

**Memorandum of Understanding**

**Between**

**Minister of Health and Long-Term Care**

**And**

**Chair of Ontario Agency for Health Protection and  
Promotion**

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## **1. Purpose**

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

- Set out the accountability relationships between the Minister of Health and Long-Term Care and the Chair of the Ontario Agency for Health Protection and Promotion on behalf of the Agency;
- Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, the CEO, the CMOH and the Agency's Board of Directors; and
- Set out the expectations for the operational, administrative, financial, staffing, auditing and reporting arrangements between the Ontario Agency for Health Protection and Promotion and the Ministry of Health and Long-Term Care.

b. This MOU should be read together with the *Ontario Agency for Health Protection and Promotion Act, 2007*. This MOU does not affect, modify or limit the powers of the Agency as set out in the *Ontario Agency for Health Protection and Promotion Act, 2007*, or interfere with the responsibilities of either the Minister or the Board as established by law. For greater certainty, this MOU shall not limit in any way the ability, authority and obligation of the Board for the management and control of the affairs of the Agency in light of the best interests of the Agency and in accordance with the other legal duties and responsibilities of the Board, including, without limitation, any duties of care or fiduciary duties. These legal duties and responsibilities shall prevail over any provision of this MOU. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.

## **2. Definitions**

### **2.1 Defined Terms**

In this MOU:

- a. "Act" means the *Ontario Agency for Health Protection and Promotion Act, 2007*.
- b. "AAD" means the Management Board of Cabinet Agencies and Appointments Directive.
- c. "Agency" means the Ontario Agency for Health Protection and Promotion (operating as Public Health Ontario).

- d. "Appointee" means a director or other member appointed to the Agency by the Minister or by the Lieutenant Governor in Council, but does not mean an individual employed/appointed by the Agency as staff.
- e. "Board" means the board of directors of the Ontario Agency for Health Protection and Promotion.
- f. "Chair" means the Board chair of the Ontario Agency for Health Protection and Promotion.
- g. "CEO" means the President and Chief Executive Officer of the Agency.
- h. "CMOH" means the Chief Medical Officer of Health for the Province of Ontario.
- i. "Deputy Minister" means the Deputy Minister of Health and Long-Term Care.
- j. "MBC" means Management Board of Cabinet.
- k. "Minister" means the Minister of Health and Long-Term Care.
- l. "Ministry" means the Ministry of Health and Long-Term Care.
- m. "PSOA" means the *Public Service of Ontario Act*, 2006, S.O. 2006, c. 35, Sched. A.
- n. "TB" means Treasury Board.

## **2.2 Appendices**

The following Appendices form part of this MOU:

Appendix 1: Applicable TB/MBC and Ministry of Finance Directives and Statutes of Particular Application

Appendix 2: Public Communications Protocol

In the event of any conflict or inconsistency between the provisions in the body of this MOU and the Appendices, the provisions in the body of this MOU shall prevail and govern to the extent of such conflict or inconsistency.

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

- a. The legal authority and powers of the Agency are set out in the Act.

- b. The mandate of the Agency is, as per section 1 of the Act, to provide scientific and technical advice and support to those working across sectors to protect and improve the health of Ontarians and to carry out and support activities such as population health assessment, public health research, surveillance, epidemiology, planning and evaluation.

The objects of the Agency as set out in section 6 of the Act are:

- (a) to provide scientific and technical advice and support to the health care system and the Government of Ontario in order to protect and promote the health of Ontarians and reduce health inequities;
- (b) to develop, disseminate and advance public health knowledge and best practices and research in the areas of population health assessment, infectious diseases, health promotion, chronic diseases, injury prevention, and environmental health;
- (c) to inform and contribute to policy development processes of the healthcare system and the Government of Ontario through the provision of advice and impact analysis of public health issues;
- (d) to develop, collect, use, analyse and disclose data, including population health, surveillance and epidemiological data, across sectors, including human health, environmental, animal and agricultural, education, community and social services and housing sectors, in a manner that informs and enhances public health planning, evaluation and action;
- (e) to undertake, promote and coordinate public health research in co-operation with academic and research experts as well as the community;
- (f) to provide education and professional development for public health professionals, scientists, researchers and policymakers across sectors;
- (g) to establish, operate and maintain laboratory centres and to provide laboratory services;
- (h) to serve as a model for bridging the areas of infection control and occupational health and safety;
- (i) to undertake research related to evaluating the modes of transmission of febrile respiratory illnesses and the risk to health workers;
- (j) as directed by the Chief Medical Officer of Health, to provide scientific and technical advice and operational support to any person

or entity in an emergency or outbreak situation that has health implications; and

(k) any additional objects the Lieutenant Governor in Council may prescribe.

- c. Where under this MOU the Board is required to cause the Agency or the CEO to act in any manner or perform any duty, or to account for the manner in which the Agency has performed its responsibilities, the obligation of each member of the Board, including the Chair, shall be understood to be the duty to exercise reasonable care and act in good faith so as to cause the Agency to comply with the requirements of the Act and this MOU, in the manner and to the extent contemplated in subsection 9(7) of the Act. In particular, the Board shall adopt appropriate organizational structures, systems, policies, processes and procedures (including the provision of staff training) to enable the responsible and effective management of corporate operations.

#### **4. Crown Agent Status**

- a. The Agency is a Crown agency within the meaning of the *Crown Agency Act*.

#### **5. Agency Classification**

- a. The Agency is classified as an Operational Service agency (Board-Governed) under the AAD.

#### **6. Guiding Principles**

The parties agree to the following principles:

- a. The Minister acknowledges that the Agency is a statutory corporation that exercises powers and performs duties in accordance with its mandate.
- b. The Minister may set out public interest expectations with respect to the Agency by issuing written policy directions to the Agency.
- c. The Minister acknowledges that the Agency, through advice and impact analysis of public health issues, plays a meaningful role in the development of the policies and programs of the government, as well as in the implementation of those policies and delivery of programs.
- d. The Chair acknowledges that accountability is a fundamental principle to be observed in the management, administration and operations of the

Agency. The Board acknowledges that the Board is accountable to the Minister, through the Chair, for governance and oversight of the Agency.

