

**Memorandum of Understanding**  
**Between**  
**Minister of Education**  
**and**  
**Chair of Education Quality and Accountability Office**

October 2020

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The parties to this memorandum of understanding agree to the following:

## 1. Purpose

- a. The purpose of this memorandum of understanding (MOU) is to:
  - Establish the accountability relationships between the Minister of Education and the Chair of the Education Quality and Accountability Office on behalf of the agency
  - Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, the agency CEO, and the agency's board of directors
  - Clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the Education Quality and Accountability Office and the Ministry of Education.
- b. This MOU should be read together with the *Education Quality and Accountability Office Act, 1996*. This MOU does not affect, modify or limit the powers of the agency as set out under the *Education Quality and Accountability Office Act, 1996*, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. This MOU replaces the memorandum of understanding between the parties dated September 30, 2013.

## 2. Definitions

In this MOU:

- a. "AAD" means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive;
- b. "Act" means the *Education Quality and Accountability Office Act, 1996*, S.O. 1996, c. 11 that governs the agency;
- c. "Agency" or "provincial agency" means the Education Quality and Accountability Office (EQAO);
- d. "Annual Business Plan" means the annual business plan described under article 10.1 of this MOU.
- e. "Annual Report" means the annual report referred to in article 10.2 of this MOU.
- f. "Applicable Government Directives" means the government directives, policies, standards and guidelines that apply to the agency, as may be amended or replaced from time to time, which are listed in Appendix 2 to this MOU.
- g. "Appointee" means a member appointed to the agency by the Lieutenant Governor in Council, but does not mean an individual employed or appointed by the agency as staff;

- h. “Board” means the board of directors of the Education Quality and Accountability Office;
- i. “CEO” (as appropriate) means the Chief Executive Officer of the agency;
- j. “Chair” means the Chair of the Education Quality and Accountability Office;
- k. “Constituting instrument” means the Act that established the agency;
- l. “CSC” means the Community Services I&IT Cluster;
- m. “Deputy Minister” means the Deputy Minister of Education;
- n. “Executive Council Act” means the *Executive Council Act*, R.S.O. 1990, c. E. 25, as amended;
- o. “FIPPA” means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c.F.31, as amended.
- p. “Fiscal Year” means the period from April 1 to March 31;
- q. “Government” means the Government of Ontario;
- r. “ITS” means Infrastructure Technology Services;
- s. “MBC” means the Management Board of Cabinet;
- t. “Member” means a member of the board of directors of the Education Quality and Accountability Office;
- u. “Minister” means the Minister of Education or such other person who may be designated from time to time as the responsible Minister in relation to this MOU in accordance with the *Executive Council Act*, R.S.O. 1990, c.E.25, as amended;
- v. “Minister of Finance” means the Minister of Finance or such other person who may be designated from time to time under the Executive Council Act;
- w. “Ministry” means the Ministry of Education or any successor to the ministry;
- x. “MOU” means this memorandum of understanding signed by the Minister and the Chair;
- y. “President of the Treasury Board” means this President of the Treasury Board of such other person who may be designated from time to time under the Executive Council Act;
- z. “PSC” means the Public Service Commission;
- aa. “PSOA” means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A, as amended;
- bb. “TBS” means the Treasury Board Secretariat;
- cc. “TB/MBC” means the Treasury Board/Management Board of Cabinet;

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

- a. The legal authority of the Education Quality and Accountability Office is set out in the *Education Quality and Accountability Office Act, 1996*, S.O. 1996, c. 11.

- b. The provincial agency's mandate is set out in the *Education Quality and Accountability Office Act, 1996*, S.O. 1996, c. 11, which states that the agency's objects are:
- To evaluate the quality and effectiveness of elementary and secondary school education.
  - To develop tests and require or undertake the administering and marking of tests of pupils in elementary and secondary schools.
  - To develop systems for evaluating the quality and effectiveness of elementary and secondary school education.
  - To research and collect information on assessing academic achievement.
  - To evaluate the public accountability of school boards and to collect information on strategies for improving that accountability.
  - To report to the public and the Minister of Education on the results of tests and generally on the quality and effectiveness of elementary and secondary school education and on the public accountability of school boards.
  - To make recommendations, in its reports to the public and to the Minister of Education, on any matter relating to the quality or effectiveness of elementary and secondary school education or to the public accountability of school boards.
  - To develop examinations relating to proficiency in mathematics for the purposes of clause 18(1)(c) of the *Ontario College of Teachers Act, 1996* and to mark completed examinations.
  - To conduct research and collect information in order to assess the ability and confidence of individuals writing the examinations relating to proficiency in mathematics for the purposes of clause 18(1)(c) of the *Ontario College of Teachers Act, 1996*.

