

**Memorandum of Understanding**

**Between**

**Minister of Finance**

**And**

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

**And**

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

## CONTENTS

1. Purpose.....	4
2. Definitions.....	4
3. Legal Authority and Mandate .....	5
4. Agency Classification .....	6
5. Guiding Principles.....	6
6. Accountability Relationships .....	7
6.1 Minister .....	7
6.2 Chair.....	7
6.3 Superintendent .....	7
6.4 Commission .....	7
6.5 Deputy Minister .....	8
7. Conflict of Interest .....	8
8. Roles and Responsibilities .....	8
8.1 Minister .....	8
8.2 Chair and Superintendent.....	9
8.3 Chair.....	10
8.4 Superintendent .....	11
8.5 Commission .....	13
8.6 Deputy Minister .....	13
9. Reporting Requirements .....	14
9.1 Business Plan .....	15
9.2 Annual Report.....	15
9.3 Annual Statement of Proposed Priorities.....	15
9.4 Other Reports .....	15
10. Communications .....	15
11. Administrative Arrangements.....	16
11.1 Applicable TB/MBC and Ministry Directives.....	16
11.2 Administrative and Organizational Support Services.....	16
11.3 Legal Services.....	17
11.4 Freedom of Information and Protection of Privacy .....	17
11.5 Delegation of Human Resources Management Authority Under the PSOA ....	17
11.6. Records Management.....	17
11.7 Client Service.....	17
11.8 Information Technology (IT).....	18
12. Financial Arrangements .....	18
12.1 Funding .....	18
12.2 Financial Reports .....	19
12.3 Taxation Status: Harmonized Sales Tax (HST).....	19
12.4 Acquisition of Goods, Consulting and Non-Consulting Services .....	20
13. Audit and Review Arrangements.....	20
14. Staffing and Appointments .....	20
14.1 Staffing.....	20

14.2	Appointments .....	21
15.	Liability Protection and Insurance .....	21
15.1	Immunity .....	21
15.2	Insurance .....	21
16.	Effective Date and Duration and Periodic Review of this MOU .....	21
16.1	Effective date of MOU .....	21
16.2	Periodic Reviews .....	22
	Signatures .....	23

Appendix A: Related Statutes

Appendix B: Summary of Reporting Requirements

Appendix C: Public Communications Protocol

Appendix D: Applicable TB/MBC Directives and Policies

Appendix E: Administrative and Support Services

Appendix F: PSC Delegation

## 1. Purpose

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

## 2. Definitions

In this MOU

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

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

### **3. Legal Authority and Mandate**

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

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

#### **4. Agency Classification**

- a. The Commission is classified as a Regulatory Agency (with a governing board) under the AAD. Pursuant to Ontario Regulation 146/10 made under the PSOA, the Commission is prescribed as a Commission public body.
- b. The Tribunal is classified as a Regulatory Agency under the AAD. Pursuant to Ontario Regulation 146/10 made under the PSOA, the Tribunal is prescribed as a Commission public body.

#### **5. Guiding Principles**

The parties agree to the following principles:

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

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

## **6. Accountability Relationships**

### **6.1 Minister**

The Minister is accountable

- a. to Cabinet and the Legislative Assembly for reporting and responding to the Legislative Assembly on the affairs of the Agencies.
- b. to the Cabinet for the performance of the Agencies and their compliance with the government's operational policies and broad policy directions.

### **6.2 Chair**

The Chair is accountable

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

### **6.3 Superintendent**

The Superintendent is accountable

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

### **6.4 Commission**

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

#### 6.5 Deputy Minister

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

### **7. Conflict of Interest**

- a. The Tribunal is a public body under the PSOA and has chosen to follow the conflict of interest rules established under the PSOA, which are set out in Ontario Regulation 381/07.
- b. Pursuant to Ontario Regulation 147/10 under the PSOA, the Chair is the Ethics Executive for appointees. The Chair is responsible for ensuring that appointees 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 Tribunal appointees and for promoting ethical conduct by appointees.
- c. The Commission is a public body under the PSOA and has chosen to follow the conflict of interest rules established under the PSOA, which are set out in Ontario Regulation 381/07.
- d. Pursuant to Ontario Regulation 147/10 under the PSOA, the Superintendent (in his capacity as CEO of the Commission) has been prescribed as the Ethics Executive for the Agencies' employees. The Superintendent is responsible for ensuring that the Agencies' employees are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to Commission staff, and for promoting ethical conduct by employees.
- e. Pursuant to section 9(1) of the Act, the Commission has established conflict of interest guidelines with which the members of the Commission, appointees and employees shall comply.

### **8. Roles and Responsibilities**

#### 8.1 Minister

The Minister is responsible to Cabinet and the Legislative Assembly for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the Agencies
- b. Reporting and responding to the Cabinet and TB/MBC on the Agencies' performance and compliance with applicable TB/MBC directives, the government's operational policies and broad policy directions
- c. Receiving the annual report from the Agencies, submitting the report to Cabinet and tabling it in the Legislative Assembly
- d. Receiving other reports from the Agencies and tabling them in the Legislative Assembly if and as required under the Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25, Registered Insurance Brokers Act, R.S.O. 1990, c. R.19 and the Act

- e. When appropriate or necessary, taking action or directing that corrective action be taken in respect of the Agencies' mandate or operations
- f. Informing the Chair and the Superintendent of the government's priorities and broad policy directions for the Agencies
- g. Consulting, as appropriate, with the Chair and the Superintendent (and others) on significant new directions or when the government is considering regulatory or legislative changes for the Agencies
- h. Meeting with the Chair annually, or as requested by either party, to discuss issues relating to the fulfillment of the Tribunal's mandate
- i. Recommending the Agencies' MOU to MBC for approval before it is signed by the parties
- j. Reviewing the advice of the Chair on candidates to put forth for appointment or re-appointment as vice chair or as members of the Tribunal
- k. Reviewing the advice of the Superintendent on candidates put forth for appointment or re-appointment as the Director of Arbitrations until such time that amendments contained in Bill 15, *Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014* are proclaimed
- l. Reviewing and approving the Agencies' annual business plan
- m. Reviewing the recommendations of the Commission on the fees to be set under the Act and related statutes and approving or setting fees.
- n. Recommending to Cabinet on the recommendation of the Commission if requested, the manner in which assessments are applied to the regulated sectors and entities that form part of a regulated sector
- o. Recommending to TB/MBC any provincial funding to be given to the Agencies

## 8.2 Chair and Superintendent

The Chair and the Superintendent are responsible for:

- a. Ensuring timely communications with the Ministry and Minister regarding any issues or events that may concern, or can reasonably be expected to concern the Minister in the exercise of his/her responsibilities relating to the agency
- b. Consulting with the Ministry and 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
- c. Developing an MOU with the Ministry staff and Minister and signing it on behalf of the Agencies

