

**Memorandum of Understanding**

**Between**

**The Minister Labour, Immigration, Training  
and Skills Development**

**and**

**The Fairness Commissioner  
Office of the Fairness Commissioner**

April 2023

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The parties to this Memorandum of Understanding agree to the following:

## 1. Purpose

- a. The purpose of this Memorandum of Understanding (MOU) is to:
  - Establish the accountabilities of the Minister of Labour, Immigration, Training and Skills Development (Minister), the Fairness Commissioner (Commissioner), the Deputy Minister and the Director of the Office of the Fairness Commissioner (the Office) on behalf of the Office.
  - Clarify the roles and responsibilities of the Minister, the Commissioner, the Deputy Minister, and the Office Director.
  - Clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the Office and the Ministry of Labour, Immigration, Training and Skills Development (the Ministry) that support the accountability requirements set out in Applicable Government Directives and Applicable Legislation within a framework which recognizes that the Commissioner makes independent regulatory decisions.
- b. This MOU should be read together with the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006* (the Act) and the fair access provisions of the *Regulated Health Professions Act, 1991* (RHPA). This MOU does not affect, modify or limit the powers of the Commissioner as set out under the Act or the fair access provisions of the RHPA, nor does it interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. This MOU replaces the Memorandum of Understanding executed on September 28, 2017 and amended April 17, 2018.

## 2. Definitions

In this MOU:

- a. "AAD" means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive.
- b. "Act" means the *Fair Access to Regulated Professions and Compulsory Trades Act, 2006*, S.O. 2006, c. 31.
- c. "Agency" has the meaning attributed that term in the AAD and for the purpose of this MOU the Office shall be deemed to be an Agency.
- d. "Annual Business Plan" means the Office's Annual Business Plan, prepared by the Commissioner and as described under article 10.1 of this MOU.
- e. "Annual Report" means the annual report prepared by the Commissioner satisfying the requirements of section 15 of the Act.

- f. "Applicable Government Directives" means the Management Board of Cabinet, Public Service Commission, Ministry of Finance and Treasury Board Secretariat directives, policies, standards and guidelines that apply to the Agency, as may be amended or replaced from time to time. (See Appendix 4 to this MOU)
- g. "Applicable Legislation" means the legislation that applies to the Agency, as may be amended or replaced from time to time. (See Appendix 5 to this MOU)
- h. "Commissioner" means the Fairness Commissioner appointed by the Lieutenant Governor in Council under section 13(1) of the Act.
- i. "Deputy Minister" means the Deputy Minister of Labour, Immigration, Training and Skills Development.
- j. "Director" means Director, or equivalent, of the Office of the Fairness Commissioner.
- k. "Executive Council Act" means the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended.
- l. "FIPPA" means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended.
- m. "Fiscal Year" means the period of time commencing on April 1 in each year and ending on March 31 in the following year.
- n. "Government" means the Government of Ontario.
- o. "MBC" means the Management Board of Cabinet.
- p. "Minister of Finance" means the Minister of Finance or such other person who may be designated as the responsible Minister from time to time under the *Executive Council Act*.
- q. "Minister" means the Minister of Labour, Immigration, Training and Skills Development or such other person who may be designated from time to time as the responsible Minister in relation to this MOU in accordance with the *Executive Council Act*.
- r. "Ministry Liaison" means any person that the Ministry has identified as its primary staff level liaison with the Agency.
- s. "Ministry" means the Ministry of Labour, Immigration, Training and Skills Development or any successor to the Ministry.
- t. "MOU" means this Memorandum of Understanding signed by the Minister and the Commissioner.
- u. "Office Liaison" means any person that the Office has identified as its primary staff level liaison with the Ministry.
- v. "Office" means the Office of the Fairness Commissioner (OFC).
- w. "President of Treasury Board" means the President of Treasury Board or such person who may be designated as the President from time to time under the *Executive Council Act*.

- x. "PSC" means the Public Service Commission.
- y. "PSOA" means the *Public Service of Ontario Act*, 2006, S.O. 2006, c. 35, Sched. A, as amended.
- z. "RHPA" means the *Regulated Health Professions Act*, 1991, S.O. 1991, c. 18, as amended.
- aa. "TB/MBC" means the Treasury Board/Management Board of Cabinet.
- bb. "TBS" means the Treasury Board Secretariat.

### **3. Commissioner's Legal Authority and Mandate**

- a. The legal authority of the Commissioner is set out in the Act.
- b. The Commissioner also exercises powers and authority under the RHPA.
- c. The Commissioner's functions, set out in the Act and the fair access provisions of the RHPA, include: assessing registration practices of regulated professions and compulsory trades based on their obligations to ensure that their practices are transparent, objective, impartial and fair; overseeing the audit processes under both Acts; advising Government agencies, ministries, regulated professions, compulsory trades and others with respect to matters under both acts; and reporting on registration practices related to internationally trained individuals and their registration by regulated professions and compulsory trades.
- d. The Commissioner may also exercise powers and perform duties in accordance with other Applicable Legislation and regulations. (See Appendix 5 to this MOU)
- e. The Office will enable and support the Commissioner's mandate.

### **4. Agency Type and Public Body Status**

- a. The Minister and the Commissioner acknowledge that the Office is classified as a regulatory agency without a governing board under the AAD.
- b. The Office is a Commission Public Body (CPB) under Regulation 146/10 under the PSOA.

### **5. Corporate Status and Crown Agency Status**

- a. The Office is an administrative entity of the Crown. The Office is not a corporation and does not have the capacity, rights, power and privileges of a natural person. The Office has its own legal personality for certain administrative, public law purposes. Neither the Office nor the Commissioner is a crown agent under the *Crown Agency Act* but the Office may be referred to as a provincial agency or Crown agency when that term is used to distinguish between ministries and other administrative entities of the Crown.

