Memorandum of Understanding

Between

Minister of Labour, Immigration, Training and Skills Development

and

Chair of the Ontario Labour Relations Board

September 2026

Signatures

I have read, understood and concur with this MOU dated September 2026 and will abide by the requirements for this MOU and the AAD.

Minister

28 Oct 2026

Date

I have read, understood and concur with this MOU dated September 2026 and will abide by the requirements for this MOU and the AAD.

OLRB Chair

September 23, 2026

Date

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

1. Preamble

a. Provincial agencies deliver important and valued services to the people of Ontario. In delivering these public services, provincial agencies are accountable to the Government through the responsible minister.

b. Provincial agencies must use public resources efficiently and effectively to carry out their mandates, as established by their respective constituting instruments and in alignment with the key priorities of the provincial Government. Their operations are guided by the key principles of the Agencies and Appointments Directive (AAD).

c. The parties to this MOU acknowledge that the Ontario Labour Relations Board (OLRB) is part of Government and is required to comply with legislation, Government directives, policies and guidelines applicable to them. Further, the OLRB may be required to ensure that their directives and policies adhere to certain Government directives, policies and guidelines, including those for human resources, while being mindful of collective agreement and bargaining obligations.

2. Purpose

a. The purpose of this Memorandum of Understanding (MOU) is to:

- Establish the accountability relationships between the Minister of Labour, Immigration, Training and Skills Development and the Chair of the OLRB.
- Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, and the Director/Registrar.
- Establish the expectations for the operational, administrative, financial, staffing, auditing and reporting arrangements between the OLRB and the Ministry of Labour, Immigration, Training and Skills Development that support the accountability requirements within a framework, which recognizes that the OLRB makes independent adjudicative decisions.

b. This MOU should be read together with the *Labour Relations Act, 1995*, see especially sections 110, 111. This MOU does not affect, modify or limit the powers of the OLRB as set out under the *Labour Relations Act, 1995* or interfere with the responsibilities of any of the parties to this MOU as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.

c. This MOU replaces the Memorandum of Understanding between the parties dated March 31, 2011.

3. Definitions

In this MOU:

a. A reference in this MOU to an Act or regulation is a reference to that Act or regulation, as amended;

b. "AAD" means the Agencies and Appointments Directive, issued by Management Board of Cabinet;

c. "Act" means the *Labour Relations Act, 1995;*

d. "Adjudication" includes mediation and case processing of files, where applicable;

e. "Alternate Chair" means the Alternate Chair of the OLRB designated by the Lieutenant Governor in Council as Alternate Chair;

f. "Annual Report" means the Annual Report described under article 11.2 of this MOU;

g. "Applicable Government Directives" means the Government directives, policies, standards and guidelines that apply to the OLRB;

h. "ARA" means the *Archives and Recordkeeping Act, 2006,* S.O. 2006, Chapter 34, Schedule A;

i. "Artificial Intelligence System" means a machine-based system that, for explicit or implicit objectives, makes inferences, from the input it receives, in order to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments;

j. "Appointee" means an individual appointed to the OLRB by the Lieutenant Governor in Council through Order in Council, to the position of Chair, Vice-Chair, or Member (for certainty, it does not mean an individual appointed to employment by the PSC under Part III of the PSOA as staff of the OLRB);

k. "ATAGAA" means the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* that applies to adjudicative tribunals prescribed under Ontario Regulation 126/10 of the ATAGAA;

l. "Business Plan" means the Business Plan referred to in article 11.1 of this MOU;

m. "CAO" means the Chief Administrative Officer and Assistant Deputy Minister, Ministry of Labour, Immigration, Training and Skills Development;

n. "Chair" means the Chair of the OLRB;

o. "Constituting Instrument" means the *Labour Relations Act, 1995*;

p. "Consultant" means a person or entity that under an agreement, other than an

employment agreement, provides expert or strategic advice and related services for consideration and decision-making;

q. "Deputy Minister" means the Deputy Minister of the Ministry of Labour, Immigration, Training and Skills Development;

r. "Director/Registrar" means the Director/Registrar of the OLRB;

s. "Executive Council Act" means the *Executive Council Act*, R.S.O., c. E. 25;

t. "FIPPA" means the *Freedom of Information and Protection of Privacy Act*, *R.S.O.*, c.F.31;

u. "Fiscal Year" means the period from April 1 to March 31;

v. "Government" means the Government of Ontario;

w. "MBC" means the Management Board of Cabinet;

x. "Member" means an individual appointed to the OLRB by the Lieutenant Governor in Council through Order in Council to the position of Member (for certainty, it does not mean the Chair of the OLRB, the Alternate Chair of the OLRB, a Vice-Chair of the OLRB, or an individual appointed to employment by the PSC under Part III of the PSOA to as staff of OLRB);

y. "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.S.O., c.E.25;

z. "Minister of Finance" means the Minister of Finance or such other person who may be designated from time to time under the *Executive Council Act*;

aa. "Ministry" means the Ministry of Labour, Immigration, Training and Skills Development or any successor to the Ministry;

bb. "MOU" means this Memorandum of Understanding signed by the Minister and the Chair;

cc. "OLRB" means Ontario Labour Relations Board;

dd. "OPS" means the Ontario Public Service;

ee. "Other Acts" mean the acts referenced in Appendix 1;

ff. "PEHT" means the Pay Equity Hearings Tribunal;

gg. "President of the Treasury Board" means the President of the Treasury Board or such other person who may be designated from time to time under the *Executive Council Act*;

hh. "PSC" means the Public Service Commission;

ii. "PSOA" means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A;

jj. "TBS" means the Treasury Board Secretariat;

kk. "TB/MBC" means the Treasury Board/Management Board of Cabinet;

ll. "Vice-Chair" means a Vice-Chair of the OLRB;

mm. "WSIAT" means the Workplace Safety and Insurance Appeals Tribunal.

4. OLRB's Legal Authority and Mandate

a. The legal authority of the OLRB is set out in the Act (see especially sections 110 and 111).

b. The OLRB also exercises powers and authority under Other Acts. See Appendix 1 for a full list.

c. The OLRB is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. Because of the functions that it performs and the interests at stake, and also because the Crown may appear as a party before it, independence is required of the OLRB. "Independence" as used herein refers to the independence of the OLRB and its Appointees in rendering adjudicative decisions.

d. The OLRB's primary authority, powers and duties are set out in the Act. Other powers and duties are set out in other Acts in respect of which the OLRB has a statutory role to play. The OLRB adjudicates and mediates disputes under the Act, the *Employment Standards Act, 2000;* the *Occupational Health and Safety Act* and numerous other labour and employment-related statutes (see Appendix 1 for a full list). Matters before the OLRB include: certification and termination applications: first collective agreement applications; unfair labour practice complaints: unlawful strike and lockout complaint; jurisdictional disputes; applications for accreditation in the construction industry; construction industry grievances; sale of a business and related employer applications; interim order applications, Ministerial References: certain matters under the *School Boards Collective Bargaining Act, 2014*; applications concerning essential services agreements; certain matters under the *Crown Employee Collective Bargaining Act, 1993*, certain matters under the *Colleges Collective Bargaining Act, 2008*; applications under the *Public Sector Labour Relations Transition Act, 1997;* reviews under the *Building Opportunities in the Skilled Trades Act, 2021* and reprisal cases under a variety of statutes.

e. In exercising its role, the OLRB seeks to encourage harmonious relations between employers, trade unions, and employees by dealing with matters before it in a fair, impartial, and expeditious manner.

5. Agency Type, Function and Public Body Status

a. The OLRB is designated as an adjudicative tribunal, a non-board-governed provincial agency under the AAD.

b. The OLRB is prescribed as a public body and a Commission public body in accordance with Ontario Regulation 146/10 under the PSOA.

6. Corporate Status and Crown Agency Status

a. The OLRB is not organizationally part of the Ministry, but it is not a distinct legal entity and is considered to be part of the Crown.

7. Guiding Principles

The parties agree to the following principles:

a. **Accountability**: Provincial agencies deliver public services and are accountable to the Government through the responsible minister. In delivering on their mandate, provincial agencies balance operational flexibility with the minister's accountability for the provincial agency to Cabinet, the Legislative Assembly and the people of Ontario. Accountability of the minister for each provincial agency cannot be delegated.