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

### 8.3 Chair

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

- a. Providing leadership to the Tribunal
- b. Setting the goals, objectives, and strategic directions for the Tribunal within its mandate as defined by the Act and the related statutes
- c. Directing the affairs of the Tribunal so as to fulfill its mandate as defined by the Act and the related statutes
- d. Ensuring that the Tribunal has an appropriate risk management framework and mitigating strategy in place to help provide the proper level of assurance that program or service delivery objectives are met
- e. Ensuring that a system for the retention of formal Tribunal documents and making such documents publicly available, as appropriate, is in place
- f. Developing performance measures and targets for the Tribunal and monitoring the Tribunal's performance
- g. As the Ethics Executive, promoting ethical conduct and ensuring that appointees are informed of their responsibilities under the PSOA and the regulations and directives made under that Act, with regard to the rules of ethical conduct, including conflict of interest, political activity rules, post-service conduct and disclosure of wrongdoing
- h. Recording and making determinations about any declared or apparent conflicts of interest of appointees
- i. Making sure that an appropriate framework is in place for appointees to receive adequate orientation and training
- j. Making sure that appointees are aware of and comply with applicable TB/MBC and Ministry directives
- k. Keeping the Minister informed of upcoming appointment vacancies and providing recommendations for appointments or re-appointments

- l. Ensuring that public funds are used by appointees with integrity and honesty
- m. Reviewing and approving claims for per diems and expenses of appointees
- n. Making sure a process for responding to and resolving complaints from the public and Tribunal clients is in place
- o. Directing corrective action on the functioning or operations of the Tribunal, if needed
- p. Consulting, as appropriate, with stakeholders on the Tribunal's goals, objectives and strategic directions
- q. Meeting with the Minister annually, or as requested by either party, to discuss issues relating to the fulfillment of the Tribunal's mandate

#### 8.4 Superintendent

The Superintendent is responsible for:

- a. Providing leadership and management to the Agencies' employees, including financial resources management
- b. Ensuring that the Agencies operate within the approved budget allocation in fulfilling their respective mandates
- c. Managing the day-to-day operations of the Commission in accordance with TB/MBC and Ministry directives, accepted business and financial practices, and this MOU
- d. Seeking support and advice from the Ministry, as appropriate, on the Agencies' management issues
- e. Consulting with the Deputy Minister, as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC and Ministry directives and policies
- f. Setting and applying policies to ensure that the Agencies use public funds prudently and with integrity and honesty
- g. Establishing and applying a financial management framework for the Agencies
- h. Establishing systems to ensure that the Agencies operate within the approved business plan
- i. Making sure that appropriate management systems are in place for information technology, financial and human resources for the effective administration of the Agencies
- j. Directing the development of an appropriate risk management framework and mitigating strategy for managing risks that the Commission may encounter in meeting its program or service delivery objectives
- k. Supporting the Commission in meeting its responsibilities
- l. Carrying out in-year monitoring of the Commission's operational performance and reporting on it to the Commission

- m. Advising the Commission on compliance with TB/MBC and Ministry directives and policies and procedures
- n. Preparing the annual statement of proposed priorities, annual reports and business plans to be approved by the Commission prior to submission to the Minister
- o. Ensuring that an annual audited financial statement is prepared for public release and posting on the Commission's website after submission to the Minister and tabling in the Legislature
- p. Ensuring that a system is in place for the creation, collection, retention and disposal of Commission records and for making such documents publicly available, as appropriate
- q. Establishing performance measures and targets for the Commission and a performance review system for the Agencies' employees and implementing the system
- r. As the Ethics Executive, promoting ethical conduct, and ensuring that the Agencies' employees are informed of their responsibilities under the PSOA and the regulations and directives made under that Act, with regard to the rules of ethical conduct, including conflict of interest, political activity, post-service conduct and disclosure of wrongdoing
- s. Recording and making determinations about any declared or apparent conflicts of interest and disclosures of wrongdoing
- t. Making sure that an appropriate framework is in place for the Agencies' employees to receive adequate orientation and training
- u. Making sure that the Agencies' employees are aware of and comply with applicable TB/MBC and Ministry directives
- v. Providing recommendations to the Minister for appointment or re-appointment to the Director of Arbitrations until such time that amendments contained in Bill 15, *Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014* are proclaimed
- w. Arranging for audits, as needed
- x. Providing the Minister and Deputy Minister with a copy of every audit report and a copy of the Agencies' response to each report and any recommendations in the report
- y. Advising the Minister annually, at a minimum, or at any time requested on any outstanding audit recommendations.
- z. Directing corrective action on the functioning or operations of the Commission, if needed
- aa. Consulting, as appropriate, with stakeholders on the Commission's goals, objectives and strategic directions
- bb. Participating in inter-jurisdictional organizations of provincial, federal and territorial financial service regulators to promote the effective supervision of the regulated sectors in Ontario

- cc. Ensuring that the Deputy Minister and Ministry staff are advised and consulted beforehand in a timely fashion when the Commission is contemplating significant new directions for the Commission that may lead to recommendations for amendments to any legislation or regulations
- dd. Providing updates and other information to the Liaison Committee referred to in section 8.6(o) of this MOU regarding the Commission's regulatory actions and the overall health of the credit union system
- ee. Meeting with the Deputy Minister at least quarterly to discuss issues relating to the efficient operation of the Commission and the provision of services by the Ministry to the Agencies
- ff. Ensuring that the legal, financial and other interests of the government in intellectual property are protected in any contract that the agency may enter into with a third party that involves the creation of intellectual property.

#### 8.5 Commission

The Commission is responsible for:

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

#### 8.6 Deputy Minister

The Deputy Minister is responsible for:

- a. Advising the Minister on the requirements of AAD and other directives that apply to the Agencies

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

## **9. Reporting Requirements**

#### 9.1 Business Plan

- a. The Chair and the Superintendent will ensure that the Minister is provided annually with the Agencies' business plan covering a minimum of three years for approval within the timelines established by the Minister for this purpose.
- b. The Chair and the Superintendent are responsible for ensuring that the Agencies' annual business plan fulfills the requirements set out in the AAD.
- c. The Minister will review the Agencies' annual business plan and will promptly advise the Chair and the Superintendent whether or not he concurs with the directions proposed by the Commission. The Minister will advise the Chair and the Superintendent where and in what manner the plans vary from government or Ministry policy or priorities, and the Commission will revise its plan accordingly.
- d. The chair of TB/MBC may require the Minister to submit the Agencies' business plan to TB/MBC for review at any time.

#### 9.2 Annual Report

- a. The Chair and the Superintendent are responsible for ensuring that the Agencies' annual report is submitted to the Minister, who is responsible for submitting the report to Cabinet and for tabling it in the Legislative Assembly. The Chair and the Superintendent will submit the annual report to the Minister by mid-November each year.

#### 9.3 Annual Statement of Proposed Priorities

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

#### 9.4 Other Reports

- a. The Superintendent is responsible for ensuring that the reports and documents set out in Appendix B to this MOU are submitted to the Minister according to the timelines set out in the Appendix.
- b. At the request of the Minister or Deputy Minister, the Commission will supply specific data, and other information that may be required from time-to-time for the purpose of Ministry administration, issue management, policy development, or for any other purpose relating to the Ministry or the finances of the Province.

### **10. Communications**

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

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

The parties, therefore, agree as follows:

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

## **11. Administrative Arrangements**

### **11.1 Applicable TB/MBC and Ministry Directives**

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

### **11.2 Administrative and Organizational Support Services**

- a. The Deputy Minister is responsible for providing the Agencies with the administrative and organizational support services listed in Appendix E to this MOU, and for negotiating with Ontario Shared Services concerning these services.

- b. Appendix E may be reviewed at any time at the request of either party.
- c. The Deputy Minister will ensure that the support or services provided to the Agencies are of the same quality as those provided to the Ministry's own divisions and branches.