## **6. Guiding Principles**

The parties agree to the follow principles:

- a. The Minister acknowledges that the Commissioner exercises powers and performs duties in accordance with the Commissioner's legal mandate under the Act and the RHPA.
- b. The Minister acknowledges the Commissioner's independence in the performance of his statutory responsibilities, and further acknowledges the need for the Commissioner's performance of his statutory responsibilities to be made, and be seen by the public to be made, independently and impartially.
- c. The Minister acknowledges that the Commissioner plays a meaningful role in the development of the policies and programs of the Government, as well as in the implementation of those policies and delivery of programs.
- d. The Commissioner acknowledges that he is accountable, through the Minister, to the Legislative Assembly in exercising his mandate. Accountability is a fundamental principle to be observed in the Office's management, administration and operations.
- e. As an Agency of the Government, the Office conducts itself according to the management principles of the Government. These principles include: ethical behaviour; prudent, effective and lawful use of public resources; fairness; high quality service to the public; and openness and transparency to the extent allowed under the law.
- f. The Minister and Commissioner are committed to a strong Office that delivers its services efficiently, economically and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the Office and the fulfillment of the statutory responsibilities of the Commissioner. The Office and the Ministry agree to avoid duplication of services wherever possible subject to observance of the principle of the independence in decision-making, which, may limit or preclude the joint delivery of services between the Office and the Ministry.
- g. The Office and Ministry will work together in a mutually respectful manner.

## **7. Accountability and Reporting Relationships**

### **7.1 MINISTER**

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for reporting and responding to the Legislative Assembly on the Office's affairs and the fulfilment by the Commissioner of his responsibilities under the Act, the RHPA and other Applicable Legislation and the Office's compliance with Applicable Legislation.
- b. To TB/MBC for the Office's performance and compliance with Applicable Government Directives and Applicable Legislation.

- c. To Cabinet for the performance of the Office, its compliance with Applicable Government Directives and Applicable Legislation, and its alignment with broad Government policy directions.
- d. To Cabinet for receiving and ensuring the Commissioner's Annual Report is tabled in the Legislative Assembly.

## **7.2 COMMISSIONER**

The Commissioner is accountable to the Minister for:

- a. The Office's performance in fulfilling the Commissioner's mandate and for carrying out the roles and responsibilities assigned to the Commissioner and the Office by the Act, the RHPA, this MOU, Applicable Government Directives and Applicable Legislation.
- b. The Office's compliance with its reporting requirements including submitting the Office's Annual Business Plan and Annual Report as set out in article 10 of this MOU.

## **7.3 DEPUTY MINISTER**

The Deputy Minister is accountable:

- a. To the Secretary of the Cabinet and the Minister for: the performance of the Ministry in providing administrative and organizational support to the Office pursuant to article 13 of this MOU and Appendix 3 to this MOU; for the provision of staffing of the Office pursuant to section 16 of the Act; and for carrying out the roles and responsibilities assigned by the Minister, this MOU, Applicable Government Directives and Applicable Legislation.
- b. To TB/MBC, for attesting on the Office's compliance with the mandatory accountability requirements set out in Applicable Government Directives and Applicable Legislation. (See articles 8.3 (a) of this MOU).

## **7.4 DIRECTOR**

The Director is accountable to:

- a. The Commissioner for implementing Office policies and operational decisions.
- b. The Deputy Minister and the Commissioner for the business, planning and performance of the Office.
- c. The Deputy Minister for establishing and applying a human resources management framework for the agency in accordance with applicable government directives. (See article 8.4 (h) of this MOU).

## **7.5 STAFF**

- a. The Office staff report to the Director and are accountable to the Director for their performance.



## **8. Roles and Responsibilities**

### **8.1 MINISTER**

The Minister is responsible for:

#### **Reporting/Making Recommendations to Legislative Assembly, TB/MBC and Premier**

- a. Reporting and responding to the Legislative Assembly on the Office's affairs.
- b. Reporting and responding to TB/MBC on the Office's performance and compliance with Applicable Government Directives and Applicable Legislation and on its alignment with broad Government policy directions.
- c. Recommending to TB/MBC any provincial funding to be allocated to the Office.
- d. Recommending to TB/MBC, where required, on any change to the mandate of the Commissioner, or the merger or dissolution of the Office.
- e. Recommending to TB/MBC the powers to be given to, or revoked from, the Commissioner when a change to the Commissioner's mandate is being proposed.
- f. Determining at any time the need for a review or audit of the Office, directing the Commissioner to undertake reviews of the Office on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the Office resulting from any such review or audit.
- g. When appropriate or necessary, taking action or directing that the office take corrective action with respect to the Office's administration or operations.
- h. Recommending to the Premier's Office and the Lieutenant Governor in Council appointments and reappointments to the position of Commissioner.

#### **Providing Direction to/Consulting with Commissioner**

- i. Informing the Commissioner of the Government's priorities and broad policy directions.
- j. Outlining the high-level expectations, key commitments and performance priorities for the Office at the beginning of the annual business planning cycle.
- k. Meeting with the Commissioner, as necessary and at least annually, to discuss issues relating to the fulfilment of the Commissioner's mandate.
- l. Working with the Commissioner to develop appropriate measures and mechanisms related to the Office's performance (but excluding any action in relation to a decision or in relation to any other matter which might infringe upon the independence of the Commissioner in the performance of this statutory responsibilities).
- m. Developing the Office's MOU with the Commissioner, as well as any amendments to it, and signing the MOU into effect after it has been signed by the Commissioner.
- n. Consulting with the Commissioner in a timely manner, as appropriate, on broad

Government policy initiatives or legislation being considered by the Government that may have an impact on the Commissioner's mandate or functions, or which otherwise will have a significant impact on the Office.

### **Approving Annual Business Plan and Annual Report**

- o. Reviewing and approving the Office's Annual Business Plan as set out in article 10.1 of this MOU.
- p. Reviewing and approving the Commissioner's Annual Report in accordance with article 10.2 of this MOU and tabling it pursuant to section 15(1) of the Act.

### **Acting as Head under FIPPA**

- q. Ensuring that the responsibilities of the institution head are carried out, as set out in FIPPA and its regulations, which designates the Commissioner as the institution head of the Office.

### **Providing Travel Approval to Commissioner**

- r. Providing prior written approval for the Commissioner's international travel as required by the *MBC Travel Meal and Hospitality Expenses Directive*. Pursuant to the Directive, the Minister cannot delegate this authority.
- s. Providing prior written approval for the Commissioner's travel within Ontario, Canada and the Continental USA.
- t. Pursuant to the Ministry's *Financial Delegation of Authority Framework*, approving all travel, meal and hospitality expenses incurred by the Commissioner including expenses incurred for international travel. The Minister may delegate the approval of the Commissioner's travel, meals and hospitality expenses to the Deputy Minister.