- e. As an agency of the government, the Agency conducts itself according to the management principles of the Government of Ontario. These principles include ethical behaviour; accountability; excellence in management; prudent; efficient, and lawful use of public resources; fairness; equitable access; high quality service to the public; and openness and transparency to the extent allowed under law.
- f. The Agency and the Ministry agree to avoid duplication of services wherever possible.
- g. Ongoing consultation and timely exchange of information between the Minister, Ministry and CMOH, on the one hand, and the Board and Agency, on the other, are essential to carry out the purposes of this MOU.
- h. The Agency operates separately from the Ministry and the affairs of the Agency are under the management and control of the Board. The Agency shall be responsible for its day to day operations.
- i. Despite anything else in this MOU except subsection 12.4 a, if the Agency is of the opinion, based on scientific and technical research and knowledge and when consistent with the Agency's legislative authority and objects, that the Agency should make public its findings and opinion, the Agency may issue such public statements and shall provide notice to the Minister and CMOH in accordance with established mutual notification protocols, but no later than 24 hours prior to the issuance of the statement.
- j. In the event of a 'Ministry Activation' as set out in the Ministry Emergency Response Plan, the public statements under subsection 6(i) above shall be publicly released through the Ministry chain of command referred to in subsection 12.4.a. Such public release shall not be withheld or delayed where such withholding or delay has a potential imminent adverse impact on human health.
- k. The Board shall be responsible for the formulation of the operational policy of the Agency. The Board shall require the Agency's strategic, business and operational plans, policies and activities to be consistent with all Ministry policy directions that have been communicated to it in writing by the Minister.



## **7. Accountability Relationships**

### **7.1 Minister**

The Minister is accountable:

- a. to Cabinet and the Legislative Assembly for the Agency's fulfillment of its mandate, and for reporting and responding to the Legislative Assembly on the affairs of the Agency.
- b. for attesting, reporting and responding to TB/MBC on the Agency's performance and compliance with government's applicable directives and operational policies.
- c. to Cabinet for the performance of the Agency and its compliance with the government's operational policies and broad policy directions.
- d. for receiving the Agency's annual report and submitting it to the Legislative Assembly for tabling.

### **7.2 Chair**

The Chair is accountable:

- a. to the Minister for the performance of the Agency in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by the Act, this MOU, and applicable TB/MBC and Ministry of Finance directives.
- b. for reporting to the Minister, as requested, on the Agency's activities.
- c. for ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the Agency.

### **7.3 Board of Directors**

- a. The Board is accountable to the Minister, through the Chair, for the oversight and governance of the Agency, setting goals, objectives and strategic direction for the Agency within its mandate, for use of public funds, and for carrying out the roles and responsibilities assigned to it by the Act, applicable TB/MBC, and Ministry of Finance directives, and this MOU.

### **7.4 Deputy Minister**

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

## **7.5 Chief Executive Officer**

The CEO is accountable to the Board, through the Chair, for the strategic leadership of the Agency and, for the management of the Agency's operations and staff. The CEO works under the direction of the Chair and the Board to implement policy and operational decisions. The CEO reports the Agency's performance results to the Board, through the Chair.

## **7.6 Chief Medical Officer of Health**

The CMOH is accountable to the Deputy Minister for conveying government priorities to the Strategic Planning Standing Committee of the Board, and for such other responsibilities related to the Agency as may be assigned by the Deputy Minister.

## **8. Conflict of Interest**

- a. 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 the Agency.
- b. The CEO is responsible for ensuring that Agency staff are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the Agency.

## **9. Roles and Responsibilities**

### **9.1 Minister**

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

- a. Reporting and responding to the Legislative Assembly on the affairs of the Agency.
- b. Attesting, reporting and responding to TB/MBC on the Agency's performance, and on its compliance with applicable TB/MBC directives, the government's operational policies and policy directions.

- c. Where required, recommending to TB/MBC any merger, change to the agency's mandate or dissolution of the Agency.
- d. Recommending to TB/MBC the powers to be given to, or revoked from, the Agency when a change to the mandate of the Agency is being proposed.
- e. Determining at any time the need for a review or audit of the Agency, and recommending to TB/MBC any changes to the governance or administration of the Agency resulting from any such review or audit.
- f. When appropriate or necessary, taking action or directing that corrective action be taken with respect to the Agency's administration or operations.
- g. Receiving the Agency's annual report and ensuring that the annual report is made available to the public after tabling it in the Legislative Assembly.
- h. Informing the Chair of the government's priorities and broad policy directions for the Agency.
- i. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the government is considering regulatory or legislative changes for the Agency.
- j. Developing the Agency's MOU with the Chair and signing it into effect after it has been signed by the Chair.
- k. Reviewing and approving the Agency's annual business plan.
- l. Recommending to TB/MBC any provincial funding to be allocated to the Agency.
- m. Directing the Chair to undertake reviews of the Agency on a periodic basis, and making recommendations to TB/MBC as may be required after such reviews are completed.
- n. Recommending the Agency's MOU to TB/MBC or the Secretary of Management Board (as applicable) for approval before it is signed by the parties.
- o. Review the advice or recommendation of the Chair on candidates for appointment or re-appointment to the Board.

- p. Ensuring timely communication with the Chair regarding any issues or government policies that may impact, or can reasonably be expected to impact the Agency's operations and/or its ability to carry out its mandate.

## **9.2 Chair**

It is acknowledged and agreed that certain responsibilities of the Chair under this MOU are delegated, where appropriate, to the CEO or the Agency's management on behalf of the Chair. The Chair is accountable to the Minister for:

- a. Providing leadership to the Agency.
- b. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the Agency.
- c. Seeking strategic policy direction for the Agency from the Minister.
- d. Ensuring timely communications with the Minister regarding any issues or events that may concern, or can reasonably be expected to concern the Minister in the exercise of his responsibilities relating to the Agency.
- e. Consulting with the Minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, or on the Agency's mandate, powers or responsibilities as set out in the Act.
- f. Monitoring the performance of the Agency.
- g. Reporting to the Minister as requested on the Agency's activities within agreed upon timelines.
- h. Ensuring that the Agency operates within its approved budget allocation in fulfilling its mandate.
- i. Developing the Agency's MOU with the Minister, signing it on behalf of the Board, and arranging for its public posting as required by the AAD.
- j. Reviewing and approving the Agency's annual business plan, budget, annual report and financial reports, and submitting them to the Minister in accordance with the time lines specified in the applicable TB/MBC and Ministry of Finance directives, and this MOU.
- k. Providing both the Minister and the Minister of Finance with a copy of every audit report, a copy of the Agency's response to each report, and any recommendations in the report.