### 11.3 Legal Services

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

### 11.4 Freedom of Information and Protection of Privacy

- a. The Minister is the institution head for the purposes of the *Freedom of Information and Protection of Privacy Act (FIPPA)*, R.S.O. 1990, c. F.31, and exercises the duties of the head under FIPPA in respect of the Agencies, unless otherwise delegated.
- b. The Commission shall respond to and process access for information requests and privacy complaints and investigations and shall fulfill all requirements under FIPPA with support, consultation and timely communication from the Ministry FOI Coordinator and other Ministry delegates.

### 11.5 Delegation of Human Resources Management Authority Under the PSOA

- a. The Public Service Commission (PSC) can delegate HR authority in respect of Commission public bodies. Ontario Regulation 148/10 under the PSOA prescribes the persons in Commission public bodies to whom the PSC can delegate any of its powers, duties or functions. The Superintendent (in his capacity as CEO of the Commission) has been prescribed for the purposes of section 44(4)(a) of the PSOA in respect of Commission and Tribunal employees.
- b. The Superintendent is accountable for exercising the delegated human resources authority in compliance with any relevant legislation, directives or policies and in accordance with the mandate of the Agencies, and within the parameters of the delegated authority.
- c. The delegations made by the PSC and exercised by the Superintendent are set out in Appendix F to this MOU.

### 11.6 Records Management

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

### 11.7 Client Service

- a. The Superintendent will ensure that the Agencies deliver their services at a quality standard that reflects the principles and requirements of the OPS Service Directive.

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

#### 11.8 Information Technology (IT)

- a. The Agencies do not use the OPS IT infrastructure, telephony system or IT services. Since inception, the Agencies have owned and maintained a separate state-of-the-art technology infrastructure including systems. All funding for IT is provided through the Commission's budget.
- b. The Commission's IT Section serves as the key provider of information technology services to the Agencies. The IT Section is responsible for business solution/application development, network operations, strategic IT planning, email and Blackberry support, and internal support
- c. The IT Section is also responsible for the coordination, administration and support of all telephony services; IT business continuity and disaster planning; and IT-related staff training for the Agencies.
- d. The Agencies effectively govern technical architecture through internal review and corporate risk oversight, and by adhering to applicable OPS Project Management Frameworks and methodologies for IT projects and the Procurement Directive. A mature project planning and oversight process involving standing and steering committees is established for all projects.
- e. The Agencies have established internal Information & Information Technology Policies which align with the OPS IT directives and policies and reflect the Agencies' governance structures.

## **12. Financial Arrangements**

### 12.1 Funding

- a. The Agencies cost recover from the regulated sectors through fees and assessments. The Agencies are funded out of the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislature. The majority of the Agencies' expenditures are funded by way of interim payments made under section 15 of the *Financial Administration Act*, R.S.O. 1990, c. F.12 (FAA). The Agencies also receive a voted allocation each year, in order to account for recoveries that are received after the end of the fiscal year.
- b. The Motor Vehicle Accident Claims Fund (MVACF), which is part of the Commission administratively, is accounted for separately and maintains distinct liabilities. Pursuant to the *Motor Vehicle Accident Claims Act*, the MVACF is financed through recoveries of claims and by a levy on all drivers' licences in Ontario, and by payments out of the Consolidated Revenue Fund as may be directed by the Lieutenant Governor in Council.

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

## 12.2 Financial Reports

- a. The Superintendent will provide to the Minister audited annual financial statements for each of the Agencies, PBGF and MVACF, and will include them as part of the Agencies' annual report. 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.
- b. The Commission will submit to the Ministry salary information for appointees of the Tribunal, according to the *Public Sector Salary Disclosure Act*.

## 12.3 Taxation Status: Harmonized Sales Tax (HST)

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

- b. The Agencies are responsible for paying Harmonized Sales Tax, where applicable.

#### 12.4 Acquisition of Goods, Consulting and Non-Consulting Services

- a. The Agencies are required to adhere to the TB/MBC Procurement Directive and the Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services.

### 13. Audit and Review Arrangements

- a. Pursuant to section 14 of the Act the Auditor General shall examine annually the accounts and financial transactions for the Agencies. The accounts and transactions of the MVACF and PBGF are examined under the direction of the Auditor General.
- b. The Agencies are subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act*, R.S.O. 1990, c. A.35 and by the Ontario Internal Audit Division.
- c. Regardless of any annual external audit, the Minister may direct that the Agencies be audited.
- d. Ontario Internal Audit Division, Treasury Board Secretariat will provide internal audit services to the Agencies at the Agencies' expense. The Agencies' annual audit plan will be subject to the approval of the Commission's Audit and Risk Committee.
- e. 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.
- f. The Superintendent will respond to questions from the Auditor General or other auditors with regard to audit findings, conclusions and recommendations.
- g. The Superintendent will promptly provide a copy of every report from the Auditor General to the Minister and the Deputy Minister. The Superintendent will also provide a copy of the Agencies' response to the audit report and any recommendations therein. The Superintendent will advise the Minister annually, at minimum, on any outstanding audit recommendations.
- h. The Superintendent may request an external audit of the financial transactions or management controls of the Agencies at the Agencies' expense.

### 14. Staffing and Appointments

#### 14.1 Staffing

- a. The Agencies are staffed by persons employed under Part III of the PSOA.
- b. The Agencies, in dealings with persons employed under the PSOA, are subject to TB/MBC human resources directives, and PSC directives under the PSOA.
- c. Pursuant to Ontario Regulation 148/10 under the PSOA, the Public Service Commission (PSC) has delegated some of its powers, duties or functions to the Superintendent. The Superintendent (in his capacity as CEO of the Commission) has been prescribed for the purposes of section 44(4)(a) of the PSOA in respect of the Agencies' employees. The delegations made by the PSC and exercised by the Superintendent are set out in Appendix F to this MOU.

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

#### 14.2 Appointments

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

### **15. Liability Protection and Insurance**

#### 15.1 Immunity

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

#### 15.2 Insurance

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

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

#### 16.1 Effective date of MOU

- a. This MOU becomes effective on the date it is signed by the parties.
- b. This MOU will remain in effect unless it is replaced by a new MOU.
- c. When a new Minister or Chair or Superintendent takes office, the Minister, Chair and Superintendent must affirm by letter that the MOU will continue in force without a review, or alternatively they may agree to revise it. A copy of the letter of affirmation between the Minister, Chair and Superintendent must be provided to the Secretary, Management Board of Cabinet within six months of the new party or parties' commencement.
- d. Without affecting the effective date of this MOU, the Minister or the Chair or the Superintendent may initiate a review of this MOU by written request to the other.
- e. A full review of this MOU will be conducted immediately in the event of a significant change to the Agencies' mandates, powers or governance structure as a result of an amendment to the Act. The MOU must be reviewed and renewed, revised, or replaced, but will continue in effect until superseded by a new memorandum of understanding.