## **8.2 COMMISSIONER**

The Commissioner is responsible for:

### **Providing Office Leadership**

- a. Providing leadership to the Office by setting the goals, objectives, and strategic directions within his mandate.
- b. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the Office, and otherwise directing the affairs of the Office so as to fulfill his mandate.

### **Seeking Direction from/Consulting with/Reporting to Minister**

- c. Seeking strategic policy direction for the Office from the Minister and ensuring that this direction is reflected in the Office's Annual Business Plan, strategic plan, risk management plan and activities.
- d. Reporting to the Minister, as required or as requested, on the Office's activities.

- e. Communicating with the Minister in a timely fashion regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the Office.
- f. Advising the Minister of formal input conveyed by the Office to the Government on policy, program or legislative initiatives.
- g. Consulting with the Minister in advance regarding any activity which may have an impact on Government or Ministry policies, directives or procedures or on the Commissioner's mandate, powers or responsibilities as set out in the Act or the fair access provisions of the RHPA.
- h. Contributing to the development of the Commissioner's MOU with the Minister, as well as any amendments to the MOU.

#### **Submitting Annual Business Plan, Annual Report and Other Reports to Minister**

- i. Approving the Office's Annual Business Plan, Annual Report, financial and other reports to ensure they meet the requirements of the AAD, Applicable Government Directives, Applicable Legislation and this MOU, submitting them to the Minister in accordance with required timelines, and ensuring that all public posting requirements are met.

#### **Cooperating with Office Reviews, Audits/Taking Corrective Action**

- j. Cooperating with any review or audit of the Office directed by the Minister, Auditor General or TB/MBC. (See article 15 of this MOU)
- k. Taking corrective action or directing that corrective action relating to the operations of the Office be taken, if needed, either independently or as agreed to with the Minister (or the Deputy Minister on behalf of the Minister).
- l. Advising the Minister annually on any outstanding audit recommendations.

#### **Evaluating Office Performance**

- m. Developing performance measures for the Office's Annual Business Plan and monitoring and evaluating the performance of the Office.

#### **Ensuring Office Operates in Accordance with Mandate/ Directives/Legislation**

- n. Ensuring that the Office operates within its approved budget allocation in fulfilling the Commissioner's mandate, and that public funds are used prudently for the purpose intended.
- o. Ensuring that the Office has appropriate management systems in place (financial, procurement, information technology, human resources) for the Office's effective administration.
- p. Ensuring that the Office has an appropriate framework for staff to receive adequate orientation and training with respect to the Office's business and operations and their particular responsibilities.
- q. Ensuring that Office staff are aware of, and comply with, Applicable Government Directives and Applicable Legislation. (See Appendix 4 and Appendix 5 to this MOU)

- r. Ensuring a process for responding to, and resolving, complaints about the quality of Office's services is in place. (See article 13.11 of this MOU)

#### **Acting as Chief Office Spokesperson**

- s. Carrying out effective public communications and relations for the Office as its chief spokesperson. (See Communications Protocol in Appendix 2).

#### **Contributing to Performance Evaluation of Director**

- t. Contributing to the evaluation of the performance of the Director with the Deputy Minister. (See article 8.3 (n) of this MOU).

#### **Seeking Approval for Travel**

- u. Obtaining the Minister's prior written approval for the Commissioner's international travel as required by the *MBC Travel, Meal and Hospitality Expenses Directive*.
- v. In addition to ensuring compliance with the *MBC Travel, Meal and Hospitality Expenses Directive*, the Commissioner is responsible for obtaining the Minister's prior written approval for the Commissioner's travel plans within Ontario, Canada and the Continental USA and for obtaining the Minister's approval for all travel, meal and hospitality expenses incurred.

### **8.3 DEPUTY MINISTER**

The Deputy Minister is responsible for:

#### **Reporting to TB/MBC**

- a. Attesting to TB/MBC on the Office's compliance with the mandatory accountability requirements set out in the AAD and other Applicable Government Directives and Applicable Legislation, based on the annual attestation of compliance by the Director. (See articles 7.3 (b) and 8.4 (b) of this MOU)
- b. When required, submitting a report to the Secretary of TB/MB on the wind-down of the Office, following the disposition of any assets, completion of any outstanding responsibilities by the Office, and the termination of any appointments.

#### **Ensuring Ministry and Office Comply with Risk Assessment Obligations**

- c. Ensuring that the Ministry has the capacity and systems in place for on-going risk-based management of the Office, as part of its Agency oversight role. Ensuring that the Office has an appropriate risk management framework and a risk management plan in place for managing risks that the Office may encounter in meeting its program or service delivery objectives. (See article 17.1 of this MOU)
- d. Submitting to the Minister, as part of the Ministry's annual planning process, a risk assessment evaluation and management plan for the Office identifying any Ministry and corporate level risks presented by the Office as required by the AAD and the Risk Management Policy for the Province of Ontario.
- e. Undertaking timely risk-based reviews of the Office, its management or operations, as

may be directed by the Minister or TB/MBC and cooperating with any review of the Office as may be directed by the Minister or TB/MSA.

- f. Recommending to the Minister the evaluation or review of the Office as may be necessary, including a risk-based review of the Office or any of its programs, or changes to the management framework or operations of the Office.

### **Advising and Supporting Minister**

- g. Monitoring the Office on behalf of the Minister while respecting the Office's authority and Commissioner's statutory independence and recommending to the Minister ways of resolving any issues that might arise from time to time.
- h. Advising the Minister in carrying out the Minister's responsibilities for the Office, including advising on policy direction and priorities of relevance to the Commissioner's mandate, the requirements of the AAD and other Applicable Government Directives and Applicable Legislation
- i. Supporting the Minister in reviewing the performance targets, measures and results of the Office based on the targets and measures set out in the Annual Business Plan.
- j. Developing an MOU with the Commissioner, as well as any amendments to the MOU, as directed by the Minister.

### **Advising Minister on Office Annual Business Plan/ Annual Report/Other Reports**

- k. Establishing a framework for reviewing and assessing the Office's Annual Business Plans, Annual Reports and other reports set out in Appendix 1 and advising the Minister on documents submitted to the Minister for review or approval.

### **Ensuring Operational Support Provided to Office**

- l. Arranging for administrative, financial and other support to the Office, as specified in this MOU and ensuring that the support or services provided to the Office are of the same quality as those provided to the Ministry's own divisions and branches. (See article 13.2 of this MOU and Appendix 3 to this MOU).