   Every provincial agency complies with all applicable legislation and Ontario Public Service (OPS) directives and policies. Further, agencies ensure that their directives and policies adhere to certain Government directives, policies and guidelines, including those for human resources, while being mindful of collective agreement and bargaining obligations. This includes applicable legislation and directives related to procurement.

b. **Responsiveness:** Provincial agencies align their mandate and operations with Government priorities and direction. Open and consistent communication between provincial agencies and their responsible ministry helps ensure that Government priorities and direction are clearly understood and helps to manage risks or issues as they arise. Provincial agencies deliver a high standard of public service that meets the needs of the population that they serve.

c. **Efficiency**: Provincial agencies use public resources efficiently and effectively to carry out their mandates, as established by their respective constituting instruments. They operate in a cost-effective manner and pursue efficiencies throughout the agency's service delivery and administration.

d. **Sustainability**: Provincial agencies operate in a way so that their current form is sustainable over the long-term while delivering a high standard of service to the public.

e. **Transparency**: Good governance and accountability practices for provincial agencies are complemented by transparency in the form of public posting of governance and accountability documents including the Business Plan, Annual Report, MOU and expenses information.

f. **Impartial decision-making** is the paramount requirement.

8. Accountability Relationships

8.1 Minister

The Minister is accountable:

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

b. For reporting and responding to TB/MBC on the OLRB's performance and compliance with Government's applicable direction, including directives and operational policies.

c. To the Cabinet for the performance of the OLRB and its compliance with the Government's operational policies and broad policy directions.

8.2 Chair

The Chair is accountable:

a. To the Minister for the OLRB's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by the agency's Constituting Instrument and other applicable legislation, this MOU, and Applicable Government Directives and policies.

b. For reporting to the Minister, as requested, on the OLRB's activities.

c. For ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the OLRB.

d. To the Minister to confirm the OLRB's compliance with legislation, Applicable Government Directives, and applicable accounting, financial, and I&IT policies.

8.3 Deputy Minister

a. The Deputy Minister reports to the Secretary of the Cabinet and is responsible for supporting the Minister in the effective oversight of provincial agencies.

b. The Deputy Minister is accountable for the performance of the Ministry in providing administrative and organizational support to the OLRB and for carrying out the roles and responsibilities assigned by the Minister, the Act, this MOU, and Applicable Government Directives and policies.

c. The Deputy Minister is also accountable for attesting to TB/MBC on the OLRB's compliance with applicable directives to the best of their knowledge and ability.

8.4 Director/Registrar

a. The Director/Registrar works under the direction of the Chair to implement policies and operational decisions, and reports on the OLRB's performance to the Chair.

b. The OLRB's staff report to and are accountable to the Director/Registrar for their performance.

c. In accordance with Ontario Regulation 148/10 which delegates human resources management authority to the Director/Registrar, they are accountable to the Chief Administrative Officer of the Ministry of Labour, Immigration, Training and Skills Development for the management of the OLRB's staff.

9. Roles and Responsibilities

9.1 Minister

The Minister is responsible for:

a. Reporting and responding to the Legislative Assembly on the affairs of the OLRB.

b. Reporting and responding to TB/MBC on the OLRB's performance and compliance with applicable directives, the Government's operational policies and policy directions.

c. Meeting with the Chair at least quarterly on: emerging issues and opportunities; OLRB high risks and action plans including direction on corrective action, as required; and OLRB Business Plan and capital priorities.

    i. As a best practice, meetings are to be quarterly. The Minister may delegate some of the meetings to an Associate Minister or Parliamentary Assistant. The Minister should meet with the Chair at least twice a year.

    ii. If the Minister deems the OLRB to be low risk, the Minister may reduce the number of meetings to twice a year, instead of quarterly.

d. Working with the Chair to develop appropriate measures and mechanisms related to the performance of the OLRB.

e. Reviewing the advice or recommendation of the Chair on candidates for appointment or re-appointment to the OLRB.

f. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the OLRB, pursuant to the process for OLRB appointments established by legislation and/or by MBC through the AAD, after consulting with and receiving the recommendation of the Chair.

g. Determining at any time the need for a review or audit of the OLRB, directing the Chair to undertake reviews or audits of the OLRB on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the OLRB resulting from any such review or audit.

h. Directing a review of the OLRB, at least once every six (6) years and directing any additional reviews of the OLRB, in accordance with the ATAGAA and the AAD, and making recommendations to TB/MBC as may be required after such reviews are completed.

i. Signing the MOU into effect after it has been signed by the Chair.

j. Receiving the OLRB's annual Business Plan and approving or providing suggested changes to the plan no later than 30 calendar days from receiving it.

k. Ensuring that the OLRB's Business Plan is made available to the public no later than 30 calendar days from approving it.

l. Receiving the OLRB's Annual Report and approving the report no later than 60 calendar days of the Ministry's receipt of the report from the OLRB.

m. Ensuring the Annual Report is tabled no later than 30 calendar days from approval and then made available to the public.

n. Recommending to TB/MBC any provincial funding to be allocated to the OLRB.

o. When appropriate or necessary, taking action or directing that the OLRB take corrective action with respect to the OLRB's administration or operations.

p. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the Government is considering regulatory or legislative changes for the OLRB.

q. Recommending to TB/MBC the application of the OPS Procurement Directive.

r. Recommending to TB/MBC, where required, the merger, any change to the mandate, or dissolution of the OLRB.

s. Recommending to TB/MBC the powers to be given to, or revoked from, the OLRB when a change to the OLRB's mandate is being proposed.

9.2 Chair

The Chair is responsible for:

a. Providing strategic leadership to the OLRB by setting the goals, objectives, processes and strategic directions for the OLRB within its mandate, under the OLRB's Constituting Instrument and other applicable legislation.

b. Directing the affairs of the OLRB so as to fulfill its mandate under the OLRB's

Constituting Instrument and other applicable legislation.

c. Ensuring compliance with legislative and TB/MBC policy obligations.

d. Reporting to the Minister as requested on the OLRB's activities within agreed upon timelines, including Certificate of Assurance (including fraud) attestations in accordance with the Ministry's cascading Certificate of Assurance process.

e. Meeting with the Minister at least quarterly on: emerging issues and opportunities; OLRB high risks and action plans including direction on corrective action, as required; and OLRB Business Plan and capital priorities.

    i. As a best practice, meetings are to be quarterly. The Minister may delegate some of the meetings to an Associate Minister or Parliamentary Assistant. The Minister should meet with the Chair at least twice per year.

    ii. If the Minister deems the OLRB to be low-risk, the Minister may reduce the number of meetings to twice a year, instead of quarterly.

f. Ensuring timely communications with the Minister regarding any issues or events that may concern or can reasonably be expected to concern the Minister in the exercise of their responsibilities relating to the OLRB.

g. Working with the Minister to develop appropriate measures and mechanisms related to the performance of the OLRB.

h. Utilizing the OLRB skills matrix to advise the Minister of any competency skills gaps and provide recommendations for recruitment strategies, appointments, or re-appointments as needed, including advising the Minister on Vice-Chairs and Members attendance and performance.

i. Cooperating with any review or audit of the OLRB.

j. Requesting an external audit of the financial transactions or management controls of the OLRB, at the OLRB's expense, if required.

k. Advising the Minister and Deputy Minister, annually at minimum, on any outstanding audit recommendations/issues.

l. Sharing all audit engagement reports (including those reported to the OLRB's Chair) with the Minister and Deputy Minister (and when requested, with the President of the Treasury Board).

m. Seeking strategic policy direction for the OLRB from the Minister.

n. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the OLRB, and otherwise directing the affairs of the OLRB so as to fulfill its mandate.

o. Developing a performance measurement system for the OLRB, including targets, for assessing the OLRB's performance.

p. Monitoring and evaluating the performance of the OLRB, including the performance of the Vice-Chairs and Members.

q. Identifying the required skills, experience, and capacity required for the OLRB to meet its mandate.

r. Working with the Ministry to oversee the recruitment of Vice-Chairs and Members and providing recommendations to the Minister on appointments and reappointments, as applicable, pursuant to the process for appointment to adjudicative tribunals established by the ATAGAA and by MBC through the AAD.