## 16.2 Periodic Reviews

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

## Signatures

<u>Original signed by Florence A. Holden</u> Chair Financial Services Commission of Ontario Financial Services Tribunal	<u>26/01/2016</u> Date
<u>Original signed by Brian Mills</u> Chief Executive Officer & Superintendent of Financial Services Financial Services Commission of Ontario	<u>28/01/2016</u> Date
<u>Original signed by the Honourable Charles Sousa</u> Minister Ministry of Finance	<u>09/06/2016</u> Date

**APPENDIX A  
RELATED STATUTES**

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

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

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

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

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

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

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

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

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

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

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

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

**APPENDIX B**  
**SUMMARY OF REPORTING REQUIREMENTS**

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

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

REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS	DUE DATE	REQUIREMENT	SPECIAL NOTES
<p><b>Superintendent's Annual Report on the Facility Association</b></p> <ul style="list-style-type: none"> <li>• Prepares</li> <li>• Submits to Minister</li> <li>• Tables in Legislature</li> </ul>	<ul style="list-style-type: none"> <li>• Superintendent</li> <li>• Superintendent</li> <li>• Minister</li> </ul>	<p>Prepare/submit to the Minister by September 30</p>	<p>In accordance with section 11.1 of the <i>Compulsory Automobile Insurance Act</i>, the Superintendent is to make an annual report of the affairs of the Facility Association to the Minister. The Minister is to table the report in the Legislature.</p>	<p>The Superintendent's examination includes a review of FA's financial statements historically sent to the Superintendent in May of each year following the FA Annual General Meeting. (Oct 31<sup>st</sup> year-end)</p>
<p><b>Superintendent's Annual Report on the Registered Insurance Brokers of Ontario (RIBO)</b></p> <ul style="list-style-type: none"> <li>• Prepares</li> <li>• Submits to Minister</li> <li>• Tables in Legislature</li> </ul>	<ul style="list-style-type: none"> <li>• Superintendent</li> <li>• Superintendent</li> <li>• Minister</li> </ul>	<p>Prepare/submit to the Minister by March 31</p>	<p>In accordance with section 10(2) of the <i>Registered Insurance Brokers Act</i>, the Superintendent is to report to the Minister the results of an examination of the affairs of the Registered Insurance Brokers of Ontario. The Minister tables the report of both RIBO and the Superintendent in the Legislature.</p>	<p>By November 30, RIBO shall provide to its members and the Minister an annual report relating to its activities that year.</p>
<p><b>Superintendent 3 Year Auto Review</b></p> <ul style="list-style-type: none"> <li>• Prepares</li> <li>• Submits to Minister</li> <li>• Report before the Assembly</li> </ul>	<ul style="list-style-type: none"> <li>• Superintendent</li> <li>• Superintendent</li> <li>• Minister</li> </ul>	<p>TBD</p>	<p>In accordance with section 289 of the <i>Insurance Act</i>, the Superintendent shall undertake a review of automobile insurance matters at least every three years or more often at the request of the Minister.</p> <p>The Minister shall lay the Superintendent's report before the Assembly at the earliest reasonable opportunity.</p>	<p>First review to be undertaken no later than 2013.</p>
<p><b>Agency Business Plan</b></p> <ul style="list-style-type: none"> <li>• Prepares</li> <li>• Submits to Minister</li> </ul>	<ul style="list-style-type: none"> <li>• Superintendent/Chair</li> <li>• Superintendent</li> </ul>	<p>Annually, by February 28</p>	<p>In accordance with the <i>Agencies &amp; Appointments Directive</i>, each year every agency must prepare a business plan. The plan will cover the Agencies' next three fiscal years.</p>	

REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS	DUE DATE	REQUIREMENT	SPECIAL NOTES
<p><b>Memorandum of Understanding</b></p> <ul style="list-style-type: none"> <li>• Prepares</li> <li>• Submits to Minister</li> <li>• Signs</li> <li>• Filed with the Secretary of TB/MBC</li> <li>• Public Posting</li> </ul>	<ul style="list-style-type: none"> <li>• Chair/Superintendent/Deputy Minister</li> <li>• Superintendent/Deputy Minister</li> <li>• Chair/Superintendent/Minister</li> <li>• Deputy Minister</li> <li>• Chair/Superintendent</li> </ul>		<p>In accordance with the <i>Agencies and Appointments Directive</i>, there will be a current MOU with its responsible Minister.</p> <p>Upon a change in one of the parties, an MOU must be affirmed by all parties within 6 months. The MOU, will continue in effect until superseded by a new memorandum of understanding.</p> <p>Filed with the Secretary of TB/MBC.</p> <p>Posted to the agencies website.</p>	
<p><b>Other Reports on Agencies</b></p>		<p>As required by the Minister</p>	<p>In accordance with section 15(3) of the <i>Financial Services Commission of Ontario Act, 1997</i>, the Commission shall submit to the Minister all reports, other than the annual report, and all information that the Minister requires.</p>	
<p><b>Other Reports (Pension Policy Requirements)</b></p>		<p>Monthly</p>	<p>All data contained in the Pension Database System (“PDS”) including:</p> <ul style="list-style-type: none"> <li>• all pension plan profile data;</li> <li>• all pension plan filings data;</li> <li>• all pension plan transaction data.</li> </ul>	<p>In accordance with the terms and conditions set out in the letter of understanding between the Ministry of Finance and the Commission.</p>

## APPENDIX C PUBLIC COMMUNICATIONS PROTOCOL

- 1 Definitions
  - a. "Public communications" means any material that is communicated to the public, either directly or through the media in:
    - Oral form, such as a speech or public presentation
    - Printed form, such as a hardcopy report
    - Electronic form, such as a posting to a website
  - b. A "contentious issue" is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly or the public, or is likely to result in inquiries being directed to the Minister or government. Contentious issues may be raised by:
    - Members of the Legislative Assembly
    - The public
    - Media
    - Stakeholders
    - Service delivery partners
- 2 The Agencies will comply with the TB/MBC Visual Identity Directive and identify themselves in all media responses and news releases as an agency of the Government of Ontario
- 3 The Ministry and the Agencies will appoint persons to serve as Public Communications "leads":
  - The Ministry lead is the Director, Communications and Corporate Affairs Branch, Ministry of Finance, or delegate
  - The Agencies' lead is the Director, Strategic Communications Branch, Financial Services Commission of Ontario, or delegate
- 4 For the purpose of this protocol, public communications are divided into three categories.
  - a. Media responses or news releases related to the day-to-day business of the Agencies and their programs that do not have direct implications for either the Ministry or the government.
    - The Agencies should communicate their media responses or news releases to the Ministry lead, who will circulate as appropriate to other individuals within the Ministry.
    - This category does not include contentious issues, media responses or news releases that directly or indirectly announce grants or other funding to organizations.
  - b. Media responses, news releases or communications plans where provincial or ministerial messaging on government priorities would enhance the Agencies' or the government's profile, or would provide opportunities for local MPP announcements.

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

## **APPENDIX D**

### **Applicable TB/MBC Directives and Policies**

The following TB/MBC directives and policies, as amended, superseded or withdrawn from time to time, apply to the Agencies:

#### **Accountability and Governance**

##### *Directives*

- Accountability Directive
- Advertising Content Directive
- Agencies and Appointments Directive
- Government Appointees Directive
- Internal Audit Directive
- Perquisites Directive

##### *Policies*

- Accessible Customer Service Policy
- Contractor Security Screening Operating Policy
- OPS Physical Security Operating Policy

#### **General**

##### *Directives*

- Communications in French
- OPS Service Directive
- Government Publications Directive
- Visual Identity Directive

##### *Policies*

- OPS Common Service Standards

#### **Procurement**

##### Directives:

- Procurement Directives
- Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services

## **Human Resources**

### Directives

- Classification & Position Administration Directive
- Compensation Concordance
- Compensation Directive
- [Confidential Disclosure to Bargaining Agents](#)
- Continuation of Existing Classes & Salaries Directive
- Disclosure of Wrongdoing Directive – Employees/Appointees of Public Bodies
- Employee Benefits Directive
- Hours of Work Directive
- Human Resources Management Delegation of Authority Directive
- Human Resources Management Directive
- Management Board of Cabinet (MBC) Compensation Directive
- Merit Increases Directive
- Salary Rates/Ranges Directive
- Terminology Directive