- l. Advising the Minister annually on any outstanding audit recommendations.**
- m. Ensuring that members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct (Part IV of the PSOA), including the political activity rules (Part V of the PSOA).**
- n. Making sure that appropriate management systems are in place (financial, information technology, human resource) for the effective administration of the Agency.**
- o. Making sure that an appropriate framework is in place for Appointees to receive appropriate orientation.**
- p. Making sure that Appointees are aware of and comply with applicable TB/MBC and Ministry of Finance directives.**
- q. Making sure a process for responding to and resolving complaints from the public and Agency clients is in place.**
- r. Carrying out effective public communications and relations for the Agency as its chief spokesperson.**
- s. Cooperating with any review or audit of the Agency directed by the Minister or TB/MBC.**
- t. Fulfilling the role of ethics executive for Appointees promoting ethical conduct and ensuring that all members of the Agency are familiar with the applicable ethical requirements of the PSOA, and the regulations and the directives made under that Act, including those in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.**
- u. Providing leadership to the Board and monitoring the Board's performance.**
- v. Keeping the Minister informed of upcoming appointment vacancies and providing recommendations for appointments or re-appointments.**
- w. Reviewing and approving claims for per diems and expenses of Board members, and arranging for public posting of all expenses required to be posted under the Travel, Meals and Hospitality Expenses Directive.**
- x. In conjunction with the Board Vice Chair, evaluating the performance of the CEO in consultation with the Board and pursuant to performance criteria established by the Board and the Chair.**

### **9.3 Board of Directors**

The Board is responsible for the management and control of the affairs of the Agency, and in this regard the Board is responsible for:

- a. Setting the goals, objectives, and strategic directions for the Agency within its mandate as defined by the Act, government policies as appropriate and this MOU.
- b. Directing the affairs of the Agency and setting overall priorities so as to fulfill its mandate.
- c. Directing the development of the Agency's business plans and approving them for submission to the Minister within the timelines specified in the AAD, agreed upon with the Ministry or set out in this MOU.
- d. Directing the preparation of, and approving the agency's annual reports for submission to the Minister for tabling in the Legislative Assembly within the timelines established by the Act or the AAD as applicable.
- e. Making decisions consistent with the business plan approved for the Agency and ensuring that the Agency operates within its allocations.
- f. Ensuring that the Agency manages its affairs in compliance with applicable TB/MBC directives.
- g. Ensuring that the Agency uses public funds prudently and only for the business of the Agency, based on the principle of value for money, and in compliance with applicable legislation and TB/MBC directives.
- h. Ensuring that Agency funds are used with integrity, honesty, fairness and effective controllership.
- i. Establishing such board committees or oversight mechanisms as may be required to advise the Board on effective management, governance or accountability procedures for the Agency.
- j. Approving the MOU for the Agency in a timely manner and authorizing the Chair to sign it on behalf of the Agency.
- k. Approving the Agency's reports and reviews that may be requested by the Minister from time to time for submission to the Minister within agreed upon timelines.

- l. Directing the development of an appropriate risk management framework and supporting processes and responsibilities to identify, evaluate and proactively address the risks facing the organization.
- m. Where applicable, ensuring that conflict of interest rules that the Agency is required to follow, as set out in Ontario Regulation 381/07 (or as have been approved and published by the Conflict of Interest Commissioner), are in place for the members of the Board and employees of the Agency.
- n. Ensuring that performance measures, targets and management systems for monitoring and assessing the Agency's performance are established.
- o. Directing corrective action on the functioning or operations of the Agency, if needed.
- p. Cooperating with and sharing any relevant information on any risk-based or periodic review directed by the Minister or TB/MBC.
- q. Consulting, as appropriate, with stakeholders on the Agency's goals, objectives and strategic directions.
- r. Providing advice to the government, through the Minister, on issues within or affecting the Agency's mandate and operations.
- s. Ensuring that written directives of the CMOH, issued pursuant to s 24(1) of the Act, are carried out.
- t. Directing that the Agency support 'Ministry Activation' as outlined in the Ministry Emergency Response Plan, consistent with the Agency's Emergency Management Framework, which includes business continuity plans.

#### **9.4 Deputy Minister**

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the Agency.
- b. Advising the Minister on the requirements of the AAD and other directives that apply to the Agency.
- c. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the Agency or any of its programs, or changes to the operations of the Agency.

- d. **Facilitating regular briefings and consultations between the Chair and Minister, and between Ministry staff and Agency staff.**
- e. **Attesting to TB/MBC as required, to the Agency's compliance with the mandatory accountability requirements set out in the AAD.**
- f. **Ensuring that the Ministry and the Agency have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the Agency.**
- g. **Ensuring that the Agency has an appropriate risk management framework and a risk management plan in place for managing risks that the Agency may encounter in meeting its program or service delivery objectives.**
- h. **Undertaking timely risk-based reviews of the Agency, its management or operations, as may be directed by the Minister or TB/MBC.**
- i. **Establishing a framework for reviewing and assessing the Agency's business plans and other reports.**
- j. **Supporting the Minister in reviewing the performance targets, measures and results of the Agency.**
- k. **Advising the Minister on documents submitted by the Agency to the Minister for review or approval, or both.**
- l. **Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.**
- m. **Undertaking reviews of the Agency as may be directed by the Minister.**
- n. **Cooperating with any review of the Agency as directed by the Minister or TB/MBC.**
- o. **Monitoring the Agency on behalf of the Minister while respecting the Agency's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.**
- p. **Negotiating a draft MOU with the Chair of the Agency as directed by the Minister.**
- q. **Maintaining an open and cooperative working relationship with the Agency through regular meetings with the CEO as required or directed, and consulting with the Agency's CEO or Chair, as needed, on matters**



of mutual importance including services provided by the Ministry and compliance with TB/MBC directives and Ministry policies.

- r. Meeting with the Chair and/or CEO as needed or as directed by the Minister.
- s. Arranging for administrative, financial and other support to the Agency as specified in this MOU.
- t. Informing the Chair and the CEO, in writing, of new or amended government directives applicable to the Agency, and any exceptions to or exemptions in whole or in part from TB/MBC directives or Ministry administrative policies.
- u. When required, submitting a report to the secretaries of TB/MBC on the wind-down of the Agency, disposition of any assets, completion of any outstanding responsibilities by the Agency, and the termination of any appointments.

#### **9.5 Chief Executive Officer**

The CEO is accountable to the Board for:

- a. Managing the day-to-day operations of the Agency in accordance with the mandate of the Agency, applicable TB/MBC and Ministry of Finance directives, Agency by-laws and policies, accepted business and financial practices, and this MOU.
- b. Advising the Chair on the requirements of and compliance with the AAD as well as other TB/MBC and Ministry of Finance directives and policies, and Agency by-laws and policies.
- c. Applying policies and procedures so that public funds are used with integrity and honesty.
- d. Providing leadership and management to the Agency staff.
- e. Establishing and applying a financial management framework for the Agency in accordance with applicable Minister of Finance controllership directives, policies and guidelines.
- f. Translating the goals, objectives and strategic directions of the Board into operational plans and activities in accordance with the Agency's approved business plan.

