Memorandum of Understanding

Between

Minister of Labour, Immigration, Training and Skills Development

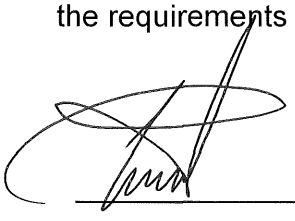
and

The Chief Administrative Officer of the Pay Equity Commission/Head of the Pay Equity Office

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.

Commissioner

September 25, 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 Pay Equity Office (PEO) is part of Government and is required to comply with legislation, Government directives, policies and guidelines applicable to them. Further, the PEO 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 Chief Administrative Officer of the Pay Equity Commission ("Commission") and Head of the Pay Equity Office ("PEO") (together, the "Commissioner").

- Clarify the roles and responsibilities of the Minister, the Commissioner, the Deputy Minister, and the PEO Director.

- Clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the PEO and the Ministry of Labour, Immigration, Training and Skills Development that support the accountability requirements within a framework which recognizes the responsibility of the Head of the PEO for the PEO's independent regulatory decisions.

- Recognise the independence of the PEO and Pay Equity Hearings Tribunal from one another, and the regulatory independence of the PEO from the Ministry, while respecting the statutory framework establishing the PEO and the Pay Equity Hearings Tribunal collectively as the Commission.

b. This MOU should be read together with the *Pay Equity Act,* R.S.O. 1990, c. P.7 (the "Act"). This MOU does not affect, modify or limit the powers of the PEO as set out under the Act or interfere with the responsibilities of any 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 December 5, 2022.

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 *Pay Equity Act*, R.S.O. 1990, c. P.7, that governs the Pay Equity Office;

d. "Annual Report" means the Annual Report referred to in article 11.2 of this MOU;

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

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

g. "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;

h. "Business Plan" means the annual Business Plan described under article 11.1 of this MOU;

i. "Commission" means the Pay Equity Commission;

j. "Commissioner" means the Chief Administrative Officer of the Pay Equity Commission and Head of the Pay Equity Office;

k. "Constituting Instrument" means the *Pay Equity Act*, R.S.O. 1990, c. P.7, which continues the Commission (consisting of the Pay Equity Hearings Tribunal and the PEO) in subsection 27(1) that was first established by the *Pay Equity Act*, 1987, S.O. 1987, c. 34;

l. "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;

m. "Deputy Minister" means the Deputy Minister of Labour, Immigration, Training and

Skills Development;

n. "Director" means Director of the PEO;

o. "Executive Council Act" means the *Executive Council Act*, R.S.O. 1990, c. E.25;

p. "FIPPA" means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F.31;

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

r. "Government" means the Government of Ontario;

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

t. "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*;

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 Labour, Immigration, Training and Skills Development or any successor to the Ministry;

w. "MOU" means this Memorandum of Understanding signed by the Minister and the Commissioner;

x. "OPS" means the Ontario Public Service;

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

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

aa. "PSC" means the Public Service Commission;

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

cc. "TBS" means the Treasury Board Secretariat;

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

4. PEO's Legal Authority and Mandate

a. The Pay Equity Commission was established by section 27 of the *Pay Equity Act, 1987*, S.O. 1987, c. 34 and is continued by subsection 27(1) of the Act. The Commission consists of two separate and independent parts: The PEO and the PEHT.

b. Pursuant to subsection 33(3) of the Act, the Lieutenant Governor in Council appoints the

Head of the Pay Equity Office, and this person is also the Chief Administrative Officer of the Commission.

c. The PEO's mandate is set out in the Act, including subsection 33(1), which states that the PEO is responsible for the enforcement of the Act.

d. Section 4 of the Act states that the purpose of the Act is to redress systemic gender discrimination in compensation for work performed by employees in female job classes. The Act sets out a comprehensive scheme to be followed by employers for the achievement and maintenance of pay equity in their establishments.

e. The PEO achieves its mandate through, among other things, the following mechanisms:

    i. Providing public education programs;

    ii. Providing general information concerning any aspect of pay equity and related subjects;

    iii. Investigating complaints of contravention(s) of the Act;

    iv. Issuing and enforcing orders, including taking action as set out in an order of the Pay Equity Hearings Tribunal;

    v. Offering proactive compliance assistance;

    vi. Conducting research, producing papers, and making recommendations to the Minister concerning any aspect of pay equity and related subjects, whether at the PEO's own or the Minister's behest.