### **Evaluating Performance of Office Director**

- m. Leading with the Commissioner, the selection panel for the hiring of a Director for the Office.
- n. Consulting with the Commissioner on the performance evaluation of the Director. (See article 8.2 (t) of this MOU)

### **Consulting and Sharing Information with Commissioner**

- o. Consulting with the Commissioner, as needed, on matters of mutual importance including services provided by the Ministry and compliance with Applicable Government Directives and Applicable Legislation.
- p. Meeting with the Commissioner, as needed, or as directed by the Minister, and in any event not less than monthly.

- q. Informing the Commissioner, in writing, of new Applicable Government Directives and new Applicable Legislation and any exceptions to, or exemptions in whole or in part. (See article 13.1 (b), Appendix 4 and Appendix 5 of this MOU)
- r. Facilitating regular briefings and consultations between the Commissioner and the Minister as needed and as otherwise requested from time to time by the Commissioner.

### **Acting as Ethics Executive**

- s. Fulfilling the role of Ethics Executive for public servants who work in the Office, as set out in Regulation 147/10 made under the PSOA which designates the Deputy Minister as the Ethics Executive for public servants who work in the Office. This includes promoting ethical conduct and ensuring that all members of the Office are familiar with the ethical requirements of the PSOA and the regulations and directives thereunder, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing.

### **Exercising Delegated HR Authority**

- t. Exercising powers, duties and functions in relation to human resources management that have been delegated by the Public Service Commission under Regulation 148/10 made under PSOA.

### **Providing Travel Approval for Commissioner**

- u. As a delegate of the Minister, reviewing and providing prior written approval for the Commissioner's travel plans within Ontario, Canada and the Continental USA and providing approval for all travel, meal and hospitality expenses incurred by the Commissioner including expenses incurred for international travel.

## **8.4 DIRECTOR**

The Director is responsible for:

### **Advising and Supporting Commissioner**

- a. In consultation with the Commissioner, translating the goals, objectives and strategic directions of the Commissioner into operational plans and activities in the Office's Annual Business Plan.
- b. Advising the Commissioner on the requirements of, and the Office's compliance with, the AAD, as well as other Applicable Government Directives and Applicable Legislation and annually attesting to the Office's compliance with mandatory requirements.
- c. Advising the Commissioner on the implementation of policy and the operations of the Office and supporting the Commissioner in meeting the Commissioner's responsibilities under this MOU.

### **Overseeing Office Operations**

- d. Managing the day-to-day financial, operational and administrative affairs of the Office in

accordance with the mandate of the Commissioner, Applicable Government Directives, Applicable Legislation, the approved Annual Business Plan, accepted business and financial practices, and this MOU.

- e. Establishing systems to ensure that the Office operates within its approved Annual Business Plan.
- f. Establishing and applying a financial management framework for the Office in accordance with Applicable Government Directives.
- g. Allocating the resources of the Office to ensure the effective and efficient delivery of programs and services in accordance with the approved Annual Business Plan and applying policies and procedures so that public funds are used prudently for the purpose intended.
- h. Providing leadership and management to the Office staff, including human and financial resources management, in accordance with delegated authority, the approved Annual Business Plan, accepted business and financial practices and standards, the Act, the fair access provisions of the RHPA, Applicable Government Directives and Applicable Legislation.
- i. Consulting with the Deputy Minister, as needed, on matters relevant to the management or operations of the Office including services provided by the Ministry and compliance with Applicable Government Directives
- j. Seeking support and advice from the Ministry, as appropriate, on Office management issues.
- k. Ensuring that the Office has an annual procurement plan in place that supports the operational plan and activities in accordance with the Office's approved annual business plan.
- l. Establishing a system for the retention of Office documents and for making such documents publicly available when appropriate and for complying with FIPPA and the Archives and Recordkeeping Act, S.O. 2006, c. 34, Sched. A, where applicable. (See articles 13.5 and 13.8 of this MOU).

### **Preparing Annual Business Plan, Annual Report and Other Reports**

- m. Preparing, in consultation with the Commissioner, the Office's Annual Business Plan to be approved by the Commissioner prior to submission to the Minister.
- n. Assisting in the preparation of the Office's Annual Report as directed by the Commissioner.
- o. Preparing financial activity and other reports as required.
- p. Ensuring that the reports and documents set out in Appendix 1 to this MOU are submitted for review and approval to the Ministry in accordance with the prescribed timelines.

### **Evaluating and Monitoring Office Performance**

- q. In consultation with the Commissioner, developing and implementing an effective program evaluation system for the Office with appropriate performance measures.
- r. Carrying out in-year monitoring of the Office's performance based on its Annual Business Plan, the program evaluation system and its compliance with applicable Government Directives, Applicable Legislation and ministry policies and procedures and reporting on the results to the Commissioner.
- s. Reporting to the Deputy Minister and the Commissioner on the strategic direction for the Office according to the direction set out by the Minister, the Commissioner, the Office's Annual Business Plan, and Office's Annual Report.

### **Office Oversight, Risk Management and Reviews**

- t. Ensuring that the Office has the capacity and an effective oversight framework in place for monitoring its management and operations.
- u. Ensuring that the Office has an appropriate risk management framework and risk management plan in place as directed by the Commissioner. (See article 17.1 of this MOU)
- v. Undertaking timely risk-based reviews of the Office's management and operations.
- w. Cooperating with a periodic review of the Office directed by the Minister or TB/MBC.

### **Briefing the Minister/Commissioner/Deputy Minister/Ministry**

- x. Keeping the Ministry and the Commissioner advised on issues or events that may concern the Minister, the Deputy Minister and the Commissioner in the exercise of their responsibilities.
- y. At the request of the Minister or Deputy Minister, providing specific data and other information that may be required from time to time for the purpose of Ministry administration, accountability and oversight and due diligence in support of such and providing a copy of all such reported information and of all such enquiries to the Commissioner.

### **Seeking Approval for Expenses**

- z. Seeking and obtaining approval from the Deputy Minister for expenses incurred in the course of the Director's responsibilities, in accordance with Applicable Government Directives and financial delegations of authority.

## **9. Ethical Framework**

- a. All individuals who work in the Office and are hired under Part III of the PSOA are subject to the conflict of interest and political activity rules for public servants under PSOA.
- b. The Deputy Minister is designated as the Ethics Executive for the Office employees, under Regulation 147/10 made under the PSOA and is responsible for ensuring that



staff of the Office are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the Office. (See article 8.3 (s) of this MOU)

- c. The Ethics Executive for the Commissioner shall be the Integrity Commissioner.

