

**Memorandum of Understanding  
Between  
Minister of the Ministry of Health  
and  
Chair of Consent and Capacity Board  
2019-2023**

## **CONTENTS**

1. Purpose .....	4
2. Definitions .....	4
3. Agency's Legal Authority and Mandate .....	6
4. Agency Type and Public Body Status.....	6
5. Corporate Status and Crown Agent Status.....	7
6. Guiding Principles .....	7
7. Accountability Relationships.....	7
7.1    Minister.....	7
7.2    Chair.....	8
7.3    Deputy Minister.....	8
7.4    Registrar.....	8
8. Roles and Responsibilities .....	9
8.1    Minister.....	9
8.2    Chair.....	10
8.3    Deputy Minister.....	12
8.4    Registrar .....	13
9. Ethical Framework .....	15
10. Reporting Requirements .....	15
10.1   Business Plan.....	15
10.2   Annual Report.....	16
10.3   Other Reports .....	17
11. Public Posting Requirements .....	17
12. Communications and Issues Management.....	18
13. Administrative Arrangements .....	19
13.1   Applicable Government Directives .....	19
13.2   Administrative and Organizational Support Services.....	19
13.3   Agreements with Third-Parties.....	19
13.4   Legal Services .....	19
13.5   Creation, Collection, Maintenance and Disposition of Records .....	20
13.6   Intellectual Property .....	20
13.7   Freedom of Information and Protection of Privacy .....	20

13.8 Service Standards .....	21
14. Financial Arrangements .....	21
14.1 General.....	21
14.2 Funding .....	22
14.3 Financial Reports.....	22
14.4 Taxation Status: Harmonized Sales Tax (HST).....	22
15. Audit and Review Arrangements .....	23
15.1 Audits .....	23
15.2 Other Reviews .....	23
16. Staffing and Appointments .....	24
16.1 Delegation of Human Resources Management Authority.....	24
16.2 Staffing Requirements .....	24
16.3 Appointments.....	24
16.4 Remuneration .....	24
17. Risk Management, Liability Protection and Insurance .....	25
17.1 Risk Management.....	25
17.2 Liability Protection and Insurance .....	25
18. Effective Date, Duration and Periodic Review of the MOU .....	25
Signatures.....	26
Appendix 1: Summary of Agency Reporting Requirements .....	27
Appendix 2: Applicable Government of Ontario Directives .....	28
Appendix 3: Public Communications Protocol (Sample).....	29
Appendix 4: Administrative or Organizational Support Services (Sample).....	32

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

## 1. Purpose

- a. The purpose of this Memorandum of Understanding (MOU) is to:
  - Establish the accountability relationships between the Minister of the Ministry of Health and the Chair of the Consent and Capacity Board on behalf of the agency
  - Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, and the Registrar.
  - Establish the expectations for the operational, administrative, financial, staffing, auditing and reporting arrangements between the Consent and Capacity Board and the Ministry of Health that support the accountability requirements within a framework, which recognizes that the Board makes independent adjudicative decisions.
- b. This MOU should be read together with the *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A. This MOU does not affect, modify or limit the powers of the agency as set out under the Act, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. This MOU replaces the Memorandum of Understanding between the parties dated August 20, 2013.

## 2. Definitions

In this MOU:

- a. “AAD” means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive;
- b. “Act” means the *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A that governs the agency;
- c. “Agency” means the Consent and Capacity Board (CCB);
- d. “Annual Report” means the annual report described under article 10.2 of this MOU.
- e. “Applicable Government Directives” means the government directives, policies, standards and guidelines that apply to the adjudicative tribunal, as may be amended or replaced from time to time, which are listed in Appendix 2 to this MOU.
- f. “Appointee” means a member appointed to the agency by the Lieutenant Governor, but does not mean an individual employed or appointed by the agency as staff;

- g. “ATAGAA” means the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*, S.O. 2009, c. 33, Sched. 5 that applies to adjudicative tribunals prescribed under Ontario Regulation 126/10;
  - h. “Business Plan” means the business plan referred to in article 10.1 of this MOU;
  - i. “CAO” means the Chief Administrative Officer and Assistant Deputy Minister, Ministry of Health;
  - j. “Chair” means the Chair of the Consent and Capacity Board;
  - k. “Constituting instrument” means the Act that established the agency;
  - l. “Deputy Minister” means the Deputy Minister of the Ministry of Health;
  - m. “Executive Council Act” means the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended;
  - n. “FIPPA” means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended;
  - o. “Fiscal Year” means the period from April 1 to March 31 of the following year;
  - p. “Government” means the Government of Ontario;
  - q. “Health Care Consent Act” means the *Health Care Consent Act, 1996*, S.O. 1996, c. 2, Sched. A;
  - r. “MBC” means the Management Board of Cabinet;
  - s. “Member” means a Member of the Consent and Capacity Board;
  - t. “Minister” means the Minister of the Ministry of Health 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;
  - u. “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;
  - v. “Ministry” means the Ministry of Health or any successor to the Ministry;
  - w. “MOU” means this Memorandum of Understanding signed by the Minister and the Chair;
  - x. “President of Treasury Board” means the President of treasury Board of such other person who may be designated from time to time under the Executive Council Act;
  - y. “PRRT” means Program Review, Renewal and Transformation, a government-wide exercise led by Treasury Board, which examines the interrelationship of government activities on a functional basis rather than by ministries.
  - z. “PSC” means the Public Service Commission;
- aa. “PSOA” means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A, as amended;
  - bb. “Registrar” means the senior public servant assigned to the Consent and Capacity Board by the Ministry as appointed under Part III of the PSOA;

- cc. "TBS" means the Treasury Board Secretariat;
- dd. "TB/MBC" means the Treasury Board/Management Board of Cabinet; and
- ee. "Vice-Chair" means a Vice-Chair of the Consent and Capacity Board.