- g. Ensuring that the Agency has the oversight capacity and an effective oversight framework in place for monitoring its management and operations.**
- h. Keeping the Board informed with respect to implementation of policy and the operations of the Agency.**
- i. Establishing systems to ensure that the Agency operates within its approved business plan.**
- j. Ensuring that the Agency has an appropriate risk management framework and risk management plan in place as directed by the Board.**
- k. Supporting the Chair and Board in meeting responsibilities.**
- l. Carrying out in-year monitoring of the Agency's performance and reporting on results to the Board.**
- m. Keeping the Ministry and the Chair advised of issues or events that may concern the Ministry or the Chair in the exercise of their responsibilities.**
- n. Seeking support and advice from the Ministry, as appropriate, on Agency management issues.**
- o. Establishing a system for the retention of Agency documents and for making such documents publicly available when appropriate, so as to comply with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act* where applicable.**
- p. Undertaking timely risk-based reviews of the Agency's management and operations.**
- q. Consulting with the Deputy Minister as needed, on matters of mutual importance, including on TB/MBC and Ministry of Finance directives and Ministry policies.**
- r. Cooperating with any periodic review directed by the Minister or TB/MBC.**
- s. Fulfilling the role of ethics executive for public servants, other than government appointees, who work in the Agency. Promoting ethical conduct and ensuring that all members of the agency are familiar with the ethical requirements of the PSOA and the regulations and directives made under that Act, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing.**

- t. Keeping the Board informed, through the Chair, about operational matters.
- u. Preparing annual reports and business plans for the Agency as directed by the Board.
- v. Preparing financial reports for approval by the Board.
- w. Making sure that an appropriate framework is in place for staff to receive orientation.
- x. Preparing a performance review system for staff and implementing the system.

## **9.6 Chief Medical Officer of Health**

The CMOH is responsible for:

- a. Sitting on the Strategic Planning Standing Committee of the Board and conveying strategic and other provincial priorities to the Agency, including priorities to be addressed in the Agency's Strategic Plan and Annual Business Plan.
- b. Ensuring alignment of the Agency's Strategic Plan with Ministry and broader government priorities.
- c. Meeting with the CEO to discuss issues relating to the efficiency and effectiveness of the Agency and the provision of services by the Agency to the Ministry.
- d. Advising the CEO of key policy and operational decisions affecting the Agency either through the Joint Liaison Committee (JLC) or in writing.
- e. Co-chairing the JLC to address issues of mutual interest between the Ministry and Agency, resolve issues, provide direction and delegate and coordinate work.
- f. Communicating corporate government/Ministry reporting requirements, where necessary.
- g. Issuing written directives to the Agency to provide scientific and technical advice and operational support under applicable law, during an emergency or, during an outbreak situation that has health implications.

## **10. Reporting Requirements**

### **10.1 Business Plan**

- a. The Board, through the Chair, will submit to the Minister for approval on or before January 1 of each year, or another date specified by the Minister, the Agency's annual business plan for the next fiscal year covering a minimum of three years from the current fiscal year that includes a financial budget, a risk management plan, a listing of any written directives issued by the Minister to the Agency, and the other items specified in the Act. The annual business plan shall reflect that the ministry is a key stakeholder and priority client of the Agency.
- b. The annual business plan requires the approval of the Board and the Minister. Following the Minister's approval, the Board shall adopt the annual business plan on or before April 1 in each year or another date specified by the Minister.
- c. The Chair is responsible for ensuring that the Agency's annual business plan meets the requirements of the AAD and for posting a version of the report with the content and within the timelines specified by the AAD.
- d. The Chair is accountable to the Minister for ensuring that the annual business plan includes a risk assessment and risk management plan and for sharing the plan with the Ministry to assist the Ministry in:
  - developing its risk assessment evaluation in accordance with the requirement of the AAD;
  - assessing and managing the Agency's risks; and
  - developing and maintaining necessary records demonstrating action to manage risk.
- e. The Minister will review the Agency's annual business plan and will promptly advise the Chair whether or not he or she concurs with the directions proposed by the Agency. The Minister may advise the Chair where and in what manner the Agency's plans vary from government or Ministry policy or priorities as may be required, and the Agency will revise its plan accordingly.
- f. The Chair is accountable to the Minister for ensuring that the Agency's business plan includes a system of performance measures and reporting on the achievement of the objectives set out in the business plan. The system must include performance goals, how they will be achieved, and target results and time frames

- g. In addition, TB/MBC may require the Minister to submit the Agency's business plan to TB/MBC for review at any time.

## **10.2 Annual Report**

- a. The Chair is accountable to the Minister for ensuring that the Agency's annual report is submitted to the Minister for tabling in the Legislative Assembly. The Chair will submit the annual report to the Minister within 120 days of the Agency's fiscal year end. The annual report shall be prepared in accordance with applicable TB/MBC directives and shall be approved by the Board before it is submitted to the Minister. It shall include, at a minimum:
- (a) The content requirements set out in the Act;
  - (b) A discussion of performance targets achieved/not achieved and of action to be taken;
  - (c) An analysis of the Agency's operational performance;
  - (d) An analysis of the Agency's financial performance;
  - (e) An explanation to the satisfaction of the Minister with respect to any major variance from the approved business and financial plan;
  - (f) Names of appointees including when each was first appointed, and when the current term of appointment expires;
  - (g) The audited financial statements;
  - (h) Any other requirements imposed by applicable MBC directives; and
  - (i) A detailed listing of any directives issued by the Minister to the Agency.
- b. The Minister shall present the Annual Report of the Agency within 60 days of its receipt for tabling by the Clerk of the Legislative Assembly. After tabling, the Agency shall publicly post the Annual Report within the timelines established by the AAD.

## **10.3 Other Reports**

The Chair is accountable to the Minister for:

- a. At the request of the Minister or Deputy Minister, supplying other reports, specific data and other information that may be required from time to

time, within the timelines specified by the Minister or Deputy Minister, as the case may be, for the purpose of Ministry administration.

#### **10.4 Performance Measurement**

- a. The Board shall require the Agency to implement a system of performance measurement and reporting including, but not limited to, performance measures and standards, annual baseline reporting and monitoring systems to be mutually agreed to by the Ministry and the Agency. The system shall include commitments to attaining specific performance goals within specified time frames. The system of performance measurement and reporting shall be included in the Agency's business plan.
- b. The Agency shall notify the Ministry as soon as reasonably possible of any events, information, or developments that will significantly affect the Agency's ability to meet its approved performance measures. In this situation, either party may request a meeting to discuss (i) the difficulties experienced by the Agency in meeting its approved performance measures, and (ii) possible solutions. The parties shall use their best efforts to meet as soon as possible following a request.

### **11. Communications**

#### **11.1 Information Exchange**

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the Agency is essential for the Minister to meet his responsibilities for reporting and responding to the Legislative Assembly on the affairs of the Agency. The parties also recognize that it is essential for the Agency to be kept informed, in a timely manner, of the government initiatives and broad policy directions that may affect the Agency's mandate and functions.

