</p> <p>Provides training and support and asset management</p> <p>Takes corrective action as required including follow-up of delinquent payments and reviewing disciplinary action in cooperation with MOF</p>	<p>Monthly</p> <p>As needed</p>
IFIS	Provides IFIS access, and training as requested, to	Manages internal processes and requests for	On-going

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
	<p>Commission staff Provides support to Commission in processing IFIS system changes and adjustments</p> <p>Provides I-Expenses support to resolve problems and set-up for new users</p>	<p>IFIS access Manages internal travel processes, approvals, reviews and claims and receipts</p> <p>Provides internal training and support in compliance with the Travel, Meals and Hospitality Directive</p>	
Revenue Processing/Data Capture – Pension Sector	<p>ROCSB:</p> <ul style="list-style-type: none"> - generates AIR/PBGF filings based on electronic files provided by the Commission - mails out AIR/PBGF filings to pension plan administrators - provides forms design support in support of automated processing and revenue deposits - provides support to the Commission related to data capture of AIR and schedules and exchange of data with CRA - processes AIR/PBGF filings on receipt, data captures information from filings and deposits cheques to CRF and vendor trust and posts deposit information to IFIS - deposits cheques for new pension plan registrations and miscellaneous fees - sends electronic file containing data/deposit 	<p>Provides electronic file to ROCSB to trigger issuance of AIR/PBGF filings</p> <p>Sends transmittal slips and cheques to ROCSB; verifies and reconciles data/deposit information</p> <p>Issue letters for outstanding fees and respond to telephone inquiries</p> <p>Lead for arrangements with CRA on data capture of AIR filings and schedules and transmission of data</p>	<p>Same day deposit of funds to CRF and PBGF vendor trust.</p> <p>Same day reporting of deposits; 100% accuracy of deposit</p> <p>Mailing of AIR filings and schedules within 7 business days of printing.</p> <p>Capture of AIR/PBGF data and transmission of data to the Commission within 5 business days of receipt</p> <p>Return AIR/PBGF filings and attached correspondence to the Commission within 2 business days of transmitting data</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
	information to the Commission		
Revenue Processing – Health Assessments	ROCSB deposits cheques on receipt and posts information to IFIS	Issues invoices to insurance companies Reconciles to IFIS and Cost Recovery System, respond to telephone inquiries, follow-up on outstanding payments	Same day deposit of funds to the Commission accounts Same day reporting of deposits 100% accuracy of deposit
Labour Relations *Note: LR Consultant is dedicated to and funded by the Commission and reports to the Ministry of Government Services (MGS)			Conducts Local Employee Relations meetings with both AMAPCEO and OPSEU Provides LR advice to the Commission's HR unit and management on plans, employee relations issues, strategies and methods for effective employee relations management Manages the preparation of materials for Med/Arb
Stage II Grievances	MGS provides corporate support for Stage II classification grievances only	Manages all grievances (Stage 1 and Stage 2) [with the exception of classification grievances] Appoints Stage II Designee; provides background materials for Stage II Designee; prepares Stage II	

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
		Designee; participates in the Stage II meeting; ensures that all Stage II Designees are trained	
Employee Transition	MOF Human Resources Director reviews and approves all surplussing proposals	<p>Consults with managers</p> <p>Liaises with MGS/OSS to review MOF vacancy lists.</p> <p>Forwards all relevant documentation to MGS for processing</p> <p>Liaises with Employee Program Services as required with respect to responding to any issues associated with clearance, assignment etc</p> <p>Prepares all relevant documentation and meets with the employee and manager(s) to explain rights and entitlements</p>	
Terminations	MOF Human Resources Director reviews and approves all terminations for cause	<p>Consults with Commission managers, MGS, labour relations, legal and ERD for advice</p> <p>Prepares all documentation</p>	
Compensation Projects		<p>Provides direction to managers based on Corporate Requirements</p> <p>Compiles information and submits materials to MGS/OSS for processing</p> <p>Works with managers to address issues, questions, concerns</p>	
Compensation Initiatives and Benefits i.e., Bonus/P4P/	<p>Prepares reports for submission to MGS</p> <p>Prepares letters to</p>	<p>Consults with management</p> <p>Compiles data for</p>	