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

- a. The legal authority of the Consent and Capacity Board is set out in the *Health Care Consent Act*.
- b. The Consent and Capacity Board also exercises powers and authority as set out in the *Mandatory Blood Testing Act, 2006*, S.O. 2006, c. 26, the *Mental Health Act*, R.S.O. 1990, c. M.7, the *Substitute Decisions Act, 1992*, S.O. 1992, c. 30, and the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A. and the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14 Sched. 1.
- c. The provincial agency 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 parties before it, independence is required of the agency. Independence as used herein refers to the independence of the agency and its members in rendering adjudicative decisions.
- d. The provincial agency's mandate is set out in the *Health Care Consent Act*, which states that the agency's objects are to receive applications and make decisions in accordance with its constituting instrument and the additional statutes under which the Board exercises authority.
- e. In exercising its role, the agency seeks to deal with matters before it in a fair, impartial and expeditious manner.

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

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

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

- a. The provincial agency is not a Crown Agency within the meaning of the *Crown Agency Act*.
- b. The provincial agency does not have the capacity, rights, power and privileges of a natural person for carrying out its objects, subject to the limitations placed upon it under the *Health Care Consent Act*.

## **6. Guiding Principles**

The parties agree to the follow principles:

- a. The Minister recognizes that the provincial agency exercises powers and performs duties in accordance with its legal mandate under the *Health Care Consent Act*.
- b. The Minister recognizes the independence of the provincial agency in the rendering of its adjudicative decisions and further recognizes the need for the agency's adjudicative decisions to be made, and be seen by the public to be made, independently and impartially.
- c. The Minister recognizes that the agency plays a meaningful role in the development of the policies and programs of the Government of Ontario, as well as in the implementation of those policies and delivery of programs.
- d. The Chair acknowledges that it is accountable, through the Minister, to the Legislative Assembly in exercising its mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the agency.
- e. As an agency of the Government of Ontario, the agency conducts itself according to the management principles of the Government of Ontario. 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 Chair are committed to a strong agency that is empowered to fulfill its statutory mandate efficiently and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the agency and fulfillment of its statutory responsibilities.
- g. The agency and the ministry agree to avoid duplication of services wherever possible.
- h. The agency and the ministry will work together in a mutually respectful manner.

## **7. Accountability Relationships**

### **7.1 MINISTER**

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for the agency's fulfilment of its mandate and its compliance with government policies, and for reporting to the Legislative Assembly on the agency's affairs.
- b. For reporting and responding to Treasury Board/Management Board of Cabinet on the agency's performance and compliance with government's applicable directives and operational policies.
- c. To the Cabinet for the performance of the agency and its compliance with the government's operational policies and broad policy directions.
- d. For receiving and tabling the agency's annual report in the Legislative Assembly within 60 days of receiving it.
- e. For ensuring that the agency's annual report is made available to the public within 30 days of tabling it in the Legislative Assembly.
- f. For approving and tabling the annual report within 60 days of receipt of the annual report from the provincial agency.

## **7.2 CHAIR**

The Chair is accountable:

- a. To the Minister for the provincial agency's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by the *Health Care Consent Act*, this MOU, and applicable TB/MBC, PSC and government directives.
- b. For reporting to the Minister, as requested, on the provincial agency'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 agency.

## **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 provincial agency and for carrying out the roles and responsibilities assigned by the Minister, the *Health Care Consent Act*, this MOU, and applicable TB/MBC, PSC and government directives.
- b. For attesting to TB/MBC on the agency's compliance with applicable TB/MBC directives.

## **7.4 REGISTRAR**

- a. The Registrar works under the direction of the Chair to implement policies and operational decisions, and reports the agency's performance to the Chair.
- b. The Registrar is accountable to the Chair for ensuring the agency's compliance with Applicable Government Directives.

- c. The Registrar is accountable to the Chair for the management of the agency's operations and staff. The provincial agency's staff report to and are accountable to the Registrar for their performance.
- d. The Registrar is also accountable to the Deputy Minister or designate for any exercise of authority delegated from the Deputy Minister in accordance with the PSOA, Applicable Government Directives and the Ministry's signing authority limits.