s. Overseeing the preparation of the OLRB's Annual Report for submission to the Minister/Ministry within 90 calendar days after the OLRB's Fiscal Year-end.

t. Making decisions consistent with the Business Plan approved for the OLRB.

u. Signing the OLRB's MOU.

v. Submitting the OLRB's Business Plan, budget, Annual Report, and financial reports to the Minister in accordance with the timelines specified in the Applicable Government Directives and this MOU.

w. Ensuring that the OLRB operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.

x. Consulting with the Minister in advance regarding any activity which may have an impact on the Government and Ministry's policies, directives or procedures, or on the OLRB's mandate, powers or responsibilities as set out in the OLRB's Constituting Instrument and other applicable legislation.

y. Ensuring compliance with Applicable Government Directives in the reviewing and approving of claims for per diems and travel expenses for the Vice-Chairs and Members.

z. Ensuring that the Director/Registrar has appropriate management systems in place (financial, information technology (including cyber security), human resources, procurement and records management) for the effective administration of the OLRB.

aa. Carrying out powers and duties under FIPPA in accordance with a Ministerial delegation of order (as may be amended from time to time).

bb. Establishing and implementing artificial intelligence (AI) risk management in alignment with the principles of the Responsible Use of AI Directive and requirements in section 6.3 of the Responsible Use of AI Directive, ensuring that they fulfill the role outlined for "Provincial Agency Heads or Equivalent" in the Responsible Use of AI Directive.

cc. Ensuring that there is a timely, effective, and efficient caseload management system to

resolve disputes.

dd. Directing that corrective action be taken relating to the OLRB's operations, if needed.

ee. Ensuring that the Director/Registrar has in place an appropriate framework for OLRB staff and Appointees to receive adequate orientation and training with respect to the business and operations of the OLRB and their particular responsibilities.

ff. Making sure that OLRB staff and Appointees are aware of and ensure compliance with Applicable Government Directives, and all applicable legislation.

gg. Making sure a process for responding to and resolving customer service complaints from the public and the OLRB's clients is in place.

hh. Carrying out effective public communications and stakeholder relations for the OLRB as required by the Communications Protocol.

ii. Consulting with the Chairs of other tribunals where applicable regarding the use of cross-appointed adjudicators and shared services.

jj. Acknowledging the importance of promoting an equitable, inclusive, accessible, anti-racist and diverse workplace within the OLRB, and supporting a diverse and inclusive workplace within the OLRB.

kk. Ensuring that the Vice-Chairs and Members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.

ll. Fulfilling the role of ethics executive for public servants who are Government Appointees to the OLRB, promoting ethical conduct and ensuring that all Appointees of the OLRB are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under that act, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.

mm. Consulting with the Deputy Minister in the evaluation of the Director/Registrar's performance pursuant to the performance criteria established by the Deputy Minister and the Chair.

nn. Since the Director/Registrar is also responsible for the administrative function of the Pay Equity Hearings Tribunal, the Chair will consult with the Presiding Officer of the Pay Equity Hearings Tribunal regarding the Director/Registrar's performance as it relates to the Pay Equity Hearings Tribunal.

9.3 Deputy Minister

Deputy Minister responsibilities may be fulfilled by a delegate approved by the Secretary of Cabinet.

The Deputy Minister is responsible for:

a. Advising and assisting the Minister regarding the Minister's oversight responsibilities

for the OLRB, including informing the Minister of policy direction, policies and priorities of relevance to the OLRB's mandate.

b. Advising the Minister on the requirements of the AAD, ensuring governance and accountability documents accurately adhere to the requirements of the AAD, and other directives that apply to the OLRB.

c. Attesting to TB/MBC on the OLRB's compliance with the mandatory accountability requirements set out in the AAD and other applicable directives, the Government's operational policies and policy directions based on the annual letter of compliance from the OLRB Chair to the Minister to the best of their knowledge and ability.

d. Reporting/responding, within prescribed timelines, to TBS on compliance tracking.

e. Ensuring that the Director/Registrar is aware of the administrative requirements of Government and is compliant with them.

f. Informing the Director/Registrar, in writing, of new Government directives and any exceptions to, or exemptions in whole or in part from directives, Government policies, or Ministry administrative policies.

g. Ensuring regular briefings and consultations between the Chair and the Minister at least quarterly, and between the Ministry staff and the OLRB staff as needed.

h. Providing supporting and background information for the Minister's quarterly meetings with the Chair.

i. Supporting the Minister in reviewing the performance targets, measures and results of the OLRB.

j. Signing the OLRB's MOU, acknowledging their responsibilities.

k. Undertaking reviews of the OLRB as may be directed by the Minister.

l. Cooperating with any review of the OLRB as directed by the Minister or TB/MBC.

m. Ensuring the review and assessment of the OLRB's Business Plans and other reports.

n. Requesting information and data as needed to fulfill obligations under the AAD.

o. Monitoring the OLRB on behalf of the Minister while respecting the OLRB's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.

p. Providing regular feedback to the Minister on the performance of the OLRB.

q. Recommending to the Minister, as may be necessary, the evaluation or review,

including a risk-based review, of the OLRB or any of its programs, or changes to the management framework or operations of the OLRB.

r. Ensuring that the Ministry and the OLRB have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the OLRB.

s. Ensuring that the OLRB has an appropriate risk management framework and a risk management plan in place for managing risks that the OLRB may encounter in meeting its program or service delivery objectives.

t. Undertaking timely risk-based reviews of the OLRB, its management or operations, as may be directed by the Minister or TB/MBC.

u. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.

v. Consulting with the OLRB's Director/Registrar or Chair, as needed, on matters of mutual importance including services provided by the Ministry and compliance with directives and Ministry policies.

w. Arranging administrative, financial, and other support to the OLRB, as specified in this MOU.

x. Consulting with the Chair on the performance evaluation of the Director/Registrar.

9.4. Director/Registrar

The Director/Registrar is responsible for:

a. Managing the day-to-day financial, analytical, and administrative affairs of the OLRB in accordance with the mandate of the OLRB, Applicable Government Directives and policies, accepted business and financial practices, and this MOU.

b. Advising the Chair on the requirements of and the OLRB's compliance with the AAD, as well as other government directives and policies, and OLRB's policies, including OLRB's compliance with mandatory requirements in accordance with the Ministry's cascading Certificate of Assurance process.

c. Applying policies and procedures so that public funds are used with integrity and honesty.

d. Providing leadership and management to the OLRB staff, including human and financial resources management, in accordance with the approved business plan, accepted business and financial practices and standards, the OLRB's Constituting Instrument and other applicable legislation, and Applicable Government Directives.

e. Ensuring an appropriate framework for OLRB staff to receive adequate orientation and training with respect to the business and operations of the OLRB and their particular responsibilities are in place.

f. Ensuring OLRB staff are aware of and comply with Applicable Government

Directives.

g. Ensuring a performance plan has been established for each employee.

h. Preparing the OLRB's annual Business Plan to be approved by the Chair prior to submission to the Minister.

i. Assisting in the preparation of the OLRB's Annual Report as directed by the Chair.

j. Overseeing the preparation of financial reports.

k. Ensuring that financial statements are prepared in accordance with Ministry financial procedures and included in the OLRB's Annual Report for public release and posting on the OLRB's website after it has been submitted to the Minister and the Minister has tabled the report in the Legislative Assembly.

l. Ensuring that the OLRB meets its financial management obligations with the assistance of the Ministry. The Director/Registrar ensures compliance with Ministry procedures and applicable Minister of Finance/Treasury Board controllership directives, policies and guidelines.

m. Translating the goals, objectives, and strategic directions of the Chair into operational plans and activities in accordance with the OLRB's approved Business Plan.

n. Ensuring that the OLRB has the oversight capacity and an effective oversight framework in place for monitoring its management and operations.

o. Keeping the Chair informed with respect to implementation of policy and the operations of the OLRB.

p. Establishing systems to ensure that the OLRB operates within its approved Business Plan.

q. Ensuring that the OLRB has an appropriate risk management framework and risk management plan in place, as directed by the Chair.