## **10. Reporting Requirements**

### **10.1 ANNUAL BUSINESS PLAN**

- a. The Commissioner will ensure that his Office's Annual Business Plan will be formally submitted to the Minister within three months of the end of the fiscal year and must cover a minimum of three years from the current fiscal year. (See article 8.2 (i) of this MOU)
- b. The Annual Business Plan must meet the applicable requirements of section 1.9.4 of the AAD, other Applicable Directives and Applicable Legislation and this MOU and must include:
- A description of the Office's mandate.
  - Annual performance targets for the three-year period and a system of performance measures.
  - The proposed budget for the three-year period.
  - The number of employees expressed as full-time equivalents who are assigned as staff at the beginning of the three-year period.
  - The Commissioner's proposed annual travel plans known at the time of preparation of the draft Annual Business Plan. This is to be used for planning purposes and not as a substitute for seeking travel approval as otherwise required.
- c. The Minister will review the Office's Annual Business Plan and will promptly advise the Commissioner whether or not he/she approves the directions proposed in the Annual Business Plan. The Minister may advise the Commissioner where and in what manner the plan varies from Government or Ministry policy or priorities, and the Commissioner will revise the Office's plan accordingly. (See article 8.1 (o) of this MOU)
- d. In addition, TB/MBC may require the Minister to submit the Office's Annual Business Plan to TB/MBC for review at any time.

### **10.2 ANNUAL REPORT**

- a. Section 15 of the Act sets out the Commissioner's Annual Report requirements. The Act requires the Commissioner to prepare an annual report, provide it to the Minister and make it available to the public. In preparing the Annual Report, the Fairness Commissioner is required to comply with such directives as may be issued by Management Board of Cabinet with respect to (i) the form and content of the report; (ii) when to provide it to the Minister; and (iii) when and how to make it available to the

public. The Commissioner must also include such additional content in the annual report as the Minister may require.

- b. Section 15.1 of the Act requires the Minister to table the Annual Report in the Legislative Assembly and to comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.
- c. Section 1.9.9. of the AAD requires the Office, as a regulatory agency without a governing board, to submit the Annual Report to the Minister within 90 days after the end of the fiscal year. The Annual Report must meet the requirements set out in the AAD, this MOU, Applicable Government Directives, and other Applicable Legislation. The Annual Report will include:
  - A description of the Office's activities for the fiscal year, including recruitment activities during the preceding fiscal year;
  - The Office's financial statements for the preceding fiscal year;
  - The name of the person appointed as Commissioner, date when first appointed and date when current term expires.
- d. The Minister also requires the Commissioner to include in the Annual Report:
  - Information on the implementation and effectiveness of the Act and regulations in helping to ensure that the registration practices of regulated professions are transparent, objective, impartial and fair;
  - Information on the implementation and effectiveness of provisions in any other act and the regulations made under that act under which the Commissioner performs duties in helping to ensure that the registration practices for a profession are transparent, objective, impartial and fair.
- e. Section 1.9.9 of the AAD requires the Minister to table the Annual Report in the Legislative Assembly within 60 days of the Ministry's receipt of the Annual Report from the Office.
- f. The Commissioner will post the Annual Report publicly in accordance with paragraph b. of section 11 of this MOU.

### **10.3 OTHER REPORTS**

The Commissioner is responsible for:

- a. Ensuring that the reports and documents set out in Appendix 1 to this MOU are submitted for review and required approvals in accordance with the prescribed timelines.
- b. Providing specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time for the purpose of the Ministry's administration, accountability and oversight and due diligence in support of such.

## **11. Public Posting Requirements**

- a. The Office must publicly post its Annual Business Plan on the Office's website within 30 days of the Minister's approval.
- b. The Office must publicly post the Annual Report on the Office's website within 30 days of tabling in the Legislative Assembly.
- c. The Office must comply with all other applicable public posting requirements including:
  - Posting the Memorandum of Understanding and any letter of affirmation on the Office's website within 30 days of signing by both parties.
  - Posting expense information for the Commissioner and senior management staff on the Office or Ministry website, in accordance with the requirements of the *MBC Travel, Meal and Hospitality Expenses Directive*.
  - Meeting the requirements of the *Open Data Directive*.
- d. Publicly posted documents must not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the Office in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the Office.
- e. All documents that are posted publicly must be in an accessible format, in both official languages.

## **12. Communications/Exchange of Information and Advice**

- a. The parties to this MOU recognize that the timely exchange of information on the operations and administration of the Office is essential for the Minister to meet his/her responsibilities for reporting and responding to the Legislative Assembly on the affairs of the Office.
- b. The parties also recognize that it is essential for the Commissioner to be kept informed of Ministry and Government initiatives and broad policy directions that may affect the Commissioner's mandate and the Office's functions. The Ministry will inform and will consult with the Commissioner, as appropriate, on such matters as might impact on the Commissioner's mandate and the Office's functions.

### **12.1 COMMUNICATIONS AND ISSUE MANAGEMENT**

The Minister and the Commissioner agree that:

- a. They will consult with each other on public communication strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions. "Communication" shall not be interpreted as including discussions or exchange of information about specific, current, past or future

regulatory matters undertaken by the Commissioner pursuant to the Act or the RHPA.

- b. They will meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the Commissioner's mandate and the management and operations of the Office.
- c. They will provide timely information and advice to each other concerning significant matters affecting the Office's management or operations.
- d. The Ministry and Office will adhere to the Communications Protocol set out in Appendix 2 to this MOU for ongoing issues management and information sharing.

## **12.2 EXCHANGE OF INFORMATION AND ADVICE**

- a. The Ministry will designate a primary staff liaison with the Office.
- b. The Office will designate a primary staff liaison with the Ministry.
- c. The role of the Ministry Liaison is to provide advice and support to the Minister, Deputy Minister and senior management of the Ministry in meeting their obligations with respect to the Office as set out in this MOU.
- d. The role of the Office Liaison is to provide advice and support to the Commissioner and Director in meeting their obligations with respect to the Office as set out in this MOU.
- e. The Ministry Liaison and Office Liaison will be the primary points of contact between the Ministry and Office on all matters related to this MOU except as otherwise specified between the Ministry and the Office.
- f. All exchanges of information between the Ministry and the Office will be channeled through the Ministry Liaison and Office Liaison except as otherwise specified between the Ministry and Office. Where exchanges of information are not channeled through the Ministry Liaison and Office Liaison, each will keep the other informed, as appropriate.
- g. Regular meetings will take place between the Ministry Liaison and the Office Liaison and respective staff members as needed, to share information relating to Office activities and the operation of the Office, as well as Government initiatives that may affect the Office's mandate.