## **8. Roles and Responsibilities**

### **8.1 MINISTER**

The Minister is responsible for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the agency.
- b. Reporting and responding to TB/MBC on the agency's performance and compliance with applicable TB/MBC directives, the government's operational policies and policy directions.
- c. Recommending to TB/MBC, where required, the merger, any change to the mandate, or dissolution of the agency.
- d. Recommending to TB/MBC the powers to be given to, or revoked from, the agency when a change to the agency's mandate is being proposed.
- e. Meeting with the Chair to discuss issues relating to the fulfilment of the agency's mandate.
- f. Working with the Chair to develop appropriate measures and mechanisms related to the performance of the agency.
- g. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the agency, pursuant to the process for agency appointments established by legislation and/or by MBC through the AAD, after consulting with and receiving the recommendation of the Chair.
- h. Reviewing the advice or recommendation of the Chair on candidates for appointment or re-appointment to the provincial agency.
- i. Determining at any time the need for a review or audit of the agency, directing the Chair to undertake reviews of the agency on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the agency resulting from any such review or audit.
- j. Directing a review of the agency, at least once every six (6) years and directing any additional reviews of the agency, in accordance with the ATAGAA and the AAD, and making recommendations to TB/MBC as may be required after such reviews are completed.
- k. When appropriate or necessary, taking action or directing that the agency take corrective action with respect to the agency's administration or operations.

- i. Receiving the agency's annual report and ensuring that the annual report is made available to the public within 30 days of tabling it in the Legislative Assembly.
- m. Reviewing and approving and tabling the annual report within 60 days of receipt of the annual report from the provincial agency.
- n. Informing the Chair of the government's priorities and broad policy directions for the agency.
- o. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the government is considering regulatory or legislative changes for the agency.
- p. Developing the agency's MOU with the Chair, as well as any amendments to it, and signing the MOU into effect after it has been signed by the Chair.
- q. Recommending to TB/MBC any provincial funding to be allocated to the agency.

## **8.2 CHAIR**

The Chair is responsible for:

- a. Providing leadership to the agency by setting the goals, objectives, processes and strategic directions for the agency within its mandate, as defined by the agency's constituting instrument.
- b. Directing the affairs of the agency so as to fulfill its mandate as defined by the agency's constituting instrument, and fulfilling the role of the chief executive officer (per s.71(2) of the HCCA).
- c. Reviewing and approving claims for per diems and travel expenses for appointees to the Board.
- d. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the agency, and otherwise directing the affairs of the agency so as to fulfill its mandate.
- e. Seeking strategic policy direction for the agency from the Minister.
- 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 the Minister's responsibilities relating to the agency.
- g. 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 agency's mandate, powers or responsibilities as set out in the agency's constituting instrument.
- h. Developing a performance measurement system for the provincial agency, including targets, for assessing the agency's performance.
- i. Monitoring and evaluating the performance of the provincial agency, including the performance of Vice-Chairs and members, as appropriate.
- j. Identifying the required skills, experience and capacity required for the provincial agency to meet its mandate.

- k. Working with the Ministry to oversee the recruitment of board 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, and that respect and promote the principles of equity, diversity, quality, merit, and regional representation.
- l. Reporting to the Minister as requested on the provincial agency's activities within agreed upon timelines, including an annual letter confirming the agency's compliance with all applicable legislation, directives, and accounting and financial policies.
- m. Preparing the agency's annual report for submission to the Minister within 90 days of the provincial agency's fiscal year-end.
- n. Making decisions consistent with the business plan approved for the agency.
- o. Ensuring that the agency operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.
- p. Developing the provincial agency's MOU with the Minister and signing it on behalf of the Board.
- q. Reviewing and approving the provincial agency's business plan, budget, annual report and financial reports, and submitting them to the Minister in accordance with the timelines specified in the applicable TB/MBC and government directives, and Appendix 1 of this MOU.
- r. Providing both the Minister and the Minister of Finance and the President of Treasury Board with a copy of every audit report, a copy of the provincial agency's response to each report, and any recommendation in the report.
- s. Advising the Minister annually on any outstanding audit recommendations.
- t. Ensuring that members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- u. Making sure that appropriate management systems are in place (financial, information technology, human resources and records management) for the effective administration of the provincial agency.
- v. Ensuring that there is a timely, effective and efficient caseload management system to resolve disputes.
- w. Directing that corrective action be taken relating to the provincial agency's operations, if needed.
- x. Making sure that an appropriate framework is in place for provincial agency staff and appointees to receive adequate orientation and training with respect to the business and operations of the agency and their particular responsibilities.
- y. Making sure that provincial agency staff and appointees are aware of and comply with applicable TB/MBC and government directives, and all applicable legislation.
- z. Making sure a process for responding to and resolving complaints from the public and the provincial agency's clients is in place.

- aa. Carrying out effective public communications and stakeholder relations for the provincial agency as its chief spokesperson.
- bb. Cooperating with any review or audit of the provincial agency directed by the Minister or TB/MBC.
- cc. Fulfilling the role of ethics executive for public servants who are government appointees to the provincial agency, promoting ethical conduct and ensuring that all members of the agency 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
- dd. Consulting with the Deputy Minister (or delegate) in the evaluation of the Registrar's performance pursuant to the performance criteria established by the Deputy Minister and the Chair.

### **8.3 DEPUTY MINISTER**

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the provincial agency, including informing the Minister of policy direction, policies and priorities of relevance to the provincial agency's mandate.
- b. Advising the Minister on the requirements of the AAD, and other directives that apply to the provincial agency.
- c. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the provincial agency or any of its programs, or changes to the management framework or operations of the agency.
- d. Facilitating regular briefings and consultations between the Chair and the Minister, and between the Ministry staff and the provincial agency staff as needed.
- e. Attesting to TB/MBC on the provincial agency's compliance with the mandatory accountability requirements set out in the AAD and other applicable TB/MBC directives, the government's operational policies and policy directions based on the annual letter of compliance from the agency Chair to the Minister.
- f. Ensuring that the ministry and the provincial agency have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the agency.
- g. Ensuring that the provincial agency has an appropriate risk management framework and a risk management plan in place for managing risks that the agency may encounter in meeting its program or service delivery objectives.
- h. Undertaking timely risk-based reviews of the provincial agency, its management or operations, as may be directed by the Minister or TB/MBC.
- i. Establishing a framework for reviewing and assessing the provincial agency's business plans and other reports.