r. Supporting the Chair in meeting their responsibilities, including compliance with all applicable legislation, directives, policies, procedures, and guidelines.

s. Carrying out in-year monitoring of the OLRB's performance and reporting results to the Chair.

t. Keeping the Ministry and the Chair advised on issues or events that may concern the Minister, the Deputy Minister and the Chair in the exercise of their responsibilities.

u. Seeking support and advice from the Ministry, as appropriate, on OLRB management issues.

v. Establishing a system for the retention of OLRB documents and for making such documents publicly available when appropriate, in compliance with obligations delegated to the Chair in accordance with a Ministerial delegation order under the FIPPA (as may be amended from time to time), and the ARA, where applicable.

w. Undertaking timely risk-based reviews of the OLRB's management and operations.

x. Consulting with the Deputy Minister as needed, on matters of mutual importance, including services provided by the Ministry, and on Applicable Government Directives and Ministry policies.

y. Keeping the Deputy Minister informed about operational matters.

z. Cooperating with a periodic review directed by the Minister or TB/MBC.

aa. Fulfilling the role of ethics executive for public servants, other than Government Appointees, who work in the OLRB.

bb. Promoting ethical conduct and ensuring that all Appointees of the OLRB are familiar with the ethical requirements of the PSOA and the regulations and directives made under that act, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing.

cc. Coordinating with the Ministry, the development of a performance measurement system for OLRB staff and implementing the system.

10. Ethical Framework

a. As per paragraph 4 of subsection 62(1) of the PSOA, the ethics executive for the Chair is the Integrity Commissioner.

b. As per paragraph 1 of subsection 62(1) of the PSOA, the ethics executive for the Director/Registrar of the OLRB is the Integrity Commissioner.

c. Appointees are subject to the conflict of interest provisions of the AAD and the conflict of interest provisions of the PSOA and its regulations.

d. Appointees shall not use any information gained as a result of their appointment to or membership on the OLRB for personal gain or benefit. An Appointee who has reasonable grounds to believe that they have a conflict of interest in a matter before the OLRB, shall disclose the nature of the conflict to the Chair at the first opportunity and shall refrain from further participation in the consideration of the matter. The Chair shall notify the Director/Registrar in writing of any declared conflicts of interest.

e. The Director/Registrar, as the ethics executive for public servants, other than Government Appointees, is responsible for ensuring staff of the OLRB 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 OLRB.

f. The Chair will ensure that an ethics plan is developed for the OLRB, and that the ethics plan be approved by the Integrity Commissioner. The ethics plan shall contain the contents prescribed in O. Regulation 91/11 made under the ATAGAA.

g. Where the Director/Registrar makes a determination on a conflict of interest or political activity matter, the Director will provide a copy of the determination to the Ministry's human resources branch.

h. Where the Director/Registrar receives a disclosure of wrongdoing, the Director/Registrar may consult with the Ministry's human resources branch for advice regarding the application of any enterprise or corporate human resources directives, policies and/or guidelines.

i. As required by the MBC directive on disclosure of wrongdoing, the Director/Registrar will provide information on any disclosure of wrongdoing in the OLRB's annual report to the Secretary of Cabinet.

11. Reporting Requirements

11.1 Business Plan

a. The Chair will ensure that the Minister is provided annually with the OLRB's Business Plan covering a minimum of three (3) years from the upcoming Fiscal Year, unless otherwise specified by TB/MBC, for approval by the Minister. The annual Business Plan shall be in accordance with the requirements set out in the AAD and the ATAGAA, including any related regulations.

b. The draft annual Business Plan is to be submitted to the Ministry's Chief Administrative Officer or designated equivalent no later than 90 calendar days prior to the beginning of the OLRB's Fiscal Year-start, and the Chair-approved Business Plan is to be submitted to the Minister for approval no later than 30 calendar days prior to the beginning of the OLRB's Fiscal Year.

c. The Chair is responsible for ensuring that the OLRB's 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 targeted results and timeframes.

d. The Chair will ensure that the Business Plan includes a summary of HR impacts, including the current number of employees expressed as full-time equivalents who are assigned as staff at the beginning of the three-year period.

e. The Chair will ensure that the Business Plan includes a risk assessment and risk management plan. This will assist the Ministry in developing its risk assessment and risk management plan information in accordance with the

requirements of the AAD to assess risks, develop and maintain necessary records, and report to TB/MBC.

f. The Chair will ensure that the Business Plan includes an inventory of the OLRB's artificial intelligence (AI) use cases in accordance with requirements of the Responsible Use of AI Directive.

g. The Chair will ensure that publicly posted Business Plans do not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, and information that would otherwise pose a risk to the security of the facilities and/or operations of the agency. If necessary, this confidential information, included in the Minister-approved Business Plan, may be redacted in the publicly posted version.

h. The Minister will review the OLRB's annual Business Plan and will promptly advise the Chair whether or not they concur with the directions proposed by the OLRB. The Minister may advise the Chair where and in what manner the OLRB's plan varies from Government or Ministry policy or priorities as may be required, and the Chair will revise the OLRB's plan accordingly. Business Plans are only to be considered valid once the responsible Minister has approved the plan, and the approval has been expressed in writing.

i. The Minister will approve or provide suggested changes to the Business Plan no later than 30 calendar days from the Minister's receipt of the report. In certain circumstances, Minister approval may be given to only certain portions of a Business Plan as submitted by the OLRB.

j. The parties acknowledge that TB/MBC may require the Minister to submit the OLRB's Business Plan to TB/MBC for review at any time.

k. The Chair, through the Director/Registrar, will ensure that the Minister approved Business Plan is made available to the public in an accessible format (to comply with the *Accessibility for Ontarians with Disabilities Act, 2005*), in both official languages (to comply with the *French Language Services Act*), on the OLRB website no later than 30 calendar days from Minister's approval of the plan.

11.2 Annual Reports

a. The Chair will ensure that the Ministry is provided annually with OLRB's Annual Report. The Annual Report shall be in accordance with the requirements set out in the AAD.

b. The Chair is responsible for ensuring that the OLRB's Annual Report is prepared and submitted to the Ministry for approval within 90 calendar days after the OLRB's Fiscal Year-end.

c. The Chair, through the Director/Registrar, will ensure that the Annual Report is prepared in the format specified in the AAD.

d. The Chair will ensure that publicly posted Annual Reports do 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 OLRB in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the OLRB.

e. The Minister will receive and review the OLRB's Annual Report to confirm compliance with AAD requirements and will approve the report no later than 60 calendar days from the day of receipt.

f. The Minister will table the report in the Legislative Assembly no later than 30 calendar days from approval.

g. The Chair, through the Director/Registrar, will ensure that the Minister approved Annual Report is publicly posted in an accessible format (to comply with the *Accessibility for Ontarians with Disabilities Act, 2005*), in both official languages (to comply with the *French Language Services Act*), on the OLRB website after the report has been tabled in the Legislature and no later than 30 calendar days from Minister's approval of the report.

h. When distributing Annual Reports, digital formats and channels for distribution must be used unless otherwise required (e.g. by directive, legislation).

11.3 Human Resources and Compensation

a. The OLRB will report on HR and compensation policies in its Business Plans and Annual Reports, in accordance with the requirements of the AAD, AAD Operational Policy, and articles 11.1 and 11.2 of this MOU.

b. The OLRB will provide any other additional workforce, compensation, and operational data pertaining to human resources and compensation as requested by TBS.

11.4 Other Reports

The Chair is responsible for:

a. Ensuring that all required reports and documents, including those set out in the AAD and the OLRB's Constituting Instrument and other applicable legislation, are submitted for review and approval by the Minister in accordance with the prescribed timelines.

b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time, subject to any restrictions which may interfere or conflict with the integrity of adjudicative, assessment, decision-making, or natural justice rights of the parties.