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

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

## 5. Corporate Status and Crown Agency Status

- a. The agency is a Crown agency within the meaning of the *Crown Agency Act*.
- b. The *Corporations Act* and *Corporations Information Act* do not apply to the provincial agency, except as specifically made applicable by the Act.
- c. Sections 132 and 136 of the *Business Corporations Act* apply with necessary modifications to the provincial agency and to its directors and officers.
- d. The provincial agency has the capacity, rights, power and privileges of a natural person for carrying out its objects, subject to the limitations placed upon it under the Act and/or limitations imposed by Treasury Board/Management Board of Cabinet.

## 6. Guiding Principles

The parties agree to the follow principles:

- a. The Minister recognizes that the agency exercises powers and performs duties in accordance with its legal mandate under the Act.
- b. The Minister recognizes that the agency plays a meaningful role in the development of the policies and programs of the Government of Ontario, as well as in the implementation of those policies and delivery of programs.
- c. The board of directors acknowledge that it is accountable, through the Minister, to the Legislative Assembly in exercising its mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the agency. The board of directors acknowledges that it is accountable to the Minister, through the Chair, for governance and oversight of the agency.
- d. As an agency of the Government, the agency conducts itself according to the management principles of the Government. These principles include ethical behaviour; prudent, effective and lawful use of public resources; fairness; high quality service to the public; and openness and transparency to the extent allowed under the law. The Minister and the board of directors, through the Chair are committed to a strong agency that is empowered to fulfill its statutory mandate efficiently and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the agency and fulfillment of its statutory responsibilities.
- e. The Minister will keep the Chair informed in regard to the ministry's development of curriculum, assessment and reporting policies so that the agency can effectively co-ordinate assessment programs.
- f. In consultation with the Chair, the Minister shall determine provincial participation, if any, in national and international assessments and educational surveys.

- g. The Minister or, with the Minister's approval, the Deputy Minister will represent the government at interprovincial meetings. At the request of the Minister, the Chair will provide representation at such meetings.
- h. The agency and the ministry agree to avoid duplication of services wherever possible. The agency and ministry will work together to identify opportunities for efficiencies in back office/corporate support functions.
- i. The agency, ministry, CSC, and ITS will collaborate to implement and maintain a stable, secure digital environment, including adequate cyber-risk protection through the appropriate service-level agreements.
- j. The agency and the ministry will work together in a mutually respectful manner.

## **7. Accountability Relationships**

### **7.1 MINISTER**

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for the agency's fulfilment of its mandate and its compliance with government policies, and for reporting to the Legislative Assembly on the agency's affairs.
- b. For reporting and responding to Treasury Board/Management Board of Cabinet on the agency's performance and compliance with government's applicable directives and operational policies.
- c. To the Cabinet for the performance of the agency and its compliance with the government's operational policies and broad policy directions.

### **7.2 CHAIR**

The Chair, acting on behalf of the board of directors, is accountable:

- a. To the Minister for the agency's performance 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, PSC and government 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.
- d. To the Minister to confirm the agency's compliance with legislation, directives, and accounting and financial policies.

### **7.3 BOARD OF DIRECTORS**

The board of directors is accountable, through the Chair, to the Minister for the oversight and governance of the agency; setting goals, objectives and strategic direction for the agency within



its mandate; and for carrying out the roles and responsibilities assigned to it by the Act, this MOU, and applicable TB/MBC, PSC and other government directives.

#### **7.4 DEPUTY MINISTER**

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, this MOU, and applicable TB/MBC, PSC and government directives.

The Deputy Minister is also accountable for attesting to TB/MBC on the agency's compliance with applicable TB/MBC directives.

#### **7.5 CHIEF EXECUTIVE OFFICER (CEO)**

The CEO is accountable to the board for the management and administration of the agency, the supervision of agency staff, and carrying out the roles and responsibilities assigned by the board, the agency's constituting instrument, this MOU and government directives. The CEO works under the direction of the Chair to implement policy and operational decisions. The CEO reports the agency's performance results to the board, through the Chair.

As a Lieutenant Governor in Council appointee, the CEO is also accountable through the Minister to Cabinet.

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

#### **8.1 MINISTER**

The Minister is responsible for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the agency.
- b. Reporting and responding to TB/MBC on the agency's performance and compliance with applicable TB/MBC directives, the government's operational policies and policy directions.
- c. Recommending to TB/MBC, where required, the merger, any change to the mandate, or dissolution of the agency.
- d. Recommending to TB/MBC the powers to be given to, or revoked from, the agency when a change to the agency's mandate is being proposed.
- e. Meeting with the Chair to discuss issues relating to the fulfilment of the agency's mandate.
- f. Working with the Chair to develop appropriate measures and mechanisms related to the performance of the agency.
- g. Reviewing the advice or recommendation of the Chair on candidates for appointment or re-appointment to the board.