- j. Supporting the Minister in reviewing the performance targets, measures and results of the provincial agency.
- k. Advising the Minister on documents submitted by the provincial agency to the Minister for review or approval, or both.
- l. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.
- m. Undertaking reviews of the provincial agency as may be directed by the Minister.
- n. Cooperating with any review of the provincial agency as directed by the Minister, TB/MBC or the Ontario Auditor General.
- o. Monitoring the agency on behalf of the Minister while respecting the provincial agency's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.
- p. Negotiating a draft MOU with the Chair of the agency, as well as any amendments to the MOU, as directed by the Minister.
- q. Consulting with the provincial agency's Chair, as needed, on matters of mutual importance including services provided by the ministry and compliance with TB/MBC directives and ministry policies.
- r. Meeting with the Chair as needed or as directed by the Minister, or on the request of the Chair.
- s. Arranging for administrative, financial and other support to the provincial agency, as specified in this MOU.
- t. Informing the Chair, in writing, of new government directives and any exceptions to, or exemptions in whole or in part from TB/MBC directives, government policies, or Ministry administrative policies.
- u. When required, submitting a report to the Secretary of TB/MB on the wind-down of the provincial agency, following the disposition of any assets, completion of any outstanding responsibilities by the agency, and the termination of any appointments.
- v. Consult with the Chair on the performance evaluation of the Registrar (DM can delegate this responsibility).

#### **8.4 REGISTRAR**

The Registrar is responsible for:

- a. Managing the day-to-day financial, analytical, and administrative affairs of the provincial agency in accordance with the mandate of the agency, TB/MBC and government directives, accepted business and financial practices, and this MOU.
- b. Advising the Chair on the requirements of and the provincial agency's compliance with the AAD, as well as other TB/MBC and government directives and policies, and agency by-laws

and policies, including annually attesting to the Chair on the agency's compliance with mandatory requirements.

- c. Applying policies and procedures so that public funds are used with integrity and honesty.
- d. Providing leadership and management to the provincial agency staff, including human and financial resources management, in accordance with the approved business plan, accepted business and financial practices and standards, the agency's constituting instrument, and government directives.
- e. In conjunction with the Chair, preparing the provincial agency's annual business plan to be approved by the Chair prior to submission to the Minister.
- f. In conjunction with the Chair, preparing the provincial agency's annual report to be approved by the Chair prior to submission to the Minister.
- g. Preparing financial reports.
- h. Ensuring that, at minimum, annual audited financial statements are prepared by the ministry for public release and posting on the provincial agency's website after submission to the Minister, and tabling in the Legislative Assembly as part of the agency's annual report.
- i. Establishing and applying a financial management framework for the provincial agency in accordance with applicable Minister of Finance/Treasury Board controllership directives, policies and guidelines.
- j. Translating the goals, objectives and strategic directions of the Chair into operational plans and activities in accordance with the provincial agency's approved business plan.
- k. Ensuring that the provincial agency has the oversight capacity and an effective oversight framework in place for monitoring its management and operations.
- l. Keeping the Chair informed with respect to implementation of policy and the operations of the provincial agency.
- m. Establishing systems to ensure that the provincial agency operates within its approved business plan.
- n. Ensuring that the provincial agency has an appropriate risk management framework and risk management plan in place, as directed by the Board.
- o. Supporting the Chair in meeting her responsibilities, including compliance with all applicable legislation, directives, policies, procedures and guidelines.
- p. Carrying out in-year monitoring of the provincial agency's performance and reporting on results to the Chair.
- q. 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.
- r. Seeking support and advice from the Ministry, as appropriate, on provincial agency management issues.

- s. Establishing a system for the retention of provincial agency documents and for making such documents publicly available when appropriate, for complying with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act*, where applicable.
- t. Undertaking timely risk-based reviews of the provincial agency's management and operations.
- u. Consulting with the Deputy Minister as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC and government directives and Ministry policies.
- v. Keeping the Deputy Minister informed about operational matters.
- w. Cooperating with a periodic review directed by the Minister or TB/MBC.
- x. Coordinating with the Ministry, the development of a performance measurement system for agency staff and implementing the system.

## **9. Ethical Framework**

- a. The members of the provincial agency who are appointed by the Lieutenant Governor in Council are subject to the conflict of interest provisions of the AAD and the conflict of interest provisions of the PSOA and its regulations.
- b. Members shall not use any information gained as a result of their appointment to or membership on the agency for personal gain or benefit. A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter before the agency 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.
- c. The Chair, as the Ethics Executive for the provincial agency, is responsible for ensuring that appointees and staff of the agency 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 agency.
- d. The Chair will ensure that an ethics plan is developed for the provincial agency, and that the ethics plan be approved by the Conflict of Interest Commissioner.