The parties, therefore, agree as follows:

- a. The Chair will keep the 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.
- b. The Minister will consult with the Chair, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the Agency's mandate or functions.

- c. The Ministry and the Agency 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.
- d. The Minister and the Chair will meet at least quarterly, or as requested by either party, to discuss issues relating to the fulfillment of the Agency's mandate, management and operations.
- e. The Deputy Minister and the CEO will meet at least quarterly or as required to discuss issues relating to the efficient operation of the Agency.
- f. The Agency and the Ministry shall develop and follow a communications and issues management protocol for responding to media issues or other issues or events relating to the Agency that may be reasonably expected to concern the Government.
- g. The Board, through its Chair, may recommend appropriate legislative or regulatory amendments to the Act to the Minister.

## **12. Emergency and Outbreak Situations**

### **12.1 Mutual Notification**

- a. The Agency shall be involved with the monitoring (surveillance) of public health issues as part of its ongoing business. The Agency, Ministry and CMOH shall notify one another in a timely manner when any of them becomes aware of unusual events (whether through surveillance, reporting or exchanges with third parties or otherwise), so as to permit the parties to take early action to mitigate any related threats if possible.
- b. The Agency, Ministry and CMOH shall develop formal mutual notification protocols and processes.

### **12.2 Emergency Circumstances**

- a. In accordance with the Act, the CMOH may issue written directives to the Agency in an emergency or outbreak situation that has health implications. Through such directives, the CMOH may activate the Agency's participation in emergency or outbreak situations that has health implications. The Agency shall operate within the established Ministry chain of command already in place in the Ministry. At the direction of the CMOH, in outbreak situations that have health

implications, the Agency may be engaged in situations such as localized outbreaks that may not be considered emergencies by definition but are deemed by the CMOH to warrant the directed involvement of the Agency.

- b. The CEO, or such other senior manager of the Agency designated by the CEO, may be invited to sit on the executive component of the Ministry Action Group of the Ministry.
- c. The Agency's role in emergency and outbreak support will be described in a protocol to be agreed to by the parties, and shall include:
  - (i) Provision of scientific and technical advice;
  - (ii) Provision of surveillance and epidemiological data and analysis in support of emergency and outbreak response;
  - (iii) Conducting research relevant to the emergency and/or outbreak; and
  - (iv) Provision of field support.
- d. The Agency shall establish a process to offset any one-time unplanned costs that may arise where the Agency is called upon to provide support in the event of a localized or province-wide emergency or outbreak as per the direction of the CMOH. The Agency shall consider how to meet such costs from within its existing funds under its approved annual allocation to the extent reasonably possible. However, should the Agency not be able to find an adequate offset for such unplanned costs, it shall advise the Ministry in writing as soon as possible and the Ministry and the Agency shall work together to take any necessary steps to meet the financial requirement. The Ministry undertakes to consider with TB/MBC whether an alternative funding model should apply to the Agency in case of emergencies or outbreaks.

### **12.3 Redeployment**

- a. On written direction of the CMOH in an emergency or outbreak situation that has health implications, the CEO shall order that some or all of the Agency's staff who are properly qualified be formally redeployed in order to provide identified operational support.

### **12.4 Communications during Ministry Activation**

- a. All communications in emergency or outbreak situations that have health implications shall be set out through the chain of command established in the Ministry.



- b. The Agency, at the request of the Ministry through the CMOH, shall provide scientific and technical support and information and shall prepare support materials for technical directives when required.
- c. Communication with third parties and the public shall be through the Ministry. The Agency when requested shall provide technical and scientific expertise required for communications and provide such additional support as may be agreed to by the CMOH and the Agency. The Ministry response line shall direct calls to the Agency when its technical and scientific expertise is required.

## **13. Administrative Arrangements**

### **13.1 Applicable TB/MBC and Ministry of Finance Directives**

- a. The Chair is accountable to the Minister for ensuring that the Agency operates in accordance with all applicable TB/MBC, and Ministry of Finance directives, as well as applicable Ministry financial and administrative policies and procedures that have been provided to the Agency. Appendix 1 to this MOU provides a list of applicable directives and policies and identifies certain statutes of particular application.
- b. The parties acknowledge the application of the Management and Use of Information and Information Technology Directive ("I&IT Directive") to the Agency and commit to working with the Health Services I&IT Cluster to mutually develop a process that will clarify the continued implementation of the I&IT Directive at the Agency and updating this MOU as may be necessary.
- c. The Chair is accountable to the Minister for 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.
- d. The Chair is accountable to the Minister for ensuring that clear expectations are established for transfer payment recipients, and for ensuring effective diligence when setting up and monitoring transfer payment contracts to ensure public services are delivered, commitments are fulfilled and the right controls are in place to ensure the prudent use of taxpayers' money.
- e. The Agency shall develop intellectual property policies that cover the holding of intellectual property, which are consistent with the principles of the Managing, Distributing and Pricing Government Information (Intellectual Property) Directive.

## **13.2 Legal Services**

- a. The Agency requires legal services. These services are to be provided in accordance with the Ministry of the Attorney General's Corporate Operating Policy on Acquiring and Using Legal Services.

## **13.3 Freedom of Information and Protection of Privacy**

- a. The CEO is the institution head for the purposes of the *Freedom of Information and Protection of Privacy Act*.
- b. The Agency is a health information custodian under the *Personal Health Information Protection Act, 2004*.

## **13.4 Records Management**

- a. The Agency shall have in place a system for the creation, collection, maintenance and disposal of records.
- b. The Chair is accountable to the Minister for ensuring that the Agency complies with the TB/MBC Management of Recorded Information Directive.
- c. The Chair accountable to the Minister for ensuring that the Agency complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.

## **13.5 Sharing Data and Information Systems**

- a. The Agency shall, at the request of the Minister or the Deputy Minister and as permitted by law, supply specific data and other information that may be required from time to time for the purposes of Ministry administration.
- b. To enable the Agency to fulfill its mandate, the Agency requires access to public health information held by the Ministry, by other ministries and in other locations. The Ministry, through the CMOH, shall make such information available to the Agency in a timely manner to the extent the information is under the control of the Ministry and as permitted by law, and shall work with the Agency and other parties to facilitate Agency access to public health information from sources other than the Ministry.
- c. Without limiting the generality of the foregoing, the Ministry shall provide to the Agency, as soon as reasonably possible, any report submitted by

a medical officer of health to the Ministry under the *Health Protection and Promotion Act* or any regulation thereunder pertaining to matters relevant to the functions of the Agency.

- d. In developing its information systems, the Agency shall align with the provincial e-health strategy as available and feasible.