## **13. Operational Arrangements**

### **13.1 APPLICABLE GOVERNMENT DIRECTIVES AND LEGISLATION**

- a. The Commissioner, with the support of the Director, is responsible for ensuring that the Office operates in accordance with all Applicable Government Directives and Applicable Legislation. (See article 8.2 (q), article 8.4 (d), Appendix 4 and Appendix 5 to this MOU).

- b. The Deputy Minister is responsible for informing the Commissioner, in writing, of amendments or additions to Applicable Government Directives and Applicable Legislation and any exceptions to, or exemptions in whole or in part. (See article 8.3 (q), Appendix 4 and Appendix 5 of this MOU).

## **13.2 OPERATIONAL SUPPORT**

- a. The Deputy Minister is responsible for providing the Office with the administrative and organizational support listed in Appendix 3 to this MOU, and for negotiating with Ontario Shared Services concerning this support, as appropriate. (See article 8.3 (l) and Appendix 3 to this MOU.)
- b. Appendix 3 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 Office are of the same quality as those provided to the Ministry's own Divisions and Branches.

## **13.3 AGREEMENTS WITH THIRD PARTIES**

- a. The Office must comply with the Ministry's *Financial Delegation of Authority Framework*, as amended from time to time.
- b. The Office is subject to the *Financial Administration Act, R.S.O 1990, c. F. 12*, as amended. Pursuant to section 28, the Office shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase directly or indirectly the indebtedness or contingency liabilities of the Ministry or Government without prior written approval of the Minister of Finance and/or the President of the Treasury Board. The Minister's approval is required before seeking the Minister of Finance's statutory approval.
- c. When entering into agreements with third parties, the Office must ensure compliance with all Applicable Government Directives and Applicable Legislation including but not limited to Regulation 284/11, *Provision of French Language Services on behalf of Government Agencies*, made under the *French Language Services Act, R.S.O 1990, c. F32*, as amended, and the relevant provisions of the *Accessibility for Ontarians with Disabilities Act, 2005, S.O 2005, c.11 (AODA)*.

## **13.4 LEGAL SERVICES**

- a. Legal services to the Commissioner and his Office will be provided by the Ministry of the Attorney General (MAG) through the Ministry's Legal Services Branch (LSB) and other MAG offices in accordance with Ministry of the Attorney General's *Operating Policy on Acquiring and Using Legal Services* and in accordance with Appendix 3 to this MOU.
- b. The Commissioner and his Office may request outside legal services when it requires expertise which is unavailable within MAG or when the use of a law office of the Crown would result in any conflict of interest or in the loss of the Commissioner's regulatory independence.

- c. Outside legal services will be acquired in accordance with MAG's *Operating Policy on Acquiring and Using Legal Services*.
- d. The LSB is responsible for making requests for approval to retain private sector legal counsel. Where there is a need for the use of legal counsel other than from the LSB, the LSB will be responsible for making requests for approval to retain such counsel and the Office will be responsible for the cost of such services.

### **13.5 CREATION, COLLECTION, MAINTENANCE AND DISPOSITION OF RECORDS**

- a. The Commissioner is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The Commissioner is responsible for ensuring that the Office complies with all Applicable Government Directives and Applicable Legislation related to information and records management.
- c. The Director and the Commissioner shall protect the legal, fiscal and other interests of the Office by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the Office. This includes, but is not limited to, all electronic records, such as emails, information posted on the Office's website(s), database data sets, and all records stored on personal computers and shared drives.
- d. The Commissioner is responsible for ensuring measures are implemented requiring the Office's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs.
- e. The Commissioner is responsible for ensuring that the Office complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.

### **13.6 INFORMATION AND INFORMATION TECHNOLOGY**

- a. The Commissioner is responsible for ensuring that the Office complies with the *TB/MBC Management and Use of Information and Information Technology (I&IT) Directive*, as well as all other Applicable Government Directives and all applicable I&IT policies.
- b. Information and Information Technology services will be provided in accordance with Appendix 3 to this MOU.

### **13.7 INTELLECTUAL PROPERTY**

- a. The Commissioner is responsible for ensuring that the legal, financial and other interests of the Government in intellectual property are protected in any, contract that the Office may enter into with a third party that involves the creation of intellectual property.

### **13.8 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

- a. The Commissioner and the Minister acknowledge that the Office is bound to follow the requirements set out in FIPPA in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The Commissioner is the institution head of the Office under FIPPA as prescribed under Regulation 460.
- c. The Ministry will provide FIPPA support services to the Office in accordance with Appendix 3 to this MOU.

### **13.9 EMERGENCY MANAGEMENT AND PHYSICAL SECURITY**

- a. The Commissioner is responsible for ensuring that the Office complies with the *Emergency Management and Civil Protection Act, R.S.O. 1990* and all Applicable Government Directives.
- b. The Ministry will provide emergency management and physical security support services to the Office in accordance with Appendix 3 to this MOU.

### **13.10 ACCOMMODATION**

- a. The Commissioner is responsible for ensuring that the Office complies with MBC's *Realty Directive* and all other Applicable Government Directives.
- b. The Ministry will provide accommodation support to the Office in accordance with Appendix 3 to this MOU.

### **13.11 SERVICE STANDARDS**

- a. The Office shall establish customer service and quality standards that are consistent with the appropriate standards of the Government, the Ministry and the OPS.
- b. The Commissioner will ensure that the Office delivers its services at a quality standard that reflects the principles and requirements of the OPS *Service Directive*.
- c. The Office shall have in place a formal process for responding to complaints about the quality of services provided by the Office consistent with the Government's service quality standards.
- d. The Office's process for responding to complaints about the quality of services is not a mechanism for re-consideration or appeal of the Commissioner's exercise of his/her statutory power of decision.
- e. The Office's Annual Business Plan will include performance measures and targets for service and the Office's response to complaints (See article 10.1 of this MOU).
- f. The Office shall comply with the *Accessibility for Ontarians with Disabilities Act, S.O. 2005, c. 11, as amended*, and the *French Language Services Act, R.S.O. 1990, c.F. 32, as amended*, in providing services.