## **10. Reporting Requirements**

### **10.1 BUSINESS PLAN**

- a. The Chair will ensure that the Minister is provided annually with the provincial agency's business plan covering a minimum of three (3) years from the current fiscal year that includes a financial budget, 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 annual business plan is to be submitted to the Ministry's Chief Administrative Officer or designated equivalent within three (3) months prior to the provincial agency's fiscal year-end.
  - c. The Chair is responsible for ensuring that the provincial agency'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 risk assessment and risk management plan to assist the Ministry in developing its risk assessment and risk management plan information in accordance with the requirements of the AAD to assess risks, develop and maintain necessary records, and report to TB/MBC.
  - e. The Chair will ensure that any business plan to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency.
  - f. The Minister will review the provincial agency's annual business plan and will promptly advise the Chair whether or not the Minister concurs with the directions proposed by the agency. The Minister may advise the Chair where and in what manner the agency's plan varies from government or Ministry policy or priorities as may be required, and the Chair will revise the agency's plan accordingly.
  - g. In addition, TB/MBC may require the Minister to submit the provincial agency's business plan to TB/MBC for review at any time.
  - h. The Chair, through the Registrar, will ensure that its business plan is made available to the public in an accessible format, in both official languages, on the agency's website within 30 days of Minister's approval of the plan.

## **10.2 ANNUAL REPORT**

- a. The Chair is responsible for ensuring that the provincial agency's annual report is prepared and submitted to the Minister for approval within 90 days of the agency's fiscal year end. The annual report shall be in accordance with the requirements set out in the AAD.
- b. The Chair will ensure that any annual report to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency.

- c. The Minister will receive, review and approve the provincial agency's annual report.
- d. The Minister will submit the annual report to the Lieutenant Governor in Council, and within 60 days after the day that the Minister receives the report, will table the report in the Legislative Assembly.
- e. The Chair, through the Registrar, will ensure that its annual report is publicly posted in an accessible format, in both official languages, on the agency's website within 30 days of tabling in the Legislative Assembly.

### **10.3 OTHER REPORTS**

The Chair is responsible for:

- a. Ensuring that the reports and documents set out in Appendix 1 to this MOU 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 for the purpose of the ministry's administration, subject to any restrictions which may interfere or conflict with the integrity of adjudicative, assessment, decision-making or investigative process, or natural justice rights of the parties.

## **11. Public Posting Requirements**

- a. The provincial agency, through the Chair, will ensure that the following approved governance documents are posted in an accessible format, in both official languages, on the agency's website within the specified timelines:
  - Memorandum of Understanding and any Letter of Affirmation – 30 days of signing by both parties
  - Annual Business Plan – 30 days of Minister's approval
  - Annual Report – 30 days of tabling 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 provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency.
- c. The provincial agency, through the Chair, will ensure that any other applicable public posting requirements are met.

## **12. Communications and Issues Management**

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the provincial agency is essential for the Minister to meet her responsibilities for reporting and responding to the Legislative Assembly on the affairs of the agency. The parties also recognize that it is essential for the Chair to be kept informed of the government initiatives and broad policy directions that may affect the provincial agency'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 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 provincial agency.
- b. Inquiries received by the Minister's office regarding a case in progress at the provincial agency must be re-directed to the provincial agency without comment. Any response made by the Minister's office to the inquiring party will indicate that the inquiry has been forwarded to the provincial agency and that the Minister cannot comment on an adjudicative proceeding, assessment, decision, investigation or resolution.
- c. The Chair will keep the Minister advised, in a timely manner, of all planned events or issues, including contentious matters that concern or can be reasonably expected to concern the Minister in the exercise of her responsibilities.
- d. The Minister will consult with 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 provincial agency's mandate or functions, or which otherwise will have a significant impact on the agency.
- e. The Minister and the Chair 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.
- f. The Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the agency's mandate, management and operations, and to review matters provided for in this MOU.
- g. The Deputy Minister or his/her delegate and the Chair will meet at least quarterly, or as requested by either party, to discuss issues relating to the delivery of the Board's mandate and the efficient operation of the provincial agency [and the provision of services by the ministry to the agency] and to review matters provided for in this MOU. The DM and the Registrar shall provide timely information and advice to each other concerning significant matters affecting the provincial agency's management or operations.
- h. The agency and Ministry will adhere to the Public Communications Protocol set out in Appendix 3 to this MOU for ongoing issues management.

## **13. Administrative Arrangements**

### **13.1 APPLICABLE GOVERNMENT DIRECTIVES**

- a. The Chair is responsible for ensuring that the provincial agency operates in accordance with all applicable TB/MBC, PSC and other government directives that are applicable to adjudicative agencies, former Schedule 1 agencies or Commission public bodies whether or not a directive is specifically listed in Appendix 2, as well as applicable ministry financial and administrative policies and procedures. Appendix 2 to this MOU provides a list of applicable directives and policies.
- b. The ministry will inform the agency of amendments or additions to directives, policies and guidelines that apply to the provincial agency; however, the provincial agency is responsible for complying with all directives, policies and guidelines to which it is subject.
- c. In addition to complying with the MBC Realty Directive, the provincial agency shall comply with the Ministry of Infrastructure Realty Policy including any appendices to this policy when acquiring space for accommodation and program purposes. The Ministry will ensure that the agency is provided with any updates to this policy.