12. Public Posting Requirements

a. The OLRB, through the Chair, will ensure that the following approved governance documents are posted in an accessible format (to comply with the *Accessibility for Ontarians with Disabilities Act, 2005*), in both official languages (to comply with to the *French Language Services Act*), on the OLRB website no later than the specified timelines:

   - Memorandum of Understanding – within 30 calendar days of signing by all parties
   - Annual Business Plan – within 30 calendar days of Minister's approval
   - Annual Report – within 30 calendar days of Minister's approval (the report must first be tabled in the Legislature)

b. Posted governance documents should not disclose: personal information, sensitive 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 OLRB in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the OLRB.

c. The OLRB, through the Chair, will ensure that the expense information for Appointees and senior management staff is posted on the OLRB website, in accordance with the requirements of the Travel, Meal and Hospitality Expenses Directive.

d. The OLRB, through the Chair, will ensure that any other applicable public posting requirements are met.

13. Communications and Issues Management

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

The Minister and the Chair, therefore, agree that:

a. "Communications" shall not include discussion or exchanging of information between provincial agency personnel (i.e. Appointees and staff of the OLRB) and the Minister, Deputy Minister or Ministry staff about specific cases that have been, are, or will be, the subject of adjudicative or regulatory decision-making by the OLRB.

b. Inquiries received by the Minister's Office regarding a case in progress at the OLRB must be re-directed to the OLRB without comment. Any response made by the Minister's Office to the inquiring party will indicate that the inquiry has been

forwarded to the OLRB and that the Minister cannot comment on an adjudicative proceeding, assessment, decision, or resolution.

c. The Chair will notify the Minister within three (3) business days of all planned announcements, events or issues, including contentious matters, that concern or can be reasonably expected to concern the Minister in the exercise of their responsibilities. This clause does not apply to specific cases that have been, are, or will be, the subject of adjudication or regulatory decision-making by the OLRB.

d. The Minister will advise the Chair in a timely manner, as appropriate, on broad Government policy initiatives or legislation being considered by the Government that may impact on the OLRB's mandate or functions, or which otherwise will have a significant impact on the OLRB.

e. The Minister will advise the Chair, and the Chair will consult with the Minister on public communication strategies and publications. Publications do not include notices relating to specific cases, decisions of the OLRB, and/or other adjudication-related activities. They will keep each other informed of the results of stakeholders and other public consultations and discussions as they relate to the OLRB's mandate and functions.

f. The Minister and the Chair will meet at least quarterly on: emerging issues and opportunities; OLRB high risks and action plans including direction on corrective action, as required; and OLRB Business Plan and capital priorities.

    i. As a best practice, meetings are to be quarterly. The Minister may delegate some of the meetings to an Associate Minister or Parliamentary Assistant. The Minister should meet with the Chair at least twice a year.

    ii. If the Minister deems the OLRB to be low risk, the Minister may reduce the number of meetings to twice a year, instead of quarterly.

g. The OLRB and Ministry will comply with the Public Communications Protocol set out in Appendix 2 to this MOU for ongoing issues management, public communications and paid advertising.

14. Administrative Arrangements

14.1 Applicable Government Directives

a. The Chair is responsible for ensuring that the OLRB operates in accordance with all Applicable Government Directives and policies. This includes, but is not limited to, the list of directives and policies found on the InsideOPS Directives and Policies page.

b. The Ministry will inform the OLRB of amendments or additions to legislation, Government directives, policies and guidelines that apply to the OLRB; however, the OLRB is responsible for complying with all legislation, Government directives, policies and guidelines to which it is subject. Information on corporate direction is

available on the InsideOPS Directives and Policies page.

c. The OPS Procurement Directive applies in full.

d. The Procurement Directive on Advertising, Public and Media Relations and Creative Communications Services applies in full.

14.2 Administrative and Organizational Support Services

a. The OLRB provides support services to the PEHT, including the Office of the Director/Registrar, Solicitors Office, Manager of Administration, Mediation Services, case processing, client services and adjudicative services staff.

b. The OLRB is a party to the Co-Location and Shared Services Agreement with the PEHT and WSIAT.

c. The Deputy Minister is responsible for providing the OLRB with the administrative and organizational support services listed in Appendix 3 to this MOU, and for negotiating with Enterprise Services concerning these services, as appropriate.

d. Appendix 3 may be reviewed at any time at the request of either party.

e. The Deputy Minister will ensure that the support or services provided to the OLRB are of the same quality as those provided to the Ministry's own divisions and branches.

f. The Director/Registrar shall, upon the request of the Minister or the Deputy Minister, supply specific data and other information which may be required from time to time for the Ministry to provide administrative, financial, human resources and information technology support services to the OLRB.

14.3 Agreements with Third Parties

a. Procurement required to support the programs and services of the provincial agency will be done in a clear manner, consistent with applicable policies and directives, including but not limited to, the OPS Procurement Directive.

14.4 Legal Services

a. The OLRB shall supply its own legal services using rates of pay that are the same as, or less than, those of the Lawyers Compensation Plan of the OPS.

b. The OLRB may obtain outside legal assistance when it requires expertise not available to it from its staff counsel, or when the use of staff counsel would result in a conflict of interest. If such assistance is to be obtained, the OLRB shall do so in accordance with Appendix 4: "Use and Retention of Outside Legal Services" and the Ministry of the Attorney General's Corporate Operating Policy on Acquiring and Using Legal Services.

14.5 Creation, Collection, Maintenance and Disposition of Records

a. The Chair is responsible for ensuring that a system is in place for the creation, collection, maintenance, and disposal of records.

b. The Chair is responsible for ensuring that the OLRB complies with all Government legislation, directives and policies related to information and records management.

c. The Chair, in compliance with obligations delegated in accordance with a Ministerial delegation order under the FIPPA (as may be amended from time to time) and the Director/Registrar, acting on behalf of the Chair, shall protect the legal, fiscal and other interests of the OLRB by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the OLRB. This includes, but is not limited to, all electronic records, such as emails, information posted on the OLRB's website(s), database data sets, and all records stored on personal computers and shared drives.

d. The Chair is responsible for ensuring measures are implemented requiring the OLRB's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs.

e. The Chair is responsible for ensuring that the OLRB complies with the TB/MBC Management and Use of Information and Information Technology (I&IT) Directives, in conjunction with the Corporate Policy on Recordkeeping, Access and Privacy, as applicable.

f. The Chair is responsible for ensuring that the OLRB complies with the FIPPA, *Tribunal Adjudicative Records Act, 2019* and ARA.

14.6 Cyber Security

a. The OLRB is responsible for complying with TB/MBC directives governing the management of cyber security risks and related impacts within its organization. Where the OLRB owns and operates any digital asset separately from the government, the OLRB is responsible for adhering to the same standards set by TB/MBC.

b. The OLRB must comply with the systems, protocols and procedures established and maintained by TB/MBC to ensure cyber resilience, recovery, and maturity.

c. The OLRB should align any independently-owned digital assets with any applicable policies and standards issued by the OPS, such as the Government of Ontario Information Technology Standards (GO-ITS) 25.0 and any other relevant GO-ITS standards, Corporate Policy on Information Sensitivity Classification, Corporate Policy on Cyber Security and Cyber Risk Management, Governance and Management of Information and Data Assets Directive, Governance and Management of Information

Technology Directive.

14.7 Intellectual Property

a. The Chair is responsible for ensuring that the legal, financial and other interests of the government in intellectual property are protected in any contract that the OLRB may enter with a third party that involves the creation of intellectual property.

b. In order to ensure that the Ontario Government's intellectual property assets are managed efficiently, effectively, and consistently across Government, OLRB shall comply with MBC's Managing, Distributing, and Pricing Government Information Directive.

14.8 Freedom of Information and Protection of Privacy

a. The Chair and the Minister acknowledge that the OLRB is bound to follow the requirements set out in the FIPPA in relation to the collection, retention, security, use, distribution, disclosure, access and correction and disposal of records.

b. The Minister is designated as the institution head in Ontario Regulation 460 under the FIPPA for the purposes of the FIPPA.

c. The Minister has delegated all of their powers and duties under the FIPPA to the Chair with respect to the OLRB in accordance with a Ministerial delegation order (as may be amended from time to time).

d. The Chair recognizes that the Minister is ultimately responsible and accountable to Cabinet and the Legislature for ensuring compliance with the FIPPA.

e. The Chair is responsible for ensuring that the Ministry is notified of any significant or contentious information requests under the FIPPA.

f. The OLRB shall also comply with the *Tribunal Adjudicative Records Act, 2019.*

14.9 Service Standards

a. The OLRB shall establish customer service and quality standards that are consistent with the appropriate standards of the Government, the Ministry, the OPS, and the ATAGAA.

b. The Chair will ensure that the OLRB delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive.

c. The Chair will ensure that the OLRB designs, delivers and implements its digital services, whether internally built or procured, to reflect the principles and requirements outlined in the Digital and Data Directive, including Ontario's Digital Service Standard.

d. The OLRB has in place a formal process for responding to complaints about the quality of services received by clients of the OLRB consistent with the Government's service quality standards. The OLRB's process for responding to complaints about the quality of services is separate from any statute provisions about the OLRB's adjudicative decisions.

e. The OLRB's annual Business Plan will include performance measures and targets for client services and the OLRB's response to customer service complaints.