## **14. Financial Arrangements**

### **14.1 GENERAL**

- a. All financial procedures for the Office shall be in accordance with Applicable Government Directives and Applicable Legislation. (See Appendix 4 and Appendix 5 to this MOU).

### **14.2 FUNDING**

- a. The Office is funded by the Consolidated Revenue Fund (CRF) pursuant to the Government's annual business planning process and the Legislative Assembly's annual approval of the Ministry's estimates.
- b. The Commissioner will provide estimates of the Office's forecasted expenditures for inclusion in the Ministry's annual business planning process to inform TB/MBC decision- making.

### **14.3 FINANCIAL REPORTS**

- a. The Office will submit information regarding staff salaries and remuneration of the Commissioner to the President of the Treasury Board, through the Ministry, in accordance with the *Public Sector Salary Disclosure Act, 1996, S.O 1996, c. 1, Sched. A*, as amended.
- b. The Office must provide the Ministry with the financial reports required for business planning purposes including monthly forecasts and quarterly financial reports. (See Appendix 1 to this MOU).

## **15. Audit and Review Arrangements**

### **15.1 AUDITS**

- a. The Office is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act, R.S.O 1990, c. A. 35* as amended, or by the Ontario Internal Audit Division of Treasury Board Secretariat.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so by the Ministry's Audit Committee or by the Corporate Audit Committee.
- c. Regardless of any previous or annual external audit, the Minister may direct that the Office be audited at any time.
- d. The Commissioner and Director must provide information requested if subject to an audit.

### **15.2 OTHER REVIEWS**



- a. The Office is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the Office that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the Office.
- b. In requiring a periodic review, the Minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Commissioner and the Minister, and how any other parties are involved.
- c. A mandate review of the Office will be conducted at least once every 6 years.
- d. The Minister will consult the Commissioner as appropriate during any such review.
- e. The Commissioner and the Director will cooperate in any review.
- f. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the Office to TB/MBC for consideration.

## **16. Staffing and Appointments**

### **16.1 DELEGATION OF HUMAN RESOURCES MANAGEMENT AUTHORITY**

- a. Where the PSC has delegated its powers, duties and functions in relation to human resources management to the Deputy Minister, Commissioner or prescribed individual under Regulation 148/10 made under the PSOA, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the Office's mandate, and within the parameters of the delegated authority.

### **16.2 STAFFING REQUIREMENTS**

- a. The Office is staffed by persons employed under Part III of PSOA.
- b. The Office, in its dealings with staff employed under Part III of PSOA, is subject to MBC human resources Directives and Public Service Commission Directives under the PSOA.

### **16.3 APPOINTMENTS**

- a. The Commissioner is appointed by the Lieutenant Governor in Council on the recommendation of the Premier pursuant to s. 13 (1) of the Act. There is no fixed term of appointment specified in the Act.
- b. The AAD sets out the terms of appointment for appointees to non-board governed regulatory agencies. After completion of a two-year term, the Chair of a regulatory agency is eligible for a re-appointment for a term of three years. After completion of a term or terms totaling five years, a Chair is eligible for re-appointment for a further term

of five years.

- c. Pursuant to the AAD, the Ministry will notify the Commissioner of the expiry date of the Commissioner's appointment at least four months prior to the expiry of the term of the appointment.

## **16.4 REMUNERATION OF COMMISSIONER**

- a. Remuneration rates for the Commissioner are set by Order in Council by the Lieutenant Governor in Council as per Schedule B of the AAD.

## **17. Risk Management, Liability Protection and Insurance**

### **17.1 RISK MANAGEMENT**

- a. The Commissioner, with the support of the Director, is responsible for ensuring that a risk management strategy is developed for the Office, in accordance with the Applicable Government Directives
- b. The Office shall ensure that the risks it faces are dealt with in an appropriate manner.

### **17.2 LIABILITY PROTECTION AND INSURANCE**

- a. The Office is covered under the Province of Ontario's Protection Program to protect against claims of negligence caused by a defined occurrence that arises from the usual business operations of the Office, the Commissioner, Office staff and their agents, that results in bodily injury (including death), personal injury, advertising injury, or property damage, including loss of use thereof. Coverage is limited to \$20,000,000 per occurrence.
- b. Section 32 of the Act provides immunity from proceedings against the Commissioner and anyone employed in the Office for any act done or omitted in good faith in the execution or intended execution of his or her duties under the Act.
- c. Section 22.13 of the Health Professions Procedural Code under the RHPA provides immunity from proceedings against the Commissioner and anyone employed in the Office for any act done or omitted in good faith in the execution or intended execution of his or her duties under that Act.

## **18. Effective Date, Duration and Periodic Review of the MOU**

- a. This MOU becomes effective on the date it is signed by the Minister as the last party to execute it ("Original Effective Date") and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. Upon a change in the Minister or Commissioner, both parties must affirm by letter that this MOU will continue in force without a review (and attach the signed letter to the MOU); or alternatively, they may agree to revise it and sign a new MOU within six (6)

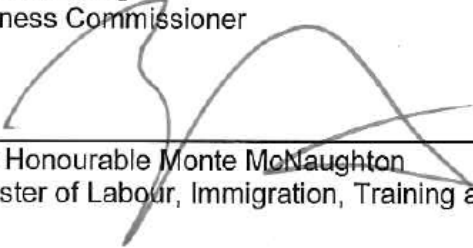
months of the change.

- c. Either the Minister or the Commissioner may initiate a review of this MOU by written request to the other.
- d. If either of the parties deems it expedient to amend this MOU, they may do so only in writing. Any amendment shall only be effective after approval by the parties.
- e. A full review and replacement of this MOU will be conducted immediately in the event of a significant change to the Office's mandate, powers or governance structure as a result of an amendment to the Act or the RHPA.
- f. At a minimum, this MOU will be reviewed at least once every 5 years to ensure it is current and consistent with Government expectations.

### Signatures



Irwin Glásberg  
Fairness Commissioner



The Honourable Monte McNaughton  
Minister of Labour, Immigration, Training and Skills Development

Feb 22, 2023.