5. Agency Type, Function and Public Body Status

a. The PEO is designated as a non-board-governed provincial agency with a Regulatory (without governing board) function under the AAD.

b. The PEO 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 PEO 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.

b. 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.

c. **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.

d. **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.

e. **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.

f. **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.

g. **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 PEO's fulfilment of its mandate and its compliance with Government policies, and for reporting to the Legislative Assembly on the PEO's affairs.

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

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

8.2 Commissioner

The Commissioner is accountable:

a. To the Minister for the PEO's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Commissioner by the Act and other applicable legislation, this MOU, and Applicable Government Directives and policies.

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

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

d. To the Minister to confirm the PEO'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 PEO 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 PEO's compliance with applicable directives to the best of their knowledge and ability.

8.4 Director

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

a. The PEO's staff report to and are accountable to the Director for their performance.

b. The Director is accountable to the Commissioner for the management of the PEO's operations.

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

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

c. Meeting with the Commissioner at least quarterly on: emerging issues and opportunities; PEO high risks and action plans including direction on corrective action, as required; and PEO 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 Commissioner at least twice per year.

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

d. Working with the Commissioner to develop appropriate measures and mechanisms related to the performance of the PEO.

e. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the PEO, pursuant to the process for PEO appointments established by legislation and/or by MBC through the AAD.

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

g. Signing the MOU into effect after it has been signed by the Commissioner.

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

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

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

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

l. Recommending to TB/MBC any provincial funding to be allocated to the PEO.

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

n. Consulting, as appropriate, with the Commissioner (and others) on significant new directions or when the Government is considering regulatory or legislative changes related to the PEO.

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

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

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

9.2 Commissioner

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

a. Providing strategic leadership to the PEO by setting the goals, objectives, processes and strategic directions for the PEO within its mandate, as defined by the PEO's Constituting Instrument.

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

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

d. Meeting with the Minister at least quarterly on: emerging issues and opportunities; PEO high risks and action plans including direction on corrective action, as required; and PEO 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 Commissioner at least twice per year.

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

e. 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 PEO.

f. Working with the Minister to develop appropriate measures and mechanisms related to the performance of the PEO.

g. Cooperating with any review or audit of the PEO.

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

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

j. Sharing all audit engagement reports (including those reported to the Commissioner) with the Minister and Deputy Minister (and when requested, with the President of the Treasury Board).

k. Seeking strategic policy direction for the PEO from the Minister.

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

m. Monitoring and evaluating the performance of the PEO.

n. Signing the PEO's MOU.

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

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

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

r. Ensuring that the Director has in place appropriate management systems (financial, information technology (including cyber security), human resources, procurement) for the effective administration of the agency.

s. 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.

t. Ensuring that the Director has in place an appropriate framework for PEO staff to receive adequate orientation and training with respect to the business and operations of the PEO and their particular responsibilities.

u. Making sure that the Director makes PEO staff aware of and ensures compliance with Applicable Government Directives, and all applicable legislation.

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

w. Carrying out effective public communications and relations for the PEO as required by the Communications Protocol.

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

y. Consulting with the Deputy Minister in the evaluation of the performance of the Director and pursuant to the performance criteria established by the Deputy Minister and the Commissioner.

z. As Head of the PEO, exercising powers and duties under the FIPPA as the Minister's delegate with respect to the PEO.