### Policies

- Attendance Management Policy
- Employee Accommodation and Return to Work
- Employment Policy
- [Employee Recognition Policy](#)
- Employee Screening Checks Policy
- Learning and Development Policy
- Management Compensation Plan – Pay for Performance Operating Policy
- Occupational Health and Safety Policy
- Pay On Assignment Operating Policy
- Performance Management Policy
- Preventing Barriers in Employment
- Secondment to Minister's Office Operating Policy
- Self-Funded Leave Plan Policy
- SMG Compensation Program
- Workforce Adjustment of Employees in the Management Compensation Plan and Excluded Category
- Workplace Discrimination & Harassment Prevention Policy
- Workplace Violence Prevention Policy

## **Business Planning and Financial Management**

### Directives

- Accounting Advice Directive
- Business Planning & Allocations Directive
- Capital Expenditure Evaluation
- Cash management Directive
- Delegation of Authority Directive
- Expenditure Management Directive
- General Expenses Directive
- Indemnification Directive

- Internal Controls Management Directive
- MBC Realty Directive
- Non-tax Revenue Directive
- Staffing Management and Control
- Travel, Meal & Hospitality Expenses Directive

#### Policies

- Accounting and Financial Reporting Policy
- Accounting for Order-in-Council Appointees Policy
- Accounting Policy for Recoveries
- Bank Reconciliations
- Bank Account Policy
- Billing Management and Recording Policy
- Budgetary and Appropriation Control Policy
- Chart of Accounts
- Collections Policy
- Costing and Pricing
- Data Integrity
- Encumbrance Policy
- iExpense Policy
- IFIS Corrections Policy
- IFIS Payment Override
- IFIS T4A Policy
- IFIS Transaction Processing Requirements
- IFIS User Identification and Responsibilities Policy
- Inter/Intra Ministry Journals
- Interim Payment Authority Section 15 FAA
- MOI Realty Policy & Accommodation Space Policy
- Payment Terms
- Prepayment Policy
- Receipt Handling & Allocation
- Recurring Suppliers Invoices
- Revenue and Accounts Receivable Reporting and Analysis Policy
- Risk Management Policy
- Small Value Financial Transactions
- Stale-dated, Lost or Stolen Cheques Policy
- Special Purpose Accounts
- Supplier Master Files – Control and Maintenance
- Tangible Capital Assets

#### **Information Technology**

##### Policies

- Corporate Policy on Recordkeeping
- Corporate Policy on Protection of Personal Information
- Information Security & Privacy Classification Policy (ISPC) and Operating Procedures

The Ministry will inform the Agencies of amendments, replacements, withdrawals and additions to the directives, policies and guidelines that apply to the Agencies; however, the Agencies are responsible for complying with all directives, policies and guidelines to which they are subject.

**APPENDIX E**  
**Administrative and Support Services**

This Appendix identifies the roles and responsibilities of the Ministry and the Commission with respect to administrative and support services.

<i><b>IT Function</b></i>	<i><b>CAC Role</b></i>	<i><b>Commission's Role</b></i>
Notification of network outages and changes	<p>Notify FSCO IT Section of pending changes or enhancements of firewall, systems or applications that FSCO staff utilize (e.g. WIN, IFIS, SBPS, MOF Cube etc.) in a timely manner.</p> <p>CPFEB will relay notifications regarding MOF Cube/SBPS.</p>	FSCO IT will relay notifications to FSCO staff