### **13.6 Client/Customer Service**

- a. The Chair will ensure that the Agency delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive.
- b. The Agency will have in place a formal process for responding to complaints about the quality of services received by clients of the Agency consistent with the government's service quality standards.
- c. The Agency's annual business plan will include performance measures and targets for service and the Agency's response to complaints.

### **13.7 Joint Liaison Committee**

- a. The parties shall continue the joint liaison committee to address issues of mutual interest as the parties may determine from time to time. The committee shall be chaired by the CMOH and the CEO of the Agency and shall be composed of senior representatives of the Ministry and the Agency as determined by each party respectively.

### **13.8 Real Property/Facilities and I&IT Support Services**

- a. The Agency receives real property/facilities and I&IT support services from Infrastructure Ontario and Health Services I&IT Cluster and the Infrastructure Technology Services (ITS) of the government respectively pursuant to service level agreements that the Agency has negotiated with those entities. The Ministry recognizes the Agency's position that the service level agreements should be based on the following principles: value for money, accountable use of public funds, performance based standards that take into account the Agency's unique nature in providing highly specialist laboratory and applied public health research, and protection of personal health information.

## **14. Financial Arrangements**

### **14.1 Funding**

- a. The Agency is funded from the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislative Assembly, unless provided otherwise.
- b. The Agency will prepare estimates of the Agency's expenditures for inclusion in the Ministry's multi-year fiscal plan and deliver these estimates to the Ministry in sufficient time to be analyzed and approved by the Minister.
- c. The estimates provided by the Agency may, after appropriate consultation with the Agency, be altered as required.
- d. In accordance with the Act, the Agency shall have the authority to:
  - (a) Make banking arrangements, including credit cards;
  - (b) Issue cheques; and
  - (c) Hold third party funds.
- e. The Agency shall segregate in its accounts all third party funds as identified in subsection 14.1d(c) above so that their receipts and expenditures are managed and reported separately from those funds transferred to the Agency from the Ministry.
- f. When ordered to do so by the Minister of Finance, pursuant to Subsection 16.4 (2) of the *Financial Administration Act*, the Agency shall pay into the Consolidated Revenue Fund any money that the Minister of Finance determines is surplus to its requirements.
- g. Pursuant to Section 28 of the *Financial Administration Act*, the Agency shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities of the Government of Ontario without the written approval of the Minister of Finance. The Minister's approval is required before seeking statutory approval from the Minister of Finance.
- h. Financial procedures of the Agency must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.
- i. If operational issues arise which may adversely impact the Agency's ability to operate within its approved annual operating budget, and the

Agency wishes to seek consideration for Ministry funding in excess of the agreed upon operating budget for that fiscal year, the Agency shall, as soon as feasible after discovery of the unplanned service change or operational issue, provide the Ministry with written information respecting the nature, scope and costs involved to address such unplanned service change or operational issue. The Ministry agrees to review the information provided to determine how such unplanned service change or operational issue could be addressed and funded.

- j. The Ministry and the Agency agree to establish an effective process for addressing in year emerging requirements that will impact other annual business plan activity commitments/deliverables within the context of the Agency's approved annual operating budget.
- k. As permitted by the Act and applicable federal law, the Agency may accept charitable donations or receive legacies, bequests or endowments from private sources and issue charitable tax receipts. The parties acknowledge that any fundraising activities shall be only for the purpose of furthering the objects of the Agency and as set out in the Agency's approved business plan.
- l. If the Agency receives confirmation of funding approval for its core science or laboratory programs and activities from other provincial government ministries or broader public sector entities, the Agency shall provide the Ministry with notice as soon as reasonably possible.

#### **14.2 Financial Reports**

- a. The Agency will provide to the Ministry audited annual financial statements, and will include them as part of the Agency's annual report. The statements will be provided in a format that is in accordance with the province's stated accounting policies issued by the Office of the Provincial Controller.
- b. The Agency will provide the Ministry with all other financial reports as set out in the Funding Agreement between the Ministry and Agency, as amended or updated from time to time.
- c. The Agency will submit to the Ministry of Finance its salary information according to the *Public Sector Salary Disclosure Act, 1996*.

#### **14.3 Taxation Status: Harmonized Sales Tax (HST)**

- a. The Agency receives a rebate under the Comprehensive Integrated Tax Coordination Agreement between the Province and the Government of Canada.

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

### **15.1 Audits**

- a. The Agency is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act* or by the Ontario Internal Audit Division.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so by the Ministry's Audit Committee or by the Corporate Audit Committee.
- c. Regardless of any annual external audit, and in accordance with the Act, the Minister may direct that the Agency be audited at any time.
- d. The results of any audit conducted by either the Ministry or Government staff, or both, shall be shared with the Board and with the Minister in relation to any material audit. The Board, through the Chair, shall be afforded an opportunity to enter comments into the audit record.
- e. The Board, through the Chair, shall provide a copy of its response to the auditor's management letter to the Minister and the Minister of Finance within thirty (30) days of the Board's receipt of the audit report.
- f. The Agency will provide a copy of every report from an audit to the Minister and the Minister of Finance within five (5) days of receipt of the audit report. The Agency will also provide a copy of its response to the audit report and any recommendations therein. The Agency will advise the Minister annually on any outstanding audit recommendations.
- g. The Chair may request an external audit of the financial transactions or management controls of the agency at the agency's expense.

## **16. Staffing and Appointments**

### **16.1 Staffing**

- a. The Agency's employees are appointed and selected by the CEO, and without limiting the Agency's ability to hire such employees as are considered necessary for its business, employees may be appointed or transferred to the Agency under the *Public Service of Ontario Act, 2006*.
- b. The Agency may enter into arrangements (e.g. consultants, cross-appointments) with persons other than those appointed under clause 16.1 a, above, to provide professional, technical or other assistance to or

on behalf of the Agency, and the Agency may prescribe their duties and other terms of engagement and provide for payment of their remuneration and expenses.

- c. In developing its own human resources policies and practices, the Agency shall reflect the principles of the *Public Service of Ontario Act*, 2006.

## **16.2 Appointments**

- a. The members of the Agency are appointed by the Lieutenant Governor in-Council on the recommendation of the Minister pursuant to section 9 of the Act.
- b. The Chair is designated by the Board from among the Appointees pursuant to section 10(2) of the Act.

## **17. Agreements with Others**

- a. The Agency may only enter into agreements with other ministries of the Government, other governments, universities, hospitals, research, planning bodies, other health and social service agencies or any other person that are consistent with the Agency's objects.
- b. On request, the Agency shall provide the Minister with copies of any written agreements entered into by the Agency, within reasonable timelines set by the Minister.