Date

March 31, 2023

Date

## Appendix 1: Summary of Office Reporting Requirements

DUE DATE	REPORT / DOCUMENT
Monthly	Submitting Financial Forecasts
Quarterly	Submitting: <ul style="list-style-type: none"> <li>• Financial Forecasts</li> <li>• Risk Reports</li> <li>• Provincial Office Risk Reports (if requested)</li> <li>• Report Backs (if requested)</li> <li>• Ad hoc reports (if requested)</li> </ul>
Annually	Attesting to Office's compliance with all mandatory requirements as part of the Certificate of Assurance process. Reporting on the Office's compliance with its obligations including compliance with: <ul style="list-style-type: none"> <li>• AODA</li> <li>• Records and Information Management</li> <li>• FIPPA</li> <li>• Procurement</li> <li>• Public Sector Salary Disclosure</li> <li>• Other requirements as may arise</li> </ul> Contribution to the Ministry's annual multi-year Business Plan identifying risks and mitigation strategies
Annually within three (3) months prior to the Office's fiscal year end	Preparing and submitting the Office's Annual Business Plan to the Minister
Annually within 90 days of the Office's fiscal year end	Preparing and submitting the Commissioner Annual Report to the Minister
At least once every 5 years	Reviewing the Memorandum of Understanding
As required	Including but not limited to: <ul style="list-style-type: none"> <li>• Contributing to Audits (if requested)</li> <li>• Providing French Language Service Reports</li> <li>• Preparing Treasury Board submissions (if requested)</li> <li>• Ad-hoc reports (if requested)</li> </ul>

## **Appendix 2: Communications Protocol**

### **Purpose**

The Minister and the Commissioner adopt this communications protocol consistent with their mutual obligations to keep each other informed as set out in paragraphs i. and n. in Article 8.1 for the Minister and paragraphs e. through g. in Article 8.2 for the Commissioner.

The purposes of this communications protocol are to:

- Establish clear lines of communication between the Office and the Ministry;
- Set out a process for notification by the Office and Ministry of communications materials and opportunities;
- Set out a process for dealing with requests from Ministry and Office staff for relevant briefing materials;
- Set out online compliance obligations of the Office; and to
- Identify the Ministry support that will be provided to the Office.

### **Context and General Principles**

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

## **Lines of Communication**

The Ministry and the Commissioner will appoint persons to serve as public communications "leads":

- The Ministry lead is the Director of Communications or designate.
- The Commissioner's lead is the Director or designate.

## **Notification of Communication Materials and Opportunities**

The Ministry and the Office will establish business practices consistent with the Purpose and Context and General Principles of this communication protocol.

The business practices will include:

- A process for notification by the Office and Ministry of communications materials and opportunities.
- A process for dealing with requests from Ministry and Office staff for relevant briefing materials.

These processes will reflect the need to provide notification and briefing materials on both a proactive basis (e.g. major speeches, policy initiatives, etc.) and a reactive basis (e.g. media inquiries, stakeholder initiatives, etc.).

## **Office Website**

In keeping with the independence of the Commissioner, the Office is responsible for maintaining the content of its website.

- a. The Office is responsible for the following :
  - Coordinating posting of information in accordance with all applicable directives, e.g.: the MBC Travel, Meal and Hospitality Expenses Directive.
  - Coordinating any other mandated Ontario.ca postings as they apply to the Office.
- b. The Office is responsible for ensuring its website is AODA compliant and for attesting to compliance, as prescribed in the AODA. The Ministry may choose to include Office compliance in its own attestation. The Ministry Communications Branch will act as liaison and advise the Office regarding compliance with the requirements of the AODA, should it be required.
- c. The Office is responsible for ensuring all website content adheres to French Language Services requirements.

## **Visual Identity**

The Office will comply with all applicable Visual Identity Directives and identify itself in all media responses and news releases and online as an Agency of the Government of Ontario.

### **Appendix 3: Administrative and Organizational Support**

The Deputy Minister is responsible for: providing the Office with administrative and organizational support in the areas below; ensuring that the support provided to the Office is of the same quality as that provided to the Ministry's own divisions and branches; and negotiating with Ontario Shared Services concerning this support, as appropriate. Support provided will be adjunct to that provided internally to the Office by its own staff. Details to operationalize this support will be set out in a Relationship Management Framework.

- a. Finance and Audit
- b. Human Resources
- c. Procurement
- d. Information Technology and Telecommunications
- e. Accommodation
- f. Freedom of Information and Protection of Privacy
- g. Record-keeping and Information Management
- h. Emergency Management and Physical Security
- i. French Language
- j. Accessibility
- k. Legal
- l. Data Analytics
- m. Research Capacity

Communications support, if any, will be informed by the Communications Protocol attached as Appendix 2 to this MOU.

## **Appendix 4: Applicable Government Directives**

The Office must comply with all Management Board of Cabinet, Public Service Commission, Ministry of Finance and Treasury Board Secretariat directives, policies and guidelines as may be amended from time to time.

A list of Applicable Government Directives will be provided to the Office.

The Deputy Minister will ensure that the Commissioner is informed, in writing, of new Applicable Government Directives and any exceptions or exemptions as indicated in articles 8.3 (q) and 13.1(b).



## **Appendix 5: Applicable Legislation**

The Office must comply with all legislation that is applicable to Government as may be amended from time to time including but not limited to:

- *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*
- *Archives and Recordkeeping Act, S.O. 2006, c. 34, Sched. A*
- *Auditor General Act, R.S.O. 1990, c. A. 35*
- *Fair Access to Regulated Professions and Compulsory Trades Act, 2006, S.O. 2006, c. 31*
- *Emergency Management and Civil Protection Act, R.S.O. 1990*
- *Employment Standards Act, 2000, S. O. 2000, c. 41*
- *Financial Administration Act, R.S.O. 1990, c. F. 12*
- *Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F.31*
- *French Language Services Act, R.S.O 1990, c. F32*
- *Management Board of Cabinet Act, R.S.O. 1990, c. M. 1*
- *Occupational Health and Safety Act, R.S O. 1990, c. 0.1*
- *Pay Equity Act. R.S.O 1990, c. P.7*
- *Public Sector Salary Disclosure Act, 1996, S.O 1996, c. 1, Sched. A*
- *Public Service of Ontario Act, 2006, S.O. 2006, c. 35, Sched. A*
- *Regulated Health Professions Act, 1991, S.O. 1991, c. 18*

The Deputy Minister will ensure that the Commissioner is informed, in writing, of new Applicable Legislation and any exceptions or exemptions as indicated in articles 8.3 (q) and 13.1 (b).