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

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

c. Attesting to TB/MBC on the PEO'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 Commissioner 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 is aware of the administrative requirements of Government and is compliant with them.

f. Informing the Director, 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 Commissioner and the Minister at least quarterly, and between the Ministry staff and the PEO staff as needed.

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

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

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

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

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

m. Ensuring the review and assessment of the PEO's Business Plan and other reports.

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

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

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

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

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

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

t. Undertaking timely risk-based reviews of the PEO, 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 Director, as needed, on matters of mutual importance including services provided by the Ministry and compliance with directives and Ministry policies.

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

x. Consulting with the Commissioner on the performance evaluation of the Director.

9.4 PEO Director

The Director is responsible for:

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

b. Advising the Commissioner on the requirements of and the PEO's compliance with the AAD, as well as other Government directives and policies, PEO policies, and PEO'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 PEO staff, including human and financial resources management, in accordance with the approved Business Plan, accepted business and financial practices and standards, the PEO's Constituting Instrument, and Government directives.

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

f. Ensuring PEO staff are aware of and comply with Applicable Government Directives and applicable legislation.

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

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

i. Assisting in the preparation of the PEO's Annual Report as directed by the Commissioner.

j. Preparing financial reports.

k. Ensuring that financial statements are prepared in accordance with Ministry financial procedures and included in the PEO's Annual Report for public release and posting on the PEO's website after submission to the Minister, and tabling in the Legislative Assembly.

l. Ensuring that the PEO meets its financial management obligations with the assistance of the Ministry. The Director 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 Commissioner into operational plans and activities in accordance with the PEO's approved Business

Plan.

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

o. Keeping the Commissioner informed with respect to implementation of policy and the operations of the PEO.

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

q. Ensuring that the PEO has an appropriate risk management framework and risk management plan in place as directed by the Commissioner.

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

s. Carrying out in-year monitoring of the PEO's performance and reporting on results to the Commissioner.

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

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

v. Establishing a system for the retention of PEO documents and for making such documents publicly available when appropriate, in compliance with the Commissioner's obligations (as Head of the PEO) as the Minister's delegate under the FIPPA in respect of the PEO, and the ARA, where applicable.

w. Undertaking timely risk-based reviews of the PEO'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 PEO.

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

cc. Keeping the Commissioner informed on operational matters.

dd. Setting and reporting on the strategic direction for the PEO according to the PEO's proposed Business Plan, and the PEO's Annual Report.

10. Ethical Framework

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

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

c. The Commissioner of the PEO, who is appointed by the Lieutenant Governor in Council, is subject to the conflict of interest provisions of the AAD and the conflict of interest provisions of the PSOA and its regulations.

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

e. The Director, as the ethics executive for the PEO, is responsible for ensuring that staff of the PEO are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the PEO.

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

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

h. As required by the Management Board of Cabinet directive on disclosure of wrongdoing, the Director will provide information on any disclosure of wrongdoing for inclusion in the PEO's annual report to the Secretary of Cabinet.

11. Reporting Requirements

11.1 Business Plan

a. The Commissioner will ensure that the Minister is provided annually with the PEO'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.

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 PEO's Fiscal Year-start, and the Commissioner-approved Business Plan is to be submitted to the Minister for approval no later than 30 calendar days prior to the beginning of the PEO's Fiscal Year.

c. The Commissioner is responsible for ensuring that the PEO'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 Commissioner will ensure that the Business Plan includes a summary of current number of employees expressed as full-time equivalents who are assigned as staff at the beginning of the three-year period.

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

g. The Commissioner 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, trade secrets, information that would prejudice the financial or commercial interests of the PEO in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the PEO. 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 PEO's annual Business Plan and will promptly advise the Commissioner whether or not they concur with the directions proposed by the PEO. The Minister may advise the Commissioner where and in what manner the PEO's plan varies from Government or Ministry policy or priorities as may be required, and the Commissioner will revise the PEO's plan accordingly. 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 PEO.