### **13.2 ADMINISTRATIVE AND ORGANIZATIONAL SUPPORT SERVICES**

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

### **13.3 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 directive, including but not limited to, the MBC Procurement Directive.

### **13.4 LEGAL SERVICES**

- a. Legal services to the provincial agency will be provided by the Ministry of the Attorney General, in accordance with an MOU established between the provincial agency and the Ministry of the Attorney General.
- b. The provincial agency may request outside legal services when it requires expertise which is unavailable within the Ministry of the Attorney General or when the use of a law office of the Crown would result in any conflict of interest.

- c. Outside legal services will be acquired in accordance with the Ministry of the Attorney General's Operating Policy on Acquiring and Using Legal Services.

### **13.5 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 provincial agency complies with all government legislation, directives and policies related to information and records management.
- c. The Registrar and the Chair shall protect the legal, fiscal and other interests of the provincial agency by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the agency. This includes, but is not limited to, all electronic records, such as emails, information posted on the agency'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 provincial agency'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 provincial agency complies with the TB/MBC Management and Use of Information and Information Technology (I&IT) Directive, in conjunction with the Corporate Policy on Recordkeeping, as applicable.
- f. The Chair is responsible for ensuring that the provincial agency complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.

### **13.6 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 provincial agency may enter into with a third party that involves the creation of intellectual property.

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

- a. The Chair and the Minister acknowledge that the provincial agency is bound to follow the requirements set out in the *Freedom of Information and Protection of Privacy Act* (FIPPA) in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The Minister is designated as the institution head in Ontario Regulation 460 under the FIPPA for the purposes of the FIPPA. The Minister has delegated all of his or her powers and duties under the FIPPA to the Chair with respect to the provincial agency pursuant to a delegation document dated 1 September 2010, as amended from time to time. The Chair recognizes that the Minister is ultimately responsible and accountable to the Legislature for ensuring compliance with the FIPPA.

- c. The Chair and Registrar shall ensure that all members and all staff of the agency comply with the requirements of FIPPA and the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A, and the requirements of all Applicable Government Directives, in relation to any personal information and personal health information collected, used or disclosed.
- d. The Chair is responsible for ensuring that the Ministry is notified of any significant or contentious information requests under the FIPPA.

### **13.8 SERVICE STANDARDS**

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

## **14. Financial Arrangements**

### **14.1 GENERAL**

- a. All financial procedures for the provincial agency shall be in accordance with applicable TB/MBC and Ministry of Finance directives and guidelines, Ministry corporate financial and administrative policies and procedures, and other Government of Ontario guidelines, directives and policies, as set out in Appendix 2 of this MOU.
- b. When ordered to do so by the Minister of Finance and/or the President of the Treasury Board, pursuant to Section 16.4 of the *Financial Administration Act*, the provincial agency shall pay into the CRF any money that the Minister of Finance and/or the President of the Treasury Board determines is surplus to its requirements.
- c. Pursuant to Section 28 of the *Financial Administration Act*, the provincial agency shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities

of the Government of Ontario without the written approval of the Minister 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.

- d. The provincial agency'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 agency will be provided with notice of changes to its allocation as soon as is reasonably possible. Where the provincial agency must reallocate resources as a result of its operating and/or capital allocations being adjusted, the provincial agency shall inform and discuss with the ministry before making such changes.
- e. The Registrar shall be responsible for providing the Ministry with the necessary documentation to support the agency's expenditures.

## **14.2 FUNDING**

- a. The provincial agency 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 Chair will ensure estimates of the provincial agency's expenditures are prepared 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 Chair 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 provincial agency must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.

## **14.3 FINANCIAL REPORTS**

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

## **14.4 TAXATION STATUS: HARMONIZED SALES TAX (HST)**

- a. The provincial agency is responsible for paying HST where applicable, in accordance with the federal *Excise Tax Act*.

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

### **15.1 AUDITS**

- a. The provincial agency 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 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 agency be audited at any time.
- d. The provincial agency will promptly provide a copy of every report from an audit to the Minister and the Minister of Finance/President of Treasury Board. The provincial agency will also provide a copy of its response to the audit report and any recommendations therein. The provincial agency will advise the Minister annually on any outstanding audit recommendations.
- e. The Chair may request an external audit of the financial transactions or the management controls of the provincial agency, at the agency's expense.

### **15.2 OTHER REVIEWS**

- a. The provincial agency 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 provincial agency that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the provincial agency.
- 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 provincial agency will be conducted at least once every 7 years. The date of the next review will be 2024/25. (By 2021/22 for agencies that have not yet been reviewed; otherwise, 7 years from the date of last review.)
- d. The Minister will direct of the provincial agency at least once every six (6) years in accordance with subsections 21(2) and (2) of the ATAGAA.
- e. The Minister will consult the Chair as appropriate during any such review.
- f. The Chair and the 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 provincial agency 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, Chair or prescribed individual under Ontario Regulation 148/10, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the mandate of the provincial agency, and within the parameters of the delegated authority.

### **16.2 STAFFING REQUIREMENTS**

- a. The provincial agency is staffed by persons employed under Part III of the *Public Service of Ontario Act, 2006*. Such persons are eligible for all the rights and benefits accorded under the PSOA and relevant collective agreements.
- b. The provincial agency, in its dealings with staff employed under Part III of the *Public Service of Ontario Act, 2006*, is subject to MBC human resource directives and Public Service Commission directives under the PSOA.