14.10 Diversity and Inclusion

a. The OLRB, through the Chair, acknowledges the importance of promoting an equitable, inclusive, accessible, anti-racist and diverse workplace within the OLRB.

b. The Chair will support a diverse and inclusive workplace within the OLRB by:

    i. Developing and encouraging diversity and inclusion initiatives to promote an inclusive environment free of workplace discrimination and harassment; and

    ii. Adopting an inclusive process to ensure all voices are heard.

c. The Chair is responsible for ensuring that the OLRB operates in accordance with the *Human Rights Code, Accessibility for Ontarians with Disabilities Act, 2005*, *French Language Services Act*, and *Pay Equity Act*.

15. Financial Arrangements

15.1 General

a. All financial procedures for the OLRB shall be in accordance with Applicable Government Directives, Ministry and corporate financial and administrative policies and procedures.

b. In accordance with the Ministry's Delegation of Financial Management Authority Framework, the financial authority has been delegated to the Chair, Director/Registrar and managers of the OLRB, who shall exercise the delegations to support the OLRB's mandate and operational goals.

c. Pursuant to Section 28 of the *Financial Administration Act,* the OLRB 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 without the approval of the Minister of Finance and/or the President of the Treasury Board. The Minister's approval is required before seeking statutory approval from the Minister of Finance or President of the Treasury Board.

d. The OLRB's approved operating and capital allocations may be adjusted in a

given year if in-year fiscal constraints are ordered by Cabinet or the Minister. The OLRB will be provided with notice of changes to its allocation as soon as is reasonably possible. Where the OLRB must reallocate resources as a result of its operating and/or capital allocations being adjusted, the OLRB shall inform and discuss the changes with the Ministry before making such changes.

e. The Director/Registrar shall be responsible for providing the Ministry with the necessary documentation to support the OLRB's expenditures.

15.2 Funding

a. The OLRB is funded by the Government of Ontario, out of the Consolidated Revenue Fund (CRF) pursuant to an appropriation authorized by the Legislative Assembly, and is subject to adjustments made by the Minister, TB/MBC or the Legislative Assembly.

b. The Director/Registrar will prepare estimates of the OLRB's expenditures for inclusion in the Ministry's Business Plan for presentation to the Legislative Assembly. The Chair will deliver these estimates to the Minister in sufficient time to be analyzed and approved by the Minister.

c. The estimates provided by the Minister may, after appropriate consultation with the Chair, be altered as required. The parties acknowledge that TB/MBC has final decision-making authority.

d. Financial procedures of the OLRB must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.

15.3 Financial Reports

a. The Chair will provide to the Minister annual financial statements, and will include them as part of the OLRB's Annual Report. The statements will be provided in accordance with instructions issued by the Office of the Provincial Controller Division.

15.4 Taxation Status: Harmonized Sales Tax (HST)

Collection/Remittance of HST

a. The OLRB is responsible for complying with its obligations as a supplier under the federal *Excise Tax Act* to collect and remit HST in respect of any taxable supplies made by it.

Payment of HST

b. The OLRB is responsible for paying HST where applicable, in accordance with the *Excise Tax Act* (Canada).

HST Recovery

c. The OLRB is listed on Schedule A of the Canada-Ontario Reciprocal Taxation Agreement and may claim HST Government Rebates in respect of any HST paid or payable by the OLRB, subject to any restrictions specified by Finance Canada.

d. The OLRB will not claim an HST Government Rebate in respect of HST paid or payable by it for which it has claimed a refund, input tax credit or other rebate under the *Excise Tax Act* (Canada).

e. The OLRB is responsible for providing the Ministry of Finance and/or the Canada Revenue Agency, upon request, with any information necessary to determine the amount of an HST Government Rebate.

f. The Minister is responsible for informing the Ministry of Finance within 30 days if the OLRB's name is changed, it is merged with another agency, its mandate or major activities are significantly changed, it undergoes a significant reorganization or change to its legal structure, or if it ceases operations or is dissolved.

15.5 Realty

a. The Chair is responsible for ensuring that the OLRB operates in accordance with the MBC Realty Directive.

b. Appendix B of the Realty Directive sets out the Mandatory Office Space Standards and Office Space Planning Practices that must be complied with when acquiring space for accommodation and program purposes.

c. The Chair recognizes that all lease agreements for provincial agencies without realty authority are under the administration and control of the Minister of Infrastructure.

d. The OLRB will align hybrid work policies with the OPS and identify and assess office optimization opportunities to reduce office realty footprint and find cost reductions.

16. Audit and Review Arrangements

16.1 Audits

a. The OLRB is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act* or by the Ontario Internal Audit Division of TBS.

b. The OLRB can request and/or must accept the provision of internal audit services by the Ontario Internal Audit Division in accordance with the Internal Audit Directive.

c. Regardless of any previous or annual external audit, the Minister or the Chair may direct that the OLRB be audited at any time. The results of such audit should be

shared by the Chair to the Minister in accordance with article 9.2 of this MOU.

d. The OLRB will share all engagement reports (including those reported to the OLRB's Chair) with the Minister and Deputy Minister (and when requested, with the President of the Treasury Board). The OLRB will advise the Minister and Deputy Minister annually, at a minimum, on any outstanding recommendations/issues.

e. The OLRB will share its approved audit plan with the Minister and Deputy Minister, (and when requested, with the President of the Treasury Board) to support understanding of OLRB risks.

f. The OLRB shall provide the information, material and access necessary for the conduct of any audit.

g. The Chair may request an external audit of the financial transactions or the management controls of the OLRB, at the OLRB's expense.

16.2 Other Reviews

a. The OLRB 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 OLRB that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the OLRB, including finance, human resources/labour relations and OLRB processes.

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 Chair and the Minister, and how any other parties are involved.

c. A mandate review of the OLRB will be conducted at least once every six (6) years. The next review will be completed as per the Mandate Review Schedule.

d. The Minister will direct a review of the OLRB at least once every six (6) years in accordance with subsections 21(1) and (2) of the ATAGAA. This review may be structured in such a way that it also fulfills the obligation for a mandate review.

e. The Minister will consult the Chair as appropriate during any such review.

f. The Chair and Director/Registrar will cooperate in any review.

g. 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 OLRB to TB/MBC for consideration.

17. Staffing and Appointments

17.1 Delegation of Human Resources Management Authority

a. Where the PSC has delegated its powers, duties and functions in relation to human

resources management to the Deputy Minister or prescribed individual under Ontario Regulation 148/10 under the PSOA, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the mandate of the OLRB, and within the parameters of the delegated authority.

b. The Director/Registrar has been delegated human resources management authority under Ontario Regulation 148/10 under the PSOA.

17.2 Staffing Requirements

a. The OLRB will provide TBS, workforce, compensation, and operational data as set out in the AAD Operational Policy.

b. The OLRB is staffed by persons employed under Part III of the PSOA. Such persons are eligible for all the rights and benefits accorded under the PSOA and relevant collective agreements.

c. The OLRB, in its dealings with staff employed under Part III of the PSOA, is subject to MBC human resource directives and PSC directives under the PSOA.

d. The Ministry and/or TBS will provide the OLRB with administrative services and program analysis sufficient to ensure the efficient and effective administration of the OLRB.

e. The Job Evaluation Initiative Branch, Centre for Public Sector Labour Relations and Classification, Total Rewards and Classification Division, TBS will develop job descriptions for the staff providing administrative services to the OLRB in consultation with the Director/Registrar.

f. The specific administrative support services to be provided by the Ministry to the OLRB are identified in Appendix 3 to this MOU.

g. The Ministry is responsible for providing administrative support to the operation of the OLRB, including the preparation of cheques and maintenance of financial records.

h. Ministry employees are assigned to the OLRB as and when required.