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

k. The Commissioner, through the Director, 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 PEO website no later than 30 calendar days from Minister's approval of the plan.

11.2 Annual Reports

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

b. The Commissioner, with the support of the Director, is responsible for ensuring that the PEO's Annual Report is prepared and submitted to the Ministry for approval within 90 calendar days after the PEO's Fiscal Year-end as per subsection of 33(5) of the Act. The Commissioner shall work in conjunction with the Presiding Officer of PEHT to prepare the Commission's Annual Report.

c. The Commissioner, with the support of the Director, will ensure that the Annual Report is prepared in the format specified in the AAD.

d. The Commissioner, with the support of the Director, 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 PEO in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the PEO.

e. The Minister will receive and review the Commission'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 Commissioner, through the Director, 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 PEO 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 PEO 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 PEO 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 Commissioner, with the support of the Director, is responsible for:

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

b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time.

12. Public Posting Requirements

a. The PEO, through the Commissioner, 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 PEO 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 PEO in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the PEO

c. The PEO, through the Commissioner, will ensure that the expense information for appointees and senior management staff are posted on the PEO website, in accordance with the requirements of the Travel, Meal and Hospitality Expenses Directive.

d. The PEO, through the Commissioner, 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 PEO is essential for the Minister to meet their responsibilities for reporting and responding to the Legislative Assembly on the affairs of the PEO. The parties also recognize that it is essential for the Commissioner to be kept informed of Government initiatives and broad policy directions that may affect the PEO's mandate and functions.

The Minister and the Commissioner, therefore, agree that:

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

b. Inquiries received by the Minister's Office regarding a dispute in progress at the PEO must be re-directed to the PEO without comment. Any response made by the Minister's Office to the inquiring party will indicate that the inquiry has been forwarded to the PEO and that the Minister cannot comment on a PEO investigation, decision or resolution.

c. The Commissioner will consult with the Minister, in a timely manner, 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 will take place through direct communication between the Commissioner and the Minister's Office.

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

e. The Minister will advise the Commissioner, and the Commissioner will consult with the Minister, on public communication strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions as they relate to the PEO's mandate and functions.

f. The Minister and the Commissioner will meet at least quarterly on: emerging issues and opportunities; PEO high risks and action plans including direction on

corrective action, as required; and PEO 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 Commissioner at least twice per year.

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

g. The PEO and Ministry will comply with the Public Communications Protocol set out in Appendix 1 to this MOU for ongoing issues management, public communications and paid advertising.

14. Administrative Arrangements

14.1 Applicable Government Directives

a. The Commissioner is responsible for ensuring that the PEO 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 PEO of amendments or additions to legislation, Government directives, policies and guidelines that apply to the PEO; however, the PEO 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 Deputy Minister is responsible for providing the PEO with the administrative and organizational support services listed in Appendix 2 to this MOU, and for negotiating with Enterprise Services concerning these services, as appropriate.

b. Appendix 2 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 PEO are of the same quality as those provided to the Ministry's own divisions and branches.

d. The Director 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 PEO.

14.3 Agreements with Third Parties

a. Procurement required to support the programs and services of the PEO will be in compliance with the OPS Procurement Directive and any applicable policies and directives.

14.4 Legal Services

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

b. Upon notifying the Ministry of Attorney General (MAG) through the Director of Legal Services at the Ministry of Labour, Immigration, Training and Skills Development, the PEO may utilize outside legal services when it requires expertise which is unavailable from its counsel, or when the use of its counsel would result in any conflict of interest.

c. Outside legal services will be acquired in accordance with MAG's Operating Policy on Acquiring and Using Legal Services.

14.5 Creation, Collection, Maintenance and Disposition of Records

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

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

c. The Director, in compliance with the Commissioner's obligations (as Head of the PEO) as the Minister's delegate under the FIPPA in respect of the PEO, and the Commissioner shall protect the legal, fiscal and other interests of the PEO by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the PEO. This includes, but is not limited to, all electronic records, such as emails, information posted on the PEO's website(s), database data sets, and all records stored on personal computers and shared drives.