### **16.3 APPOINTMENTS**

- a. The Chair is appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to ss. 70(2) and ss. 71(1) of the *Health Care Consent Act, 1996*.
- b. The vice-chairs of the provincial agency are appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to ss. 70(2) and ss. 71(1) of the *Health Care Consent Act, 1996*.
- c. The members of the provincial agency are appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to ss. 70(2) of the *Health Care Consent Act, 1996*.
- d. Members and vice-chairs 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 dealt with by the tribunal; aptitude for impartial adjudication; and aptitude for applying alternative adjudicative practices and procedures that may be set out in the tribunal's rules.
- e. Pursuant to subsection 14(4) of the ATAGAA, no person shall be appointed or reappointed unless the Chair, after being consulted as to his/her assessment of the person's qualifications under the ATAGAA and, in the case of reappointment, of the member's performance of his/her duties on the tribunal, recommends that the person be appointed or reappointed.

### **16.4 REMUNERATION**

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

- b. The provincial agency's full-time and part-time appointees will be remunerated pursuant to rates identified in Schedule B of the AAD.
- c. Travel expenses of board members must comply with the MBC Travel, Meal and Hospitality Expenses Directive. Reasonable expenses shall be reimbursed.

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

### **17.1 RISK MANAGEMENT**

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

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

- a. Pursuant to s. 71.1 of the Act, no proceeding for damages shall be commenced against the Board, a member, employee or agent of the Board or anyone acting under the authority of the chair of the Board for any act done in good faith in the performance or intended performance of the person's duty or for any alleged neglect or default in the performance in good faith of the person's duty.
- b. The Board is included in the Government's Commercial General Liability Protection Program.

## **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. This MOU expires five (5) years after the effective date and may be renewed before that date for another five (5) years. This MOU continues in force after its expiry until it is replaced or renewed.
- c. A copy of this signed MOU and any successor MOU must be provided to the Secretary, Treasury Board/Management Board of Cabinet.
- d. The Minister and the Chair will review the MOU within 6 months after there is a change in the responsible Minister or the Chair of the agency and, in any event, at least once before it expires.

- e. Without affecting the effective date of this MOU, either the Minister or the Chair may initiate a review of this MOU by written request to the other.
- f. After any review of this MOU, the Minister and Chair may affirm by letter that the MOU will continue in force without amendments or alternatively, they may agree to revise it.
- g. A copy of the letter of affirmation, or a new MOU between the Minister and Chair must be provided to the Secretary, Treasury Board/Management Board of Cabinet within six months of the affirmation or revision.
- h. 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.
- i. A full review and replacement of this MOU will be conducted prior to its expiry not more than five years following the date it came into effect, or immediately in the event of a significant change to the agency's mandate, powers or governance structure as a result of an amendment to the *Health Care Consent Act, 1996* and any other applicable legislation, including ATAGAA.
- j. 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**

"Original Signed By"

July 15, 2019

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Marg Creal, Chair  
Consent and Capacity Board

Date

"Original Signed By"

June 1, 2020

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Christine Elliott, Minister  
Ministry of Health

Date

## Appendix 1: Summary of Agency Reporting Requirements

<b>DUE DATE</b>	<b>REPORT/DOCUMENT</b>	<b>NAMES OF RESPONSIBLE OFFICIALS</b>
Fall	The Board will prepare estimates of the Board's expenditures for inclusion in the Ministry's business plan	Registrar & Senior Manager
Submitted annually within three (3) months prior to the Board's Fiscal Year-end – Spring	Board Business Plan a. Prepares  b. Approves  c. Provides to Minister	Registrar & Senior Manager and Chair  Chair and Minister  Chair
Submitted annually within 90 days of the Board's Fiscal Year-end – June 30	Annual Report a. Prepares  b. Approves  c. Provides to Minister	Registrar & Senior Manager and Chair  Chair and Minister  Chair
Annually	Auditing	Chair and Minister
Annually	Financial Statements & Reports	Registrar and Chair
Expires five (5) years from the effective date	Memorandum of Understanding	Chair and Minister

## **Appendix 2: Applicable Government of Ontario Directives**

1. The following TB/MBC and government directives, guidelines and policies apply to the provincial agency:
  - Accountability Directive
  - Advertising Content Directive
  - Agencies and Appointments Directive
  - Delegation of Authority Key Directive
  - Disclosure of Wrongdoing Directive
  - Freedom of Information and Protection of Privacy Directive
  - Government Publications Directive
  - Management of Recorded Information Directive
  - Open Data Directive
  - Prerequisites Directive
  - Procurement Directive, as it applies in whole or in part
  - Procurement Directive on Advertising, Public and Media Relations and Creative Communications Service
  - Realty Directive
  - Travel, Meal and Hospitality Expenses Directive
  - Visual Identity Directive
  - All MBC and PSC Human Resource Directives
  - All Information Technology Directives
  - All Business Planning and Financial Management Directives
2. The provincial agency is responsible for complying with all directives, policies and guidelines to which it is subject, irrespective of whether it is included on the list above.
3. The ministry will inform the agency of amendments or additions to directives, policies and guidelines that apply to the provincial agency.