## **18. Liability Protection and Insurance**

- a. Unless the Ministry advises that the Agency shall be covered by government or self-insurance arrangements, the Agency shall put into effect and maintain insurance coverage that is satisfactory to the Ministry. This insurance coverage shall cover the period in which the MOU is in effect and be purchased from insurers licensed to underwrite policies of insurance in Ontario.
- b. In accordance with subsection 9(7) of the Act, section 136 of the *Business Corporations Act* applies, with necessary modifications, to the Agency, its Board and its officers. When providing an indemnity under section 136 of the *Business Corporations Act*, the Agency acknowledges that approval of the Minister of Finance under section 28(1) of the *Financial Administration Act* may be required, and if so, it will work with the Ministry to obtain such approval.

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

### **19.1 Effective Date of MOU**

- a. This MOU becomes effective on the date it is signed by the Minister.
- b. This MOU will continue in effect unless and until it is replaced by a new MOU as a result of a significant change in the Agency's mandate, governance structure or powers.
- c. If a new Minister or Chair takes office, the Minister and Chair must both 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 and Chair must be provided to the Secretary, Management Board of Cabinet within six months of the new party or parties' commencement.
- d. Either the Minister or Chair 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 Agency's mandate, powers or governance structure as a result of an amendment to the Act.

### **19.2 Reviews**

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




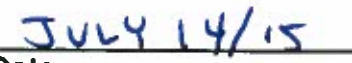
- d. The Agency shall undertake external third party reviews of its operations every five years in order to evaluate whether its operations are fulfilling its mandate.

## 20. Signatures

  
\_\_\_\_\_  
Chair  
**Ontario Agency for Health Protection  
and Promotion**

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Minister  
**Ministry of Health  
and Long-Term Care**

  
\_\_\_\_\_  
Date

## **Appendix 1: Applicable TB/MBC and Ministry of Finance Directives and Statutes of Particular Application**

1. The following TB/MBC and Ministry of Finance directives, guidelines, and policies apply to the Agency:

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| • Accountability Directive   |
| • Advertising Content Directive  |
| • Agencies and Appointments Directive  |
| • Travel, Meal and Hospitality Expenses Directive  |
| • Delegation of Authority Key Directive  |
| • Internal Audit Directive   |
| • Realty Directive, including: <ul style="list-style-type: none"> <li>▪ Realty Policy</li> <li>▪ Accommodation Space Policy</li> </ul> |
| • Transfer Payment Accountability Directive  |
| • Visual Identity Directive  |
| • Perquisites Directive  |
| • Accounting Advice Directive  |
| • Cash Management Directive  |
| • Indemnification Directive  |
| • Communications in French Directive   |
| • Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services                               |
| • Government Publications Directive  |
| • Management and Use of Information and Information Technology Directive <sup>1</sup>  |
| • MBC Procurement Directive  |
| • Capital Expenditure Evaluation Directive   |
| • Internal Controls Management Directive   |
| • Expenditure Management Directive   |
| • Business Planning and Allocations Directive  |
| • MBC Disclosure of Wrongdoing Directive (Employees / appointees of  |

<sup>1</sup> The parties acknowledge the application of the Management and Use of Information and Information Technology Directive ("I&IT Directive") to the Agency and commit to working with the Health Services I&IT Cluster to mutually develop a process that will clarify the continued implementation of the I&IT Directive at the Agency and updating this MOU as may be necessary.

|  |
|--|
| public bodies)   |
| • Corporate Policy on Protection of Personal Information   |
| • Corporate Record Keeping Policy  |
| • Privacy Impact Assessment Guidelines   |
| • All relevant Corporate Financial Policies, Practices and Guidelines (Ministry of Finance) <sup>2</sup> |

2. The Ministry will inform the Agency as soon as is reasonably possible of amendments or additions to directives, policies and guidelines that apply to the agency; however, the Agency is responsible for complying with all directives, policies and guidelines to which it is subject.

3. The Agency is:

- a 'public entity' under the *Financial Administration Act*,
- a 'government agency' under the *French Language Services Act*,
- a 'public body' under the *Public Service of Ontario Act, 2006*,
- an 'institution' under the *Freedom of Information and Protection of Privacy Act*, and
- Is subject to the *Pay Equity Act*, *Accessibility for Ontarians with Disability Act, 2005* and *Archives and Recordkeeping Act, 2006*.

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<sup>2</sup> The Ministry and Agency will engage in discussions to determine the applicability of any particular Ministry of Finance Corporate Financial Policy, Practice or Guideline.

## **Appendix 2: Public Communications Protocol**

**Information Exchange, Communications and Issues Management Protocol between the Ministry of Health and Long-Term Care (Ministry) represented by Communications Marketing Division (CMD) and the Ontario Agency for Health Protection and Promotion (OAHPP).**

**General Agreement.** The parties recognize that the timely exchange of information and consultation is essential to success in discharging their respective roles, responsibilities and accountabilities.

1. The Ministry acknowledges that OAHPP has consistently developed, with the Ministry, a productive and collaborative approach to communications, issues and crisis management. The purpose of this Appendix 2 is to facilitate and ensure effective collaboration in the development and coordination of public communications and major stakeholder relations communications and issues impacting OAHPP and the Ministry. During Ministry Activation, all communications in emergency or outbreak situations that have health implications shall be set out through the chain of command established in the Ministry. To this end, OAHPP and CMD will work together in an ongoing and systematic manner to ensure effective and coordinated communications planning and implementation, that is efficient, accommodates the nature of OAHPP's work and enables OAHPP to fulfill its mandate. It is with this understanding that the parties have agreed to this Appendix
2. Where the term "major" is used in this Appendix 2, it is intended to refer to products, plans, reports, activities and other matters, as the case may be, (i) that respond or are directed to the media or that are likely to draw media attention; and (ii) that may be high profile with public or health care providers; and/or (iii) are likely to be contentious.

**Communications between Agency and Ministry.** Communications between the OAHPP and the CMD regarding matters that fall within this protocol will be between the Chief Public Affairs Officer and the Assistant Deputy Minister of CMD (or their respective designates). These parties (or their designates) will liaise on activities to which this Appendix 2 applies.

**Advertising, Marketing, Communications, Public Relations and Positioning.** Major OAHPP communications products and plans, including

positioning statements and key messaging, will be shared in advance with the CMD as set out in this Appendix 2, to enable alignment and coordination with the government's overall communications objectives, strategies and key messages. These products and plans, as included under Content and Timing of Communications are subject to review by the Ministry.

**Acquisition and Retention of Communications Services** The acquisition of communications services by the OAHPP shall be conducted in accordance with the Advertising Content Directive and Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services. Communications services include vendors providing advertising, creative, public relations, or media buying services. The OAHPP will engage and retain any communication services vendor in accordance with the established Advertising Review Board processes and guidelines. In all those cases, the Government of Ontario communications protocols (i.e. Advertising Review Board (ARB) criteria, the Government Advertising Act, the Visual Identity Directive (including the Visual Identity System as outlined by Cabinet Office) and the requirement of sourcing to ARB vendors of record) will apply. The Ministry will notify the OAHPP of all such protocols that are not part of the listed Directives.