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
SMG etc.	employees Provides rating lists	submission to MOF HRB who in turn submits to MGS Cross check and distribute letters to employees Approves forfeited vacations	
Workplace Discrimination and Harassment		Coordinates WDHP process Provide advice to managers Hires fact-finders where necessary and ensures fact-finding is completed in a timely fashion	
Position Management		Ensures that all specifications meet policy requirements and addresses any and all issues with managers. Develops, evaluates and provides recommendation for classification for MOF approval Conducts classification usage reviews to compare similar jobs across the agency and the OPS to ensure consistency in classification recommendations	
Executive Services	Coordinates submissions to EDC and CSC and obtains Deputy's approval	Provides support and advice to Commission management as necessary Prepares all relevant documentation i.e. letters, briefing notes EDC submissions, etc. Participates in the recruitment process i.e.	

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
		development of job posting, interview questions and participates on the interview panel. Provide support as required including orientation, documentation etc	
Corporate Youth Initiatives: - SEP - Quebec/Ontario Exchange - Ontario Internship Program	MGS provides corporate support for all youth programs	Coordinates communication to management on all three initiatives and provides advice to management on the programs Coordinates the recruitment process for SEP	
Staffing	Provides information on new policy directives related to recruitment MOF HRB Director approves all requests for external media postings	Works with MGS Recruitment to submit job advertisements for postings Prepares and provides advice to management on the preparation of application screening criteria, interview plans, interview questions and special selection tools Administers Commission competitions including setting up competition files and receiving/logging applications Screens and advises management on the screening of competition applications Coordinates the competition interview process including the scheduling of interviews, contacting candidates,	

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
		<p>setting up interview rooms, preparing materials and testing materials</p> <p>Where necessary, i.e. technical position/feeder position, participate in competition interviews and selection process</p>	
Organizational / Job Design and Planning	If submissions for EDC or CSC are required, MOF coordinates as well as forwards to the Deputy Minister for approval	<p>Conducts organizational analysis and advises management on organizational and job design to meet changing business needs</p> <p>Coordinates and prepares submissions for new organization structures</p> <p>Prepares and manages re-organization project plans</p> <p>Manages all requirements related to position redundancies and the resulting release of surplus employees following organization change initiatives (develop scripts for management, employee notification letters etc)</p> <p>Prepares Union disclosure documents for MGS</p> <p>Conducts job audits and interviews with management to collect detailed job information</p>	
HR Planning		Develops Commission's HR Plan and ensures that Plan is reflective of OPS priorities	
HR Council, Committee, Branch,	MOF HRB participates on all HR related meetings, sessions,		

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
	Produces Commission staff photo id cards for Commission staff as well as MOF Security cards (where applicable).	<p>risks to building management</p> <p>Provides security including, issuing building security cards; maintaining security card database and performing quarterly reconciliations; monitoring of premises secured premises and magnetic door lock system; monitoring weekend access requests; arranges extra security as required; maintain security pendants and panic button stations</p> <p>Coordinates issue, distribution and disposal of Commission staff photo id cards</p> <p>Provides emergency management services and business continuity services including the coordination and training of Commission's Emergency Evacuation personnel and evacuation procedures and drills</p> <p>Coordinates monitoring and maintenance of Commission's Automated External Defibrillator (AED) Program</p> <p>Coordinates and trains Commission staff on First Aid & CPR and on the AED</p>	<p>Daily / on request</p> <p>Same day for disposal on termination of employee</p> <p>Daily</p> <p>Bi-annually</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
General Administrative Services	ROCSB provides a daily shuttle of intergovernmental mail between Oshawa, Toronto, and the Commission, and a drop-off to the Canada Post depot of outgoing Commission mail.	Processes and meters regular outgoing mail and registered mail in advance of shuttle pickup	Once daily, by 12:00 Noon
		Manages incoming and outgoing courier and messenger services, and deliveries	
		Delivers and picks up mail, courier, and other deliveries internally to/from Commission business areas	Twice daily
		Arranges internal or external preparation and/or distribution of mass/special mailings	On request
		Purchases and issues paper stock and other identified office supplies including, but not limited to, photocopy paper, envelopes, file folders, printer ink and toner cartridges	As needed
		Provides front-line reception services at three public reception desks	8:00am - 5:00pm M-F
		Manages booking requests for meeting rooms at Commission; books appointments for pension plan and FST file viewings and oversees the use of the viewing room and its copier including preparing the invoice for copy charges; and, provides and sets up audio-visual equipment	Daily / on request