## **Appendix 3: Public Communications Protocol (Sample)**

### **Purpose:**

- I. To establish clear guidelines pertaining to communication between the Minister and the Board.
- II. To set out a process for handling specific case/hearing related inquiries and requests pursuant for information pursuant to FIPPA received by the Minister and the Ministry.
- III. To set out a process for dealing with information requests from Ministry staff to the Board on legal, policy, administrative and other issues.
- IV. To set out the process for handling public communications/contentious issue inquiries.

The following procedures shall be adhered to with respect to communication between the Minister, the Ministry, and the Board:

### **I. COMMUNICATION BETWEEN THE MINISTER, THE PARLIAMENTARY ASSISTANTS' OFFICES, AND THE CONSENT AND CAPACITY BOARD**

- a) The staff of the Minister shall not contact the Board, including Members or staff, to inquire about specific hearings or cases before the Board. This may include any inquiries relating to the subject-matter of a specific case or the process by which a case before the Board is being handled.
- b) Information requests related to specific cases and received by the Parliamentary Assistant's Office will be forwarded to the Minister and the Minister will then refer such requests to the Agency Liaison and Public Appointments Unit (Unit). This Unit will communicate with the Board to determine an appropriate response to each request. Requests for information about specific cases will be handled in a manner that is consistent with the terms set out in this Protocol.

### **II. Process for handling specific case/hearing related inquiries**

- a) Parties who contact the Minister or the Ministry with an inquiry, issue, or complaint concerning a specific case or hearing before the Board will be referred by the Unit to the Senior Administrator and Registrar.

- b) Any party with a matter previously referred to the Board requesting to discuss a specific case/hearing with the Minister's Office or with Ministry staff, shall be referred to the Unit. The Unit will ensure that an appropriate response is communicated to the party. The Ministry's response will advise the party of the independent nature of the Board's relationship with the Ministry and the Minister.
- c) Requests for information pursuant to the FIPPA received by the Minister or the Ministry will be referred to the Unit. The Unit will communicate with the Senior Administrator and Registrar who in turn will determine an appropriate response to each request in consultation with the Chair.
- d) The Ministry will ensure that all inquiries referred by the Minister are addressed in a manner that is consistent with the FIPPA.
- e) The Board 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.

### **III. Process for dealing with information requests from Ministry staff to the Board**

Ministry staff contact and communication with the Board shall be handled in a manner that is consistent with the terms and conditions agreed to under the MOU.

- a) *Legal Issues:* staff of the Civil Law Division may contact the Board counsel where appropriate legal discourse is required between the Board and the Ministry.
- b) *Policy and Legislation:* staff of the Health Systems Strategy Division may have contact with the Board on matters pertaining to policy and legislation.
- c) *Administrative and other Issues:* The Unit, as a designate of the Assistant Deputy Minister, Corporate Services Division, is the primary contact in the Ministry for the Chair and/or the Board's Senior Administrator and Registrar. The Unit is responsible for day-to-day liaison with the Board and the overall co-ordination of Ministry and Board issues including: issues management, briefing materials, reviewing performance measures and Business Plans, reviewing and tabling of Annual Reports, drafting and negotiating MOUs with the Board, liaising with central agencies, and monitoring Board compliance with the Applicable Government Directives.

#### **IV. Process for handling public communications/contentious issue inquiries**

- a) “public communications” means any material in:
  - a. oral form, such as a speech or public presentation;
  - b. printed form, such as a hardcopy report; or
  - c. electronic form, such as a posting to a website that is communicated to the public either directly or through the media.
- b) “Contentious issue” is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly or is likely to result in inquiries being directed to the Minister or Government.
- c) The Board will comply with the TB/MBC Visual Identity Directive and identify itself in all media responses and news releases and on its website [[www.ccboard.on.ca](http://www.ccboard.on.ca)] as an Adjudicative Agency of the Government of Ontario.
- d) With regards to media responses or news releases related to the day-to-day business of the Board that do not have direct implications for either the Ministry or the Government:
  - a. The Board should communicate their media responses or news releases to the Ministry, who will circulate it to other individuals within the Ministry.
- e) 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:
  - a. For all contentious issues, the Board will notify the Ministry lead (Manager, the Unit) immediately upon becoming aware of the issue and will notify the Minister simultaneously. The Ministry may also advise the Unit of contentious issues that require attention. The Board will provide all required background information on the issue to the Ministry, who will prepare a Contentious Issues Note.

## **Appendix 4: Administrative or Organizational Support Services**

The Deputy Minister is responsible for ensuring that the Ministry or Ontario Shared Services, as appropriate, provides the following administrative support services to the provincial agency:

- a. Financial administration: pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services and records and form advisory services.
- b. Human resources services: classification, advice and consultation regarding recruitment procedures and staff relations, job description writing, career counseling 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 Board staff and the Ministry must assist the Senior Administrator and Registrar in ensuring that these are communicated effectively to Board staff.
- d. Information technology and telecommunications services: advice, consultation and support.
- e. Internal audit: financial compliance, management, human resources 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. Freedom of information and protection of privacy program services.
- h. Archives and Recordkeeping program services.
- i. French language services translation and interpretation services.
- j. Business Planning.
- k. Performance measurement and program evaluation.