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

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

f. The Commissioner is responsible for ensuring that the PEO complies with the

FIPPA and ARA.

14.6 Cyber Security

a. The PEO is responsible for complying with TB/MBC directives governing the management of cyber security risks. Where the PEO owns and operates any digital asset separately from the Government, the PEO is responsible for adhering to the same standards set by TB/MBC.

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

c. The PEO 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 Commissioner is responsible for ensuring that the legal, financial and other interests of the Government in intellectual property are protected in any contract that the PEO 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, the PEO shall comply with MBC's Managing, Distributing and Pricing Government Information Directive.

14.8 Freedom of Information and Protection of Privacy

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

b. The Minister is the institution head for the purposes of the FIPPA.

c. The Minister has delegated all of their powers and duties under the FIPPA for the Commission with respect to the PEO to the Head of the PEO pursuant to a delegation document of the Minister's powers and duties, as amended from time to time. The Commissioner recognizes that the Minister is ultimately responsible and accountable to the Cabinet and Legislature for ensuring compliance with the FIPPA.

14.9 Service Standards

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

b. The Commissioner will ensure that the PEO delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive. The PEO's process for responding to complaints about the quality of services is separate from any statutory provisions about re-consideration, appeals, etc. of the PEO's decisions.

c. The Commissioner will ensure that the PEO 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 PEO's process for responding to complaints about the quality of services is separate from any statute provisions about re-consideration, appeals, etc. of the PEO's regulatory decisions.

e. The PEO has in place a formal process for responding to complaints about the quality of services received by clients of the PEO consistent with the Government's service quality standards.

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

14.10 Diversity and Inclusion

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

b. The Commissioner will support a diverse and inclusive workplace within the PEO 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 Commissioner is responsible for ensuring that the PEO operates in accordance with the *Human Rights Code, Accessibility for Ontarians with Disabilities Act, 2005, French Language Services Act,* and the Act.

15. Financial Arrangements

15.1 General

a. The Ministry assists the PEO in meeting the PEO's financial obligations. The PEO shall comply with all 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 Commissioner, Director and managers of the PEO, who shall exercise the delegations to support the PEO's mandate and operational goals.

c. Pursuant to Section 28 of the *Financial Administration Act,* the PEO 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 PEO'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 PEO will be provided with notice of changes to its allocation as soon as is reasonably possible. Where the PEO must reallocate resources as a result of its operating and/or capital allocations being adjusted, the PEO shall inform and discuss the changes with the Ministry before making such changes.

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

15.2 Funding

a. Financial procedures of the PEO 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 Commissioner, with the support of the Director, will provide to the Minister annual financial statements, and will include them as part of the PEO's Annual Report. The statements will be provided in 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 PEO is responsible for complying with its applicable obligations under the federal *Excise Tax Act* to collect and remit HST.

Payment of HST

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

HST Recovery

c. The PEO 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 PEO, subject to any restrictions specified by Finance Canada.

d. The PEO 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 PEO 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 PEO'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 Commissioner is responsible for ensuring that the PEO 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 Commissioner recognizes that all lease agreements for provincial agencies without realty authority are under the administration and control of the Minister of Infrastructure.

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

b. The PEO 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 Commissioner may direct that the PEO be audited at any time. The results of such audit should be shared by the Commissioner to the Minister in accordance with article 9.2 of this MOU.

d. The PEO will share all engagement reports (including those prepared by their own internal audit function and/or those reported to the Commissioner) with their Minister and Deputy Minister (and when requested, with the President of the Treasury Board). The PEO will advise the Minister and Deputy Minister annually, at a minimum, on any outstanding recommendations/issues.

e. The PEO 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 PEO risks.

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

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

16.2 Other Reviews

a. The PEO is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the PEO that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the PEO, including finance, human resources/labour relations and PEO 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 Commissioner and the Minister, and how any other parties are involved.