<i><b>Function</b></i>	<i><b>MOF's Role</b></i>	<i><b>Commission's Role</b></i>
<b>Corporate Planning &amp; Finance Branch</b>		
Financial Reporting/Audits	<p>Provide timely information/guidance on internal audit &amp; financial reporting requirements to support financial statement &amp; Public Accounts preparation re public account preparation, directives and guidelines.</p>	<p>Prepare financial statements for the Commission, PBGF, MVACF and GISA based on GAAP/PSAB</p> <p>Commission's Audit and Risk Committee approves all financial statements of the Commission, MVACF and PBGF.</p> <p>Prepare financial statements for the CCIR, CAPSA and MBRCC.</p> <p>Support Internal Audit's development of a risk-based annual audit &amp; consulting plan. Plan to be approved by the Commission's Audit &amp; Risk Committee.</p> <p>Track the implementation status of all audit recommendations (including those from the OAGO)</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
		quarterly and keep Internal Audit and the Audit and Risk Committee apprised of the status.
Delegation of Financial Authority	<p>Maintains and administers MOF Delegation of Financial and Administrative Authority Framework and facilitates necessary approvals.</p> <p>Coordinates delegation exceptions.</p>	<p>Maintains and administers FSCO Delegation of Financial and Administrative Authority Framework, mirroring that of MOF.</p> <p>Provide update requests for delegation of financial authority to MOF.</p> <p>Periodically reviews delegations to ensure they are current.</p>
Chargebacks	Provides supporting documentation used to calculate the amounts for quarterly Ministry/OPS charge backs.	<p>Timely payment of charge backs.</p> <p>Negotiation of chargeback amounts, in accordance with new or revised Service Level Agreements.</p>
Service Management		<p>Liaise with OSS to resolve service delivery concerns (e.g. payroll/benefits processing, employment programs and services, procurement etc.).</p> <p>Receive OSS business line services, including working within mandatory enterprise-wide Vendor of Record arrangements in support of meeting the agency business needs, including the Fleet Management - Passenger Vehicle Management Services Agreement</p> <p>Payment of services acquired/arranged directly from GADSB to support business requirements, paid</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
		through OSS generated Program Production Journals
Lease	<p>In cooperation with Infrastructure Ontario provides, at the beginning of the year, calculation of lease charges - calculation is based on the lease and is adjusted based on current information about the amounts which are subject to changes, as per the lease agreement</p> <p>Provides, before the end of each fiscal year, the calculation of the yearly lease costs and charges, to the best of its knowledge, as per requirements issued by the Office of the Provincial Controller</p> <p>Provides, upon receipt from the landlord, the final calculation of the yearly lease adjustment (landlord's statement of adjustment)</p> <p>Liaises with Infrastructure Ontario during lease negotiations, and on other leasing issues which may arise throughout the year</p>	<p>The Commission reviews and approves calculation of lease charges.</p> <p>Provides recommendations and suggestions regarding lease negotiations.</p>
Finance	<p>Supports Commission financial analysts for in-year financial management and tracking.</p> <p>Provides resource management and support, system support and training to Commission financial analysts.</p>	<p>Provides timely advice and quarterly financial updates to MOF.</p> <p>Maintains Special Purpose Accounts for MVACF, 3 secretariats (CCIR, CAPSA and JFFMR), and others, as approved.</p> <p>Maintains the MOF CUBE for financial forecasting, the SBPS database for salaries</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
		<p>forecasting and the MOF Dashboard.</p> <p>Coordinates forecasts from Commission program areas and provides quarterly budget updates.</p> <p>Reviews fees and assessments on a regular basis to ensure full cost recovery and recommends changes as necessary.</p> <p>Produces billing information for external stakeholders and coordinates assessment invoices, which are produced by OSS, in accordance with existing Service Level Agreements.</p>
<p>Planning/ Submissions</p>	<p>Reviews MBC/TB and SCLC submissions for the Agencies and coordinates the approval process.</p> <p>Provides advice and reviews the submission of Agency's annual Program Review, Renewal and Transformation.</p> <p>Assists in coordinating approvals for Orders-In-Council, fee changes, assessment regulation changes, Commission's Agency Business Plan.</p>	<p>Develops MBC/TB and SCLC submissions, as needed.</p> <p>Contributes to MOF's Program Review, Renewal and Transformation with respect to the Agencies.</p> <p>Develops Agency Business Plan for annual submission to the Minister.</p> <p>Prepares draft Orders-in-Council; changes to the Minister's Schedule of Fees; changes to the assessment regulation.</p>
<p>Procurement</p>	<p>Provides assistance and advice on procurement issues, as required.</p>	<p>Conducts all procurement, including IT goods, in accordance with all applicable MOF and OPS policies, procedures and directives and in accordance with VOR arrangements</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
		<p>Provides support throughout the organization</p> <p>Maintains procurement records and tracks procurement activities across the organization.</p> <p>Provides the following reports to MOF in accordance with timelines provided by the Minister:</p> <ul style="list-style-type: none"> <li>• existing consulting service contracts</li> <li>• existing Advertising and Creative Communications contracts</li> <li>• French Third Party Agreements Report</li> <li>• Aboriginal Procurement Report</li> <li>• Agreement on Internal Trade</li> </ul> <p>Initiates and approves purchase requisitions in IFIS according to Commission's delegation of authority.</p> <p>FSCO, including IT, will adhere to all Vendor of Record arrangements, where available to agencies. When a VOR is not available to FSCO, an open competitive process will take place.</p>
Corporate Credit Cards	Conducts reviews of Purchasing Card and Travel card usage, delinquent accounts and Diversion Accounts	<p>Conducts monthly reconciliation of Purchasing card and Travel card expenditures and Diversion Accounts and maintains internal record.</p> <p>Takes corrective action as required including follow-up of delinquent payments and</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
		reviewing disciplinary action in cooperation with MOF.
IFIS	<p>Provides IFIS access, as requested, to Commission staff.</p> <p>Provides support to the Commission in processing IFIS system changes and adjustments.</p> <p>Provides I-Expenses support to resolve problems and set-up for new users.</p>	<p>Manages internal processes and provides requests for IFIS access to MOF.</p> <p>Reconciles all expenditures, encumbrances and revenues, including those related to I&amp;IT, in IFIS.</p> <p>Capitalization will be done for consulting services for IT projects.</p>
Revenue Processing/Data Capture – Pension Sector	<p>Tax and Benefits Administration, Tax Compliance and Benefits Division, Objections, Appeals and Services Branch (OASB):</p> <ul style="list-style-type: none"> <li>• generates AIR/PBGF filings based on electronic files provided by the Commission</li> <li>• mails out AIR/PBGF filings to pension plan administrators</li> <li>• provides forms design support in support of automated processing and revenue deposits</li> <li>• provides support to the Commission related to data capture of AIR and schedules and exchange of data with CRA</li> <li>• processes AIR/PBGF filings on receipt, data captures information from filings and deposits cheques to CRF and vendor trust and posts deposit information to IFIS</li> <li>• deposits cheques for new pension plan registrations and miscellaneous fees</li> </ul>	<p>Provides electronic file to OASB to trigger issuance of AIR/PBGF filings.</p> <p>Sends transmittal slips and cheques to TBA/OASB; verifies and reconciles data/deposit information.</p> <p>Issue letters for outstanding fees and respond to telephone inquiries.</p> <p>Lead for arrangements with CRA on data capture of AIR filings and schedules and transmission of data.</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
	<ul style="list-style-type: none"> <li>sends electronic file containing data/deposit information to the Commission</li> </ul>	
Revenue Processing – Health Assessments		<p>Issues invoices to insurance companies.</p> <p>Financial processing, invoice mailing and financial statement distribution.</p> <p>Reconciles IFIS, responds to inquiries, and follows-up on outstanding payments.</p> <p>Resolves service delivery concerns with OSS.</p>
<b>Strategic Human Resources Services Branch</b>		
Strategic Human Resources Advice	<p>MOF Strategic Business Unit, Strategic Human Resources Services Branch, Corporate &amp; Quality Service Division (MOF SBU) will provide advice and support regarding talent &amp; performance management, workforce planning, division level organizational changes, recruitment, employee engagement, strategic employee relations, and strategic health, safety &amp; wellness.</p> <p>Supports and promotes the service relationship between FSCO and MGCS and TBS with regard to the provision of non SHRSB services.<sup>1</sup></p>	<p>Senior Executives (at the SMG3 level and above) schedule regular/monthly meetings with the Business Advisor to discuss strategic HR issues and priorities</p> <p>Senior Executive engages the Business Advisor, as required, on developing issues</p> <p>Executive Committee (EC) engages the Business Advisor to attend EC as required or to discuss developing issues/trends, present HR matters or facilitate/coordinate HR discussions and presentations.</p>

<sup>1</sup> As of October 1, 2014 it was negotiated that FSCO would receive their HR advisory services, including recruitment, and advice and support pertaining to employee health safety and wellness, from HR Advisory Services, HR Service Delivery Division, OSS, MGCS. A service level agreement was prepared and signed between FSCO and OSS/MGCS to document this agreement. In addition, FSCO continues to receive enterprise HR services from TBS (eg. Enterprise Classification, CFLL, Employee Relations) as in the past.

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
Talent, Performance and Succession Management (including Performance Assessment & Readiness)	<p>Coordinates and communicates the annual Performance and Readiness Assessment (PRA) Process.</p> <p>Coordinates the annual end of year performance plan wrap up and ratings process.</p> <p>Coordinates the SMG / MCP / AMAPCEO Pay for Performance process.</p> <p>Submits all MOF approved ratings to the Centre for Leadership &amp; Learning, (CFL), for final approval.</p> <p>Communicates and coordinates the annual External and OPS Leadership Program Nominations.</p>	<p>Senior Executive and EC engage the Business Advisor and the Strategic Planning and Business Excellence unit, to partner, coordinate, facilitate and implement FSCO's approach to talent, performance and succession management.</p> <p>Provides employee ratings to the Business Advisor / Workforce Planner and updates the Performance Management system, accordingly.</p> <p>Manager communicates approved performance ratings with employees.</p> <p>Senior Executive provides the Business Advisor with the nominations for approval to the Deputy Minister or CFL and advises nominees if selected.</p>
Employee Relations / Strategic Labour Relations	<p>Brokers support and advice from the Centre for Employee Relations (TBS).</p> <p>Through the MOF Labour Disruption Continuity Plan (LDCP) Lead, provides advice and support in the development and coordination of LDCPs.</p>	<p>Senior Executive engages the Business Advisor as required.</p> <p>FSCO Labour Disruption Continuity Plan Lead to manage the development, coordination and implementation of the LDCPs.</p>
SMG Staffing	<p>Provides support and advice to Senior Executives regarding SMG staffing strategies.</p> <p>Brokers the formal recruitment of all SMG2 level and above vacancies with the CFL.</p> <p>Prepares and coordinates SMG 2 and 1 permanent (waiver of</p>	<p>Senior Executive engages the Business Advisor as required.</p> <p>Participates in the recruitment process i.e. development of job posting, interview questions and participates on the interview panel.</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
	competition) and temporary assignments for Deputy Minister approval and short-term SMG3 temporary appointments requiring discussion with the Deputy Minister and CFL.	Provides business rational to support the use of a non-competitive process.  Provides support to new hires as required including orientation, documentation etc.
Non-SMG Staffing	Provides support and advice to Senior Executives regarding staffing strategies.  Supports and educates Senior Executives on accessing the manager's portal on OPS Careers.  Note: The Business Advisor provides support only if the non-SMG position reports directly to the Senior Executive.	Senior Executive engages the Business Advisor as required.  Participates in the recruitment process i.e. development of job posting, interview questions and participates on the interview panel.  Provides support to new hires as required including orientation, documentation etc.
Organizational Changes	For divisional level organizational changes, leads the review and design process, brokers advice from other HR providers are required.  Prepares and coordinates submissions for EDC or PSC, and Deputy Minister approval, if required.  Prepares and coordinates bargaining agent disclosure documents for submission to the Centre for Employee Relations, TBS, as required. Partners with the CFL and MGCS when organizational changes involve employee surplusting.	Senior Executive engages the Business Advisor to coordinate and conduct an organizational review.  Provides business case / rationale to support the new organization or restructuring.  Partners with Business Advisor to develop content of bargaining agent disclosure.  May attend EDC/PSC with the Deputy Minister to present item.
Non-SMG Employee Surplus or Release	MOF SHRSB Director reviews and approves all employee surplusting or	Senior Executive provides the Business Advisor with a heads