**Communications Planning.** The OAHPP shall develop and adopt a Communications Plan each year as part of the OAHPP's Annual Business Plan submission to the Ministry and will be subject to the same approval process governing the Annual Business Plan.

**Consistent with Annual Business Plan,** The OAHPP will make best efforts to ensure that all major products arising from the Communications Plan will be in keeping with the plan in the Annual Business Plan.

**Market Research.** The OAHPP will comply with the Procurement Directive and any relevant Vendor of Record rules when procuring market research. In addition, the OAHPP will seek approval from CMD of a business case for any market research in advance of any research expenditures. The OAHPP will provide to CMD, in a timely manner, the results of any public, health care provider, or other market research activities of the OAHPP relating to measurement or evaluation of campaigns or programs or concerning the development of communications plans or strategies.

**Evaluation.** The OAHPP will provide CMD with performance data and evaluation reports relating to communication programs, plans and activities, as may be requested by the Ministry.

## Implementation Operations

**Notification of CMD.** The OAHPP's Chief Public Affairs Officer (or designate) will:

- (a) Keep the Assistant Deputy Minister of CMD (or designate) fully apprised of major developments and issues that are likely to be contentious as soon as reasonably possible as outlined in the timelines below to enable appropriate government review and response;
- (b) Keep the Assistant Deputy Minister of CMD (or designate) apprised of any news release or other planned media communications within the timelines set out below under "*Content of Timing and Communications*"; and
- (c) Be accountable for notifying CMD of issues as soon as reasonably possible after these come to the attention of the OAHPP.

**Notification of OAHPP.** The CMD will:

- (a) Keep the agency apprised of developments and issues as appropriate, as outlined in the timelines below to ensure appropriate OAHPP review and response; and
- (b) Provide required feedback to the OAHPP in a timely fashion and as soon as possible or as agreed upon at the time of notification.

**Publications and Web Design.** The OAHPP's communications activities and branding as well as print and web-based publications (e.g., reports) and communications products (e.g., brochure, advertisement) shall be developed and managed in accordance with this Appendix 2 and any applicable directives of the Government of Ontario including the Visual Identity Directive, the Accessibility for Ontarians with Disabilities Act and the French Language Services Act.

**Consultation with/reporting to the Ministry.** As set out in this Appendix 2 and otherwise in this MOU, the OAHPP shall inform CMD and provide for review public communication strategies for major communications relating to health service provider outreach activities and the release of major publications.

**Reasonable Advance Notice.** The OAHPP and the CMD, as well as Public Health Division (PHD) and Health Promotion Division (HPD), where applicable, shall provide each other with advance notice on the content and timing of any public announcement, news release or media communication for review.

**Urgent or Emerging Issues.** During Ministry Activation, all

communications in emergency or outbreak situations that have health implications shall be set out through the chain of command established in the Ministry.

**Content and Timing of Communications.** The CMD shall provide the OAHPP with advance notice of the content and timing of all communications that are relevant to the work of the OAHPP. The OAHPP will provide CMD as well as PHD and HPD, where applicable, with advance notice as noted below, unless otherwise agreed to prior to release or implementation:

- a) News releases- identify as "DRAFT" as soon as reasonably possible, identify as "FINAL" and share materials 5 working days before release for review;
- b) Major web designs- 10 working days before launching;
- c) Major digital marketing strategy (including websites) - 10 working days prior to OAHPP briefing of CMD;
- d) Major marketing communications materials (print collateral such as pamphlets, posters) - 10 working days prior to production and 20 working days prior to public release;
- e) Articles such as in trade publications (magazines, newsletters) immediately upon acceptance and as far in advance of publication as possible.
- f) Recommended advertising creative -15 working days prior to voluntary submission to the Office of the Auditor General of Ontario ("OAGO"); or in the case of web, internet or social media prior to final production;
- g) Recommended media buying plan - 10 working days prior to submission to OAGO and before any media expenditures have been undertaken;
- h) Plans for major advertising campaigns (including media strategy) 15 working days prior to production;
- i) Market research business case for approval- 20 working days prior to the issuing of a Request for Services to suppliers on the government's vendor of record list.
- j) Publication and Published Research – for public release of publications and published research, including reports and accepted manuscripts, a notice shall be given immediately upon acceptance and as far in advance of publication as possible.

**Notice of Consultations.** The OAHPP and the CMD, as well as PHD and HPD where applicable, shall each ensure that it notifies the other party when either of them undertakes public consultations that are related to the mandate of the OAHPP.

**Results of Consultations.** The OAHPP and the CMD, as well as PHD and HPD where applicable, shall each inform one another of the results of stakeholder and public consultations and discussions and will seek input into plans to implement same.

**Review of Paid Advertising**

Major advertising plans must be reviewed in advance by the CMD prior to creative development and/or the purchase of media, to ensure compliance with the Government Advertising Act, 2004 and its regulations, as amended (the "GAA") and any applicable communications-related directive.

**Review under GAA.** If an item is deemed reviewable under the Government Advertising Act, the CMD will manage the submission with the OAGO on behalf of the OAHPP, using the protocols established for submission. The OAGO requires seven business days from receipt to review submissions. CMD requires 3 business days to review the submission.

Agency advertising is deemed reviewable if the following 3 conditions apply:

Government provides funding for advertising  
+  
Government logo appears on the ad  
+  
Government approves the content

**Acknowledgement of Ministry.** The OAHPP shall acknowledge the financial support of the Government through the Ministry in all its financial, educational and promotional and communications materials and reports in accordance with the Directives, and the Visual Identity Directive of the Government of Ontario.

**Principal Media Focus.** The OAHPP will act as the principal media focus for OAHPP initiatives, but will require approval from the Ministry prior to any media outreach or activity on initiatives that are led by the Ministry or jointly-led by the Ministry and OAHPP.

**Duty to Respond.** The OAHPP will respond to public inquiries, complaints and concerns with respect to the activities and operations of the OAHPP and will report any major potential or foreseeable issues to CMD.

**Dispute Resolution.** If a dispute arises in connection with this Protocol,



the parties agree to pursue resolution through negotiation. If the parties do not resolve some or all of the dispute through negotiation, the dispute shall be referred to the Joint Liaison Committee for resolution.

**Conflict Between MOU and Appendix 2.** In the event of any conflict or inconsistency between the provisions of this Appendix 2 and the body of the MOU, the provisions of the MOU shall prevail and govern to the extent of such conflict or consistency.