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
		<p>and meeting rooms</p> <p>Coordinates shredding services with the external services provider, supplies and provides/arranges maintenance service convenience shredding machines</p> <p>Coordinates the leasing of convenience faxes, and convenience photocopiers; and provides/arranges maintenance service on this equipment</p> <p>Coordinates the acquisition of mailing systems and equipment, and provides/arranges maintenance service on the equipment</p> <p>Manages Commission fleet vehicles, including regular inspection, maintenance, and cleaning of vehicles</p> <p>Manages recordkeeping at Commission including the preparation, and implementation of retention schedules; the coordination of transfer, storage, retrieval, and disposal of records</p>	<p>Monthly / as needed</p> <p>As needed</p> <p>As needed</p>
WIN/FTEs	Produces monthly and ad hoc reports from WIN (i.e. WIN Position Inventory, Employee Extract, Retirement, FTE, Milestone)	Requests and reviews reports from WIN (i.e. WIN Position Inventory, Employee Extract, Retirement, FTE, Milestone)	Monthly

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
	<p>Provides Commission staff with WIN Admin Suite, Sr. Admin Suite, Manager Suite, full function, regular PKI access</p> <p>Maintains Commission positions including, creating and inactivating permanent and temporary positions; change job codes/titles, reporting to relationships; budget flags, etc.</p> <p>Inputs new departments names and numbers, Corpay numbers and manages Commission's department tree Provides reports from Cognos cube as requested.</p>	<p>Requests WIN Admin Suite, Sr. Admin Suite, Manager Suite, full function, regular PKI access for Commission staff</p> <p>Liaises with MOF in the management of Commission positions including, creating and inactivating permanent and temporary positions; change job codes/titles, reporting to relationships; budget flags, etc</p> <p>Requests set up of new departments names and numbers, Corpay numbers and manages Commission's department tree Commission has access to Cognos cube to prepare reports on health and wellness and ASP</p> <p>Maintains Commission's FTE inventory</p> <p>Co-ordinates WEAR forms and staff action forms</p>	
Recognition	Identifies and liaises with Quarter Century Club (QCC) on agency Milestones, providing certificates, letters and pins for presentation	<p>Coordinates Commission's recognition programs</p> <p>Administers Commission's Bright Ideas program</p> <p>Coordinates the nominations for other corporate programs such as the Stella Awards</p>	
Quality Service	Conducts telephone audits of Commission as	Conducts telephone audits and manage	

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>	<i>Service Levels</i>
	part of MOF audit and provide direction on Quality Service Guidelines	Commission's quality service initiatives	
Learning	<p>TRD provides support and direction with LearnFlex implementation and e-course development</p> <p>Provides subject matter experts (SME) who conduct training sessions in the areas of Labour Relations, Stage Two Grievance management, etc</p>	<p>Partners with TRD which provides support and direction with LearnFlex implementation and e-course development</p> <p>Liaises with MOF's SMEs, develops Commission corporate training programs and coordinates training for Commission staff</p>	

Appendix F

Public Service Commission (PSC) Delegations of Authority

Under *the Public Service of Ontario Act, 2006* (PSOA), the Public Service Commission (PSC) has the authority to delegate HR powers to Commission Public Bodies (CPBs):

Section 44(4)

Subject to subsection (5), the Public Service Commission may delegate any of its powers, duties or functions under subsection 32(2) and sections 34 to 42 in respect of public servants appointed to work in a Commission Public Body to a deputy minister or to;

- (a) An individual who is prescribed under clause 55 (1)(c) for the body ; or
- (b) the chair of the body, if no individual is prescribed under clause 55(1) (c) for the body.

Section 44(5)

The power to dismiss a public servant (for cause or without cause) and the power to make a declaration under subsection 42(1) (abandonment of a position) may only be delegated under subsection (4) by the Public Service Commission to a deputy minister.

Section 44(6)

A deputy minister may sub-delegate any of the powers, duties or functions delegated to him or her under subsection (4) to one or more public servants employed under his Part who work in his or her ministry.