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

d. The Minister will consult the Commissioner as appropriate during any such review.

e. The Commissioner will cooperate in any review.

f. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the PEO to TB/MBC for consideration.

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 of 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 PEO, and within the parameters of the delegated authority.

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

17.2 Staffing Requirements

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

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

c. The management of PEO staff shall be subject to all MBC directives and guidelines, PSC directives, other Government policies and procedures respecting human resources, and any applicable collective agreements or other applicable legislation or regulations.

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

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 PEO in consultation with the Director.

f. The specific administrative support services to be provided by the Ministry to the PEO are identified in Appendix 2 to this MOU.

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

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

17.4 Appointments

a. The Head of the Pay Equity Office is appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to subsection 33(3) of the

Act. Also pursuant to subsection 33(3), the person appointed as head shall be Chief Administrative Office of the Commission. The Act does not require a fixed term of appointment.

17.5 Remuneration

a. Remuneration for the Commissioner is set by Order in Council by the Lieutenant Governor in Council of Ontario as per Schedule B of the MBC AAD.

b. Provincial agencies, including the Commissioner, 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 the Commissioner 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 PEO will meet to discuss PEO high risks and action plans including direction on corrective action.

b. The Commissioner, with the support of the Director, is responsible for ensuring that a risk management strategy is developed and in place for the PEO, in accordance with the AAD and the OPS Enterprise Risk Management Directive and Risk Management process.

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

18.1.1 Artificial Intelligence Risk Management

a. The Commissioner 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 PEO 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 PEO shall ensure the management of technology risks in a documented and appropriate manner.

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

c. The PEO 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 PEO shall publish a list of AI use cases as part of the Business Plan.

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

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 on desired outputs and/or outcomes, and meeting the terms and conditions established by the AAD.

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 PEO's non-compliance continues. It is important that ministries document all actions, and provide timely and clear communication to the Commissioner 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") and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.

b. A copy of the signed MOU and any successor MOU must be provided to the

Secretary, TB/MBC, no later than seven calendar days from being signed.

c. Upon a change in Minister, Deputy Minister, or the Commissioner, the newly appointed individual must review and sign this MOU no later than four months from the new appointment.

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: Public Communications Protocol

1. Purpose

   The communications protocol sets out a framework for the Ministry and PEO to collaborate on public communications opportunities led by the PEO.

   The communications protocol applies to both the PEO's implementation of its legislated mandate and the promotion of the work it does. It will also support the Minister's accountability to the Legislative Assembly and to Cabinet for the same.

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 campaign.

   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 PEO will comply with the TB/MBC Visual Identity Directive.

4. The Ministry and the PEO will appoint persons to serve as public communications "leads".

      - The Ministry lead is the Director of Communications or designate
      - The PEO lead is the Director or designate

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

   A. **Media responses or communications products related to the routine business** of the PEO 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 PEO'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 PEO 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 PEO 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 PEO 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 PEO 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 PEO 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 PEO of contentious issues that require attention. The PEO will provide all required background information on the issue to the Ministry lead, who will arrange to have a contentious issues note prepared.

   - The PEO must obtain Ministry approval prior to issuing media responses or news releases in this category. The PEO lead will provide the media response or news releases to the Ministry lead who will initiate the approval process within the Ministry.

   - Final approval on media responses and news releases in this category is

required from the Minister's Office.

6. Advertising

- To deliver on the long-range demands of planning advertising, the PEO will provide the Ministry with its annual marketing plan three (3) months in advance of its start date (on the PEO's Fiscal Year).

- PEO to share campaign briefs with the Ministry a minimum of two (2) weeks in advance of briefing creative/media (PEO) partners. Ministry to ensure alignment on campaign objectives and messaging.

- 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.

Appendix 2: 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 PEO:

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 PEO staff; the Ministry must assist the Director in ensuring that these are communicated effectively to PEO 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.