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
	<p>release proposals, as per PSOA</p> <p>In support of the MOF SHRSB Director, the Business Advisor ensures the SHRSB Director briefing materials are complete, reviews the business rationale to support the activity and ensures appropriate linkages have been made with the Centre for Employee relations and/or Labour Practice Group. Note: If the employee is not a direct report to the Senior Executive the HRA MGCS supports the Director / Manager. The SHRSB involvement is related to the delegated authority to surplus and release.</p>	<p>up as early in the process as possible, as required</p> <p>Forwards all relevant documentation to Business Advisor for review.</p> <p>May attend SHRSB Director briefing to present item.</p>
Employee Engagement	<p>Provides support and strategic advice to Senior Executives / Executive Committee regarding the development of action plans to address areas of improvement identified in the employee engagement survey results.</p>	<p>Senior Executives and Executive Committee engage the Business Advisor and the Strategic Planning and Business Excellence unit to partner, coordinate, facilitate and implement FSCO's approach.</p> <p>Leads and champions employee engagement discussions and activities.</p>
Strategic Health, Safety & Wellness	<p>Provides support and strategic advice to Senior Executives / Executive Committee regarding strategic health, safety and wellness.</p> <p>Consistent with the OPS escalation process, facilitates timely action on WDHP matters. Facilitates issue resolution in regards to health reassignment.</p>	<p>Senior Executive engages the Business Advisor as required.</p> <p>Cultivates, promotes and sustains a supportive work culture.</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
Position Management/WIN Administration	<p>MOF SBU inputs new departments' names and numbers and manages FSCO's department tree.</p> <p>Produces monthly and ad hoc reports from WIN as requested (i.e. WIN Position Inventory, Employee Extract, Retirement, Forecasting, FTE, Milestone)</p> <p>Maintains Commission position including, creating and inactivating permanent and temporary positions, changes to job codes/titles; report relationships; budget flags.</p>	<p>Senior Executive engages the Business Advisor as required.</p> <p>Liases with MOF, as necessary, to request ad hoc reports/information (i.e. WIN Position Inventory, Employee Extract, Retirement, Forecasting, FTE, Milestone) on behalf of the Commission.</p> <p>Maintains Commission's FTE inventory</p> <p>Prepare WEAR forms and submit to OSS.</p>
<b>Business Services Branch</b>		
Workplace Violence Prevention	<p>Provides advice and guidance on conducting workplace violence risk assessments</p> <p>Provides Non-Violent Crisis Intervention Training (NVCIT) by certified MOF staff, upon FSCO management request.</p>	<p>Ensures compliance with the OPS Workplace Violence Prevention (WVP) Policy requirements to control the risks of workplace violence by developing and maintaining WVP program and procedures.</p>
<p>Corporate Youth Initiatives:</p> <ul style="list-style-type: none"> <li>• Summer Experience Opportunities (SEO)</li> <li>• Ontario Internship Program</li> </ul>	<p>Liaises between FSCO and Ontario Shared Services (OSS) to forward SEO information issued by OSS on the SEO program to FSCO and coordinates the report back to OSS.</p>	<p>Receives corporate support from MGS</p> <p>Coordinates communication to management on all three initiatives and provides advice to Commission management on the programs</p> <p>Coordinates the recruitment process for SEO</p>
Accessibility	<p>Provides support and guidance to FSCO in the implementation of the AODA requirements, as needed.</p>	<p>Develops, files and implements FSCO's Accessibility Plan and related compliance reports for agencies.</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
Inclusion	<p>Establishes MOF Inclusion Committee.</p> <p>Includes FSCO as part of the Ministry Inclusion Plan, submitted to the OPS Diversity Office, Ministry of Government &amp; Consumer Services</p> <p>Reports to the OPS Diversity Office on FSCO activities relating to inclusion</p>	<p>Develops commitments and reports on achievements for the MOF Inclusion Plan.</p> <p>Provides representation on the MOF Inclusion Committee.</p>
Employee Engagement	<p>Receives FSCO Employee Engagement results from survey services provider through the Corporate Leadership Branch, Centre for Leadership and Learning, Treasury Board Secretariat.</p> <p>Provides the employee engagement survey results to FSCO.</p>	<p>Implements action plans to address priority areas for improvement identified in employee engagement survey results.</p>
Green Plan	<p>Establishes MOF Green Working Group.</p> <p>Includes FSCO as part of the Ministry Green Plan and Green narratives submission to the OPS Green Office, Centre for Leadership and Learning, Treasury Board Secretariat.</p>	<p>Develops commitments and reports on achievements for the MOF Green Plan.</p> <p>Provides narratives for potential incorporation into the OPS-wide Green Transformation Report.</p> <p>Provides representation on MOF Green working groups and committees.</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
Accommodation and Facilities Management	<p>Provides policy advice and guidance on accommodation, facilities.</p> <p>Coordinates the initiation of facilities and accommodation projects through Infrastructure Ontario (IO) and forwards IO invoices to FSCO for payment</p> <p>Liaises with IO on behalf of FSCO on landlord issues</p>	<p>Consults and liaises with the ministry on major accommodation and facilities initiatives/projects.</p> <p>Provides accommodation and facilities services at FSCO's offices.</p> <p>Manages the development and implementation of OPS accommodation and facilities requirements with respect to the configuration of internal office space.</p> <p>Liaises with property management on facilities matters and manages tenant services arrangements.</p> <p>Develop a Physical Security Plan for the Commission for submission to Treasury Board Secretariat, as required.</p> <p>Implements OPS Physical Security Policy by identifying a Building Physical Security Lead and establishing a Physical Security Building Committee</p> <p>Implements the FSCO Building Physical Security Plan.</p>
Security and Emergency Management	<p>Coordinates the submission of the Commission's Continuity of Operations Plan to the Office of the Fire Marshal and Emergency Management.</p> <p>Provides advice on emergency management and physical security training and on request conducts training sessions for FSCO staff.</p>	<p>Develops and implements emergency management programs and emergency response capability including the development and maintenance of its Continuity of Operations Plan*;  coordination and training of the Commission's Emergency Evacuation personnel and development of evacuation</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
		<p>and emergency procedures and drills.</p> <p>Participates on the Ministry Emergency Management and Security Steering Committee</p> <p>* Agencies are currently not required to have a COOP under the Emergency Management and Civil Protection Act.</p>
General Administrative Services	OASB provides a daily shuttle of intergovernmental mail between Oshawa, Toronto, and the Commission, and a drop-off to the Canada Post depot of outgoing Commission mail.	<p>Provides general administration services to support FSCO business.</p> <p>Liaises/coordinates with applicable central agencies on general administration services.</p>
Recognition	<p>Liaises with Quarter Century Club (QCC) on Commission staff milestones.</p> <p>Provides certificates, letters and pins for presentation to Commission staff.</p> <p>Administers Stella Award nomination and award process.</p>	Coordinates and administers the Commission's formal and informal recognition programs
Quality Service	Provides advice and guidance on compliance with the Common Service Standards, as required	<p>Manages Commission's quality service initiatives</p> <p>Conducts internal telephone audit annually</p>
Freedom of Information & Protection of Privacy Act (FOI)	<p>Notify FSCO upon receipt of an access request within one business day. Flag requests that may be considered contentious.</p> <p>Provide support through Ministry of Finance FOI (MOF FOI) Coordinator.</p>	<p>Forward requests received directly at FSCO to MOF FOI within one business day. Flag requests that may be considered contentious.</p> <p>Follow all Ministry and FSCO FOI procedures in responding</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
	<p>Consult with FSCO FOI on any proposed changes to FSCO's recommended decisions or actions (including appeals).</p> <p>Coordinate responses to requesters.</p> <p>Involve FSCO in all stages of IPC appeal (intake, mediation, adjudication). Notify FSCO when an IPC Order is received on a FSCO request.</p>	<p>to requests and liaise with MOF FOI as necessary.</p> <p>Recommend and participate in the approach in responding to appeals, participate in mediation and keep MOF FOI informed at all stages of the process.</p> <p>Prepare submissions to IPC appeals that relate solely to FSCO records.</p> <p>Fulfill program area responsibilities set out in the FIPPA Delegation of Authority.</p>
Information Management	<p>Advises FSCO on IM initiatives at MOF to ensure alignment of strategies.</p>	<p>FSCO is designated as a public body for the purposes of the Archives and Recordkeeping Act.</p> <p>Manages records and information for the Commission including the preparation and implementation of records retention schedules, coordination of transfer, storage, retrieval and disposal of records, as required by the Archives and Recordkeeping Act.</p> <p>Contacts the Recordkeeping Support Unit of the Information Privacy and Archives Division, MGCS, for advice and guidance</p>
French Language Services	<p>Oversees all aspects of FLS compliance for the ministry and its agencies.</p> <p>Works with FLS coordinators and FSCO to resolve issues emanating from citizen</p>	<p>Works with TBS FLS coordinator to ensure commission FLS plans are in line with OPS plans; works with FLS coordinators and MOF CAO to resolve issues emanating from citizen</p>