17.4 Appointments

a. The Chair, Vice-Chairs, and Members are appointed by the Lieutenant Governor in Council (LGIC) pursuant to section 110(2) of the *Labour Relations Act, 1995.*

b. The Lieutenant Governor in Council shall designate one of the Vice-Chairs to be the Alternate Chair pursuant to section 110(3) of the *Labour Relations Act, 1995.*

c. Appointees are selected for appointment through a competitive, merit-based process that assesses candidates based on experience, knowledge or training in the subject matter and legal issues deal with by the OLRB; aptitude for impartial

Adjudication; and aptitude for applying alternative adjudicative practices and procedures that may be set out in the OLRB's rules.

d. The Chair must utilize the OLRB's skills matrix and recruitment strategy in advising the Minister of any competency skills gaps and providing any recommendations for appointments or re-appointments, including advising the Minister on Vice-Chairs and Members' attendance and performance.

e. Pursuant to subsection 14(4) of the ATAGAA, no person shall be appointed or reappointed unless the Chair, after being consulted as to their assessment of the person's qualifications under the ATAGAA and, in the case of reappointment, of Vice-Chairs and Members' performance of their duties on the OLRB, recommends that the person be appointed or reappointed.

17.5 Remuneration

a. Remuneration is set by Order-in-Council by the Lieutenant Governor in Council.

b. The OLRB's full-time and part-time Appointees will be remunerated pursuant to rates identified in Schedule B of the AAD.

c. Provincial agencies, including Appointees, must comply with the Travel, Meal and Hospitality Expenses Directive issued by MBC. Legitimate authorized expenses incurred during the course of Government business shall be reimbursed. Expenses for Appointees under the Directive are subject to requirements for public disclosure of expense information.

18. Risk Management, Liability Protection and Insurance

18.1 Risk Management

a. Ministers and ministries are accountable for working with their provincial agencies to ensure effective management of risks. The Ministry and OLRB will meet to discuss OLRB high risks and action plans including direction on corrective action.

b. The Chair is responsible for ensuring that a risk management strategy is developed and in place for the OLRB, in accordance with the AAD and the OPS Enterprise Risk Management Directive and Risk Management process.

c. The OLRB shall ensure that the risks it faces are addressed in an appropriate manner.

18.1.1 Artificial Intelligence Risk Management

a. The Chair is responsible for ensuring that artificial intelligence (AI) risk management is undertaken in alignment with the principles and requirements of the Responsible Use of AI Directive.

b. The OLRB shall implement AI risk management in alignment with the requirements outlined in Section 6.3 of the Responsible Use of Artificial Intelligence Directive.

    i. The OLRB shall ensure the management of technology risks in a documented and appropriate manner.

    ii. The OLRB will identify threats and risks, assess their potential impact, severity and likelihood, and document the risks and actions taken to address them.

c. The OLRB shall ensure that a business process exists for accountable executives to document their ongoing efforts to treat (resolve, mitigate, or accept) risks throughout the technology lifecycle.

d. The OLRB shall publish a list of AI use cases as part of the Business Plan.

e. The OLRB shall track and report quarterly on IT threats and technology risks and vulnerabilities, and associated risk treatment efforts. This includes reporting on AI use cases and associated risk management.

f. The OLRB shall comply with TB/MBC directives governing the confidentiality, integrity, and availability requirements of all information technology and that the systems can adequately safeguard or dispose of information according to its sensitivity level.

18.2 Liability Protection and Insurance

a. Pursuant to clause 65(l)(c) of the *Occupational Health and Safety Act* ("OHSA"), no action or other proceeding for damages, prohibition or mandamus shall be instituted respecting any act done in good faith in the execution or intended execution of the OLRB's or a labour relations officer's duties under the OHSA or in the exercise or intended exercise of an OLRB's or a labour relations officer's powers under the OHSA or for any alleged neglect or default in the execution or performance in good faith of the OLRB's or a labour relations officer's duties or powers.

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

19. Compliance and Corrective Actions

a. Open and consistent communication between provincial agencies and their responsible ministry helps ensure that Government priorities and direction are clearly understood and helps to manage risks or issues as they arise.

b. Situations may arise through the course of monitoring where corrective action is required. Corrective action refers to the steps taken to remedy non-compliance with the AAD. Corrective action supports agencies in delivering desired outputs and/or outcomes, and meeting the terms and conditions established by this directive.

c. If the Ministry initiates corrective action, it must be progressive in nature and in proportion to the risk associated with the degree of non-compliance. The degree of corrective action should only be increased if the OLRB's non-compliance continues. It is important that ministries document all actions and provide timely and clear communication to the OLRB Chair or senior executives relating to potential corrective actions. This may include letters of direction by the Minister and/or the President of the Treasury Board as required.

d. Before engaging in more severe corrective actions, ministries must consult with TBS and legal counsel.

20. Effective Date, Duration and 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").

b. Pursuant to subsection 11(3) of the ATAGAA, this MOU expires five (5) years after the effective date and may be renewed before that date for another five (5) years.

c. Pursuant to subsection 11(4) of the ATAGAA, the Minister and the OLRB shall review this MOU at least once before it expires.

d. Pursuant to subsection 11(5) of the ATAGAA, if this MOU expires, it continues in effect despite its expiry until it is replaced or renewed.

e. Upon a change in Minister, Deputy Minister, or Chair of the OLRB, the newly appointed individual must review and sign this MOU no later than four (4) months from the new appointment.

f. A copy of this signed MOU and any successor MOU must be provided to the Secretary, TB/MBC, no later than seven (7) calendar days from being signed.

g. Subject to any further written agreements or updates, the parties agree that this MOU entered into between them will satisfy the requirements of section 11 of the ATAGAA.

Signatures

I acknowledge my role and the requirements as set out in this MOU and the AAD.

Deputy Minister
Ministry of Labour, Immigration, Training
and Skills Development

2026/10/16

Date

Appendix 1: Other Acts

The OLRB has varying degrees of jurisdiction/authority assigned to it under the following statutes:

- *Ambulance Services Collective Bargaining Act, 2001*, S.O. 2001, c.10
- *Building Opportunities in the Skilled Trades Act, 2021*, S.O. 2021, c.28
- *Colleges Collective Bargaining Act, 2008* S.O. 2008, c.5
- *Crown Employees Collective Bargaining Act, 1993*, S.O. 1993, c.38
- *Digital Platform Workers' Protection Act, 2022*, S.O. 2022, c. 7, Sched. 1
- *Education Act*, R.S.O. 1990, c.E.2
- *Employment Protection for Foreign Nationals Act, 2009*, S.O. 2009, c.32
- *Employment Standards Act, 2000*, S.O. 2000, c.41
- *Environmental Bill of Rights, 1993*, S.O. 1993, c.28
- *Environmental Protection Act*, R.S.O. 1990, c.E.19
- *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4
- *Fixing Long-Term Care Act, 2021*, S.O. 2021, c.39
- *Government Contract Wages Act, 2018*, S.O. 2018, c.92
- *Hospital Labour Disputes Arbitration Act*, R.S.O., c.H.14
- *Labour Relations Act, 1995*, S.O. 1995, c.1
- *Occupational Health and Safety Act*, R.S.O., c.O.1
- *Ontario Provincial Police Collective Bargaining Act, 2006*, S.O. 2006, c.35, Sch. B
- *Pay Transparency Act, 2018*, S.O. 2018, c. 5
- *Protecting Child Performers Act, 2015*, S.O. 2015, c.2
- *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sch. 6
- *Public Service of Ontario Act, 2006*, S.O. 2006, c.35, Schedule A
- *Public Sector Labour Relations Transition Act, 1997*, S.O. 1997, c. 21, Schedule B
- *Retirement Homes Act, 2010,* S.O. 2010, c.11
- *School Boards Collective Bargaining Act, 2014*, S.O. 2014, c.5
- *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26 Sched. 3
- *Tribunal Adjudicative Records Act, 2019*, S.O. 2019, c. 7, Sched. 60

Appendix 2: Public Communications Protocol

1. Purpose

   The communications protocol sets out a framework for the Ministry and the OLRB to collaborate on public communications opportunities led by the agency, and to set out a process for handling specific case/hearing related inquiries received by the Minister's Office and the Ministry.