Therefore, the dismissal of a public servant for cause or without cause, including the abandonment of a position within the Agencies can only be delegated to the Deputy Minister of Finance and or his/her sub-delegates within the Ministry of Finance and not to a public servant who works at the CPB (i.e., the Commission or the Tribunal).

The following chart outlines the Commission's CEO & Superintendent PSOA HR Delegated Authorities:

PSOA Reference	Description of Authority Delegated
s.32(2) The PSC may appoint persons to employment by the Crown to work in a CPB.	Appointing persons to employment by the Crown to work in a CPB for a fixed term (unclassified) or otherwise (classified), in classifications other than Senior Management Group 3 or 4, Information Technology Executive 3 or 4, Financial Management and Control Group 3 or Crown Counsel 5.
s.32(3) An appointment by the PSC may be for a fixed term or otherwise.	

PSOA Reference	Description of Authority Delegated
s.32(4) A person appointed by the PSC for a fixed term may be reappointed for one or more further terms	Reappointing for one or more further terms persons appointed for a fixed term (extending unclassified contracts)
s.34 The PSC may for cause impose disciplinary measures, including suspension or dismissal, on a public servant appointed by it as the PSC considers appropriate. **s.44(5-6) limits CPBs from dismissing public servants for cause or without cause	Imposing disciplinary measures for cause, including suspension <u>but not dismissal</u> .
s.36(1) The PSC may conduct an investigation in order to determine whether there is cause for the purposes of s.34 (discipline not including dismissal).	Conducting an investigation to determine whether there is cause for imposing disciplinary measures. The investigation may also include the questioning of other public servants not involved in the misconduct warranting discipline. Similarly the investigation may include reviewing other pertinent evidence. **Certain ministry practices prevail and may require higher delegations of authority especially when dealing with employee privacy i.e. IT investigation
s. 36(2) The PSC may, pending the conclusion of an investigation, suspend a public servant.	Pending the conclusion of an investigation, suspending the public servant for a period not exceeding the period prescribed under s.55(1)(a) (2 years as per Reg. 379/07)
s.36(3) The PSC may withhold the public servant's salary, wages or any other remuneration, including benefits, during the suspension if it considers it appropriate to do so, and may at the end of the investigation, reimburse amounts that were withheld if it considers it appropriate to do so.	Suspending a public servant without pay/benefits during an investigation for discipline.

PSOA Reference	Description of Authority Delegated
<p>s.37(1) Where the PSC appoints a public servant to employment for a term that is not fixed, the PSC may direct that the public servant be on probation of not more than a year.</p>	<p>Placing a public servant on probation for a maximum of a year.</p>
<p>s. 41(1) A public servant appointed by the PSC may resign from his or her position by giving at least two weeks notice in writing of the intention to resign to the PSC.</p>	<p>Receiving at least two weeks notice in writing from a public servant of his or her intention to resign from his or her position.</p>
<p>s. 41(2) A public servant may, by giving notice in writing to the PSC, withdraw the notice of intention to resign at any time before its effective date, if a) no person has been appointed or selected for appointment by the PSC to the position held by the public servant; and b) the PSC approves the withdrawal</p>	<p>Receiving from a public servant, notice in writing of his or her withdrawal of the notice of intention to resign at any time if no person has been selected for appointment to the position held by the public servant; and approving the withdrawal of the resignation.</p>
<p>s. 7 & Reg. 373/07 An oath of affirmation may only be administered under s.5 (Oath or Affirmation of Allegiance) and s. 6 (Oath or Affirmation of Office) by a person prescribed under s.8.</p>	<p>Counsel - Administer the Oath of Allegiance and the Oath of Office for Agency employees Chair – Administer the Oath of Allegiance and the Oath of Office for Tribunal appointees</p>
<p>s.62(3) & Reg. 375/07 The ethics executive for a public servant who works in a public body, whether as a government appointee, as an employee under Part III or as an employee of the public body is the individual who is prescribed under s.71 (1) (b) for the public servant or, if no individual is prescribed under that clause for the public servant, the chair of the body.</p>	<p>CEO - Designated official to whom disclosures of conflict of interest are made from public servants. Chair – Designated official to whom disclosures of conflict of interest are made from Tribunal appointees.</p>