<i>Function</i>	<i>MOF's Role</i>	<i>Commission's Role</i>
	complaints regarding services in French.	<p>complaints regarding services in French</p> <p>Liaises with the Francophone community to listen to their concerns and identify strategies to ameliorate services in French offered by the OPS and its agencies.</p>

**APPENDIX F**  
**Public Service Commission (PSC) Delegations of Authority**

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

**Section 44(4)**

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

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

**Section 44(5)**

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

**Section 44(6)**

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

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

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

PSOA Reference	Description of Authority Delegated
s.32(2) The PSC may appoint persons to employment by the Crown to work in a CPB.  s.32(3) An appointment by the PSC may be for a fixed term or otherwise. s.32(4) A person appointed by the PSC for a fixed term may be reappointed for one or more further terms	Appointing persons to employment by the Crown to work in a CPB for a fixed term (unclassified) or otherwise (classified), in classifications other than Senior Management Group 3 or 4, Information Technology Executive 3 or 4, Financial Management and Control Group 3 or Crown Counsel 5.  Reappointing for one or more further terms persons appointed for a fixed term (extending unclassified contracts)
s.34 The PSC may for cause impose disciplinary measures, including	Imposing disciplinary measures for cause, including suspension <u>but not</u> dismissal.

PSOA Reference	Description of Authority Delegated
<p>suspension or dismissal, on a public servant appointed by it as the PSC considers appropriate.</p> <p>**s.44(5-6) limits CPBs from dismissing public servants for cause or without cause</p>	
<p>s.36(1) The PSC may conduct an investigation in order to determine whether there is cause for the purposes of s.34 (discipline not including dismissal).</p>	<p>Conducting an investigation to determine whether there is cause for imposing disciplinary measures. The investigation may also include the questioning of other public servants not involved in the misconduct warranting discipline. Similarly the investigation may include reviewing other pertinent evidence.</p> <p>**Certain ministry practices prevail and may require higher delegations of authority especially when dealing with employee privacy i.e. IT investigation</p>
<p>s. 36(2) The PSC may, pending the conclusion of an investigation, suspend a public servant.</p>	<p>Pending the conclusion of an investigation, suspending the public servant for a period not exceeding the period prescribed under s.55(1)(a) (2 years as per Reg. 379/07)</p>
<p>s.36(3) The PSC may withhold the public servant's salary, wages or any other remuneration, including benefits, during the suspension if it considers it appropriate to do so, and may at the end of the investigation, reimburse amounts that were withheld if it considers it appropriate to do so.</p>	<p>Suspending a public servant without pay/benefits during an investigation for discipline.</p>
<p>s.37(1) Where the PSC appoints a public servant to employment for a term that is not fixed, the PSC may direct that the public servant be on probation of not more than a year.</p>	<p>Placing a public servant on probation for a maximum of a year.</p>

PSOA Reference	Description of Authority Delegated
<p>s. 41(1) A public servant appointed by the PSC may resign from his or her position by giving at least two weeks notice in writing of the intention to resign to the PSC.</p>	<p>Receiving at least two weeks notice in writing from a public servant of his or her intention to resign from his or her position.</p>
<p>s. 41(2) A public servant may, by giving notice in writing to the PSC, withdraw the notice of intention to resign at any time before its effective date, if</p> <ul style="list-style-type: none"> <li>a) no person has been appointed or selected for appointment by the PSC to the position held by the public servant; and</li> <li>b) the PSC approves the withdrawal</li> </ul>	<p>Receiving from a public servant, notice in writing of his or her withdrawal of the notice of intention to resign at any time if no person has been selected for appointment to the position held by the public servant; and approving the withdrawal of the resignation.</p>
<p>s. 7 &amp; Reg. 373/07 An oath of affirmation may only be administered under s.5 (Oath or Affirmation of Allegiance) and s. 6 (Oath or Affirmation of Office) by a person prescribed under s.8.</p>	<p>Counsel - Administer the Oath of Allegiance and the Oath of Office for Agency employees</p> <p>Chair – Administer the Oath of Allegiance and the Oath of Office for Tribunal appointees</p>
<p>s.62(3) &amp; Reg. 375/07 The ethics executive for a public servant who works in a public body, whether as a government appointee, as an employee under Part III or as an employee of the public body is the individual who is prescribed under s.71 (1) (b) for the public servant or, if no individual is prescribed under that clause for the public servant, the chair of the body.</p>	<p>CEO - Designated official to whom disclosures of conflict of interest are made from public servants.</p> <p>Chair – Designated official to whom disclosures of conflict of interest are made from Tribunal appointees.</p>