   The communications protocol supports the Minister's accountability to the Legislative Assembly and to Cabinet.

2. 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 or interview to be broadcast
      - Printed form, such as a hard copy report
      - Electronic form, such as a posting to a website
      - Paid advertising, such as digital or print campaigns.

      but does not include any material communicated to the public in respect of Adjudication, mediation or case processing of the files coming before the OLRB.

   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.

3. The OLRB will comply with the TB/MBC Visual Identity Directive.

4. The Ministry and the OLRB will appoint persons to serve as public communications "leads".
   - The Ministry lead is the Director of Communications or designate
   - The OLRB lead is the Director/Registrar or designate.

5. For the purpose of this protocol, public communications are divided into three (3) categories:

   a. **Media responses or communications products related to the routine business** of the OLRB and its programs that do not have direct implications for either the Ministry or the Government.

      - Media responses, news releases or other communications products are to be shared with the Ministry lead on an appropriate and timely cadence (i.e., daily) who will circulate as appropriate to other individuals within the Ministry.

      - **Note**: Funding related announcements are not considered routine business and must be escalated to category B. Contentious issues must be escalated to category C.

   b. **Communications products and/or plans where provincial or ministerial messaging on Government priorities would enhance the OLRB's or the Government's profile or** would provide opportunities for local Government announcements.

      - **For all non-contentious items that might generate media interest,** the OLRB lead will notify the Ministry lead of upcoming communications plans and products a minimum of three (3) business weeks in advance.

      - **For non-contentious items which provide Government messaging opportunities** or involve funding announcements, the OLRB must request approval of communications products seven (7) business days prior to the date required.

      - Final approval is required from the Minister's Office and will be sought via the Ministry lead. If the OLRB were not to receive comments or approval from the Minister's Office or Ministry lead within forty-eight (48) hours of the date on which the item is to be issued, the OLRB should escalate a follow-up, noting that they will proceed accordingly.

      - **Non-contentious media responses** are to be shared with the Ministry lead on an appropriate and timely cadence (i.e., daily) who will circulate as appropriate to other individuals within the Ministry. Contentious media responses follow the process below.

   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.

      - The OLRB 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 OLRB of contentious issues that require attention. The OLRB will provide all required background information on the issue to the Ministry lead, who will arrange to have a contentious issues note

prepared.

- The OLRB must obtain Ministry approval prior to issuing media responses or news releases in this category. The OLRB lead will provide the media response or news releases to the Ministry lead who will initiate the approval process within the Ministry.
- Final approval of media responses and news releases in this category is required from the Minister's Office.

6. Advertising

    - To deliver on the long-range demands of any planned advertising, the OLRB will provide the Ministry with its annual marketing plan, if any, three (3) months in advance of its start date (on the OLRB's Fiscal Year).
    - OLRB to share any campaign briefs with the Ministry for a minimum of two (2) weeks in advance of briefing creative/media (OLRB) partners. Ministry to ensure alignment on campaign objectives and messaging.
    - Any advertising materials and campaigns can be reviewed by the Minister's Office.
    - Final messaging and creative to be shared with the Ministry at least two (2) weeks before going live.

7. For the purpose of handling specific case/hearing related inquiries:

    a. Parties who contact a Minister's Office or the Ministry with an inquiry, issue or complaint concerning a specific case or hearing before the OLRB will be referred to the Director/Registrar or equivalent.

    b. Any party with a matter previously referred to the OLRB requesting to discuss a specific case/hearing with the Minister's Office or with Ministry staff shall be referred to the Director/Registrar or equivalent. The Director/Registrar or equivalent will ensure that an appropriate response is communicated to the party. The Minister's Office/staff, as well as the OLRB's response, will advise the party of the independent nature of the OLRB's relationship with the Ministry and the Minister.

    c. Requests for information pursuant to the FIPPA received by the Minister's Office or the Ministry will be referred to the Director/Registrar who will provide support to the Chair in determining an appropriate response to each request.

    d. The Ministry will ensure that all enquiries referred by the Minister's Office are addressed in a manner that is consistent with the FIPPA.

    e. The OLRB will ensure that all inquiries referred by the Minister's Office via the Ministry are addressed in a manner which is consistent with the FIPPA and/or the *Tribunal Adjudicative Records Act,* 2019.

Appendix 3: Administrative or Organizational Support Services

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

a. Financial administration: Pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services, and records and forms advisory services

b. Human resource services: Classification, advice and consultation regarding recruitment procedures and staff relations, job description writing, career counselling and staff development, and advice and consultation regarding corporate initiatives such as occupational health and safety

c. Corporate educational opportunities and career planning services are available and open to OLRB staff; the Ministry must assist the Director/Registrar in ensuring that these are communicated effectively to OLRB staff

d. Information technology and telecommunications services: Advice, consultation, and support, including cyber security protections and AI and AI management

e. Internal audit: Financial compliance, management, human resource and information systems audits, operational reviews, and special investigations as required

f. Accommodation: Facilities planning and relocation services, including AODA compliance and lease renewals

g. The Ministry's corporate services to support Freedom of Information and Protection of Privacy program services and records management

h. French language services translation and interpretation services

i. Business planning

j. Performance measurement and program evaluation

k. Communications and marketing: Advice, consultation and support on public communications opportunities and contentious issues to be provided by the Ministry, as required by this MOU

l. Risk reporting and management

Appendix 4: Use and Retention of Outside Legal Services

Legal services are defined as: Legal services and advice provided by private sector lawyers as part of a consultant or fee-for-service arrangement with a consulting or multi-disciplinary firm undertaken within the MBC Procurement Directive for Consulting Services and the Ministry of the Attorney General's (MAG) Corporate Operating Policy on Acquiring and Using Legal Services. Where legal work is to be provided as part of such an arrangement, the following operating policy applies to the legal work portion.

If the OLRB wants to obtain outside legal assistance, it must do the following in order to obtain MAG approval in accordance with the MAG Corporate Operating Policy on Acquiring and Using Legal Services:

1. Provide prior written notification to the Director of Legal Services Branch, Ministry of Labour, Immigration, Training and Skills Development (MLITSD), ("Director") of the need to retain outside legal counsel. The notification shall include,

    (a) the legal matter for which the private sector lawyer is being retained;

    (b) the name, firm and year of call of the private sector lawyer to be retained;

    (c) the hourly rate of pay, and the approximate ceiling amount of the retainer, including fees and disbursements;

    (d) a description of the legal work to be undertaken by the private sector lawyer and the period of the retainer (date to date);

    (e) an explanation as to why the OLRB counsel cannot do the legal work; and

    (f) how the private sector lawyer is being identified/selected, e.g. from an approved listing/roster.

2. Draft a retention letter, which shall include the information described in clauses 1(a) to (d), inclusive. The fees to be paid shall be within the approved fee schedule as set out from time to time by the MAG.

3. Supply the Director with copies of the retention letter and all retention accounts.

4. If necessary, develop and maintain a roster of qualified lawyers for the purposes of retaining outside legal counsel. The selection and retention of lawyers on the roster shall be done in a fair and equitable manner.

The Director, Legal Services, MLITSD will provide the CAO of MLITSD and the Assistant Deputy Attorney General of the Legal Services Division, MAG with the retention information described in paragraph 3 above for their requirements.

The Chair of the OLRB is responsible for:

(a) ensuring that the OLRB staff is up to date on and understands this Appendix with regard to the procurement of legal services;

(b) preparing and submitting annual plans or prior written notification to the Director for retaining private sector lawyers on behalf of the OLRB;

(c) managing and monitoring the legal work performed by private sector lawyers on behalf of the OLRB;

(d) reviewing and approving invoices/bills submitted by private sector lawyers for legal work performed on behalf of the OLRB;

(e) entering, reporting and maintaining statistics and costs for private sector retentions;

(f) developing a roster, if necessary, and maintaining it; and

(g) retaining the private sector lawyer and negotiating the fees and disbursements.