- h. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the agency, pursuant to the process for agency appointments established by legislation and/or by MBC through the AAD.
- i. Determining at any time the need for a review or audit of the agency, directing the Chair to undertake reviews of the agency on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the agency resulting from any such review or audit.
- j. When appropriate or necessary, taking action or directing that the agency take corrective action with respect to the agency's administration or operations.
- k. Receiving the agency's annual report and approving the report within 60 calendar days of receiving it.
- l. Tabling the annual report within 30 calendar days of approving it.
- m. Ensuring that the agency's annual report is made available to the public after it is tabled and within 30 calendar days of approving it.
- n. Informing the Chair of the government's priorities and broad policy directions for the agency.
- o. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the government is considering regulatory or legislative changes for the agency.
- p. Developing the agency's MOU with the Chair, as well as any amendments to it, and signing the MOU into effect after it has been signed by the Chair.
- q. Reviewing and approving the agency's annual business plan.
- r. Recommending to TB/MBC any provincial funding to be allocated to the agency.
- s. Outlining the high-level expectations, key commitments and performance priorities for the agency at the beginning of the annual business planning cycle through the agency mandate letter.
- t. Determining and communicating to the board the policy parameters within which the agency is required to operate including:
  - provincial educational policies and initiatives, including but not limited to those concerning curriculum, standards, and assessment for English and French language education;
  - provincial participation in national and international assessments and educational surveys and other initiatives;
  - other government priorities to be addressed in the agency's Annual Business Plan.

## **8.2 CHAIR**

The Chair is responsible for supporting the board of directors by:

- a. Providing leadership to the agency by working with the board of directors to set the goals, objectives and strategic directions within its mandate.

- b. Providing leadership to the agency's board of directors and ensuring that the board carries out its responsibilities for decisions regarding the agency
- c. Chairing board meetings, including managing the board's agenda.
- d. Reviewing and approving claims for per diems and travel expenses for appointees to the board.
- e. Seeking strategic policy direction for the agency from the Minister.
- f. Ensuring timely communications with the Minister regarding any issues or events that may concern or can reasonably be expected to concern the Minister in the exercise of his/her responsibilities relating to the agency.
- g. Consulting with the Minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, or on the agency's mandate, powers or responsibilities as set out in the agency's constituting instrument.
- h. Reporting to the Minister as requested on the agency's activities within agreed upon timelines, including an annual letter confirming the agency's compliance with all applicable legislation, directives, and accounting and financial policies.
- i. Ensuring that the agency operates within its approved budget allocation in fulfilling its mandate, and that public funds are used for the purpose intended with integrity and honesty.
- j. Developing the agency's MOU with the Minister, as authorized by the board, and signing it on behalf of the board.
- k. Submitting the agency's business plan, budget, annual report and financial reports, on behalf of the board, to the Minister in accordance with the timelines specified in the applicable TB/MBC and government directives, and Appendix 1 of this MOU.
- l. Providing both the Minister and the Minister of Finance and President of Treasury Board with a copy of every audit report, a copy of the agency's response to each report, and any recommendation in the report.
- m. Advising the Minister annually on any outstanding audit recommendations per direction of the board of directors.
- n. Ensuring that board members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- o. Ensuring appropriate management systems are in place (financial, information technology, human resources) for the effective administration of the agency.
- p. Seeking the direction and approval of the Minister on all major projects, business cases, and business plans before proceeding.
- q. Carrying out effective public communications and relations for the agency as its chief spokesperson.
- r. Cooperating with any review or audit of the agency directed by the Minister or TB/MBC.

- s. Fulfilling the role of ethics executive for public servants who are government appointees to 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 the directives made under that Act, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.
- t. Keeping the Minister informed of upcoming appointment vacancies and providing recommendations from the board of directors for appointments or re-appointments.
- u. Ensuring compliance with legislative and TB/MBC policy obligations.
- v. Evaluating the performance of the CEO in consultation with the board and pursuant to performance criteria established by the board and the Chair.
- w. Ensuring that the responsibilities for the institution head are carried out as set out in Regulation 460 for the purposes of FIPPA.

### **8.3 BOARD OF DIRECTORS**

The board of directors is responsible for:

- a. Establishing 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. Governing the affairs of the agency within its mandate as set out in the Act, its approved business plan as described in section 10.1 of this MOU, and the policy parameters established and communicated in writing by the Minister.
- c. Directing the development of, and approving the agency's business plans for submission to the Minister within the timelines agreed upon with the ministry or this MOU.
- d. Directing the preparation of, and approving the agency's annual reports for submission to the Minister for approval for tabling in the Legislative Assembly within the timelines established by the agency's constituting instrument 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 budget allocation.
- f. Ensuring that the agency uses public funds with integrity and honesty, 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.
- g. Ensuring that the agency is governed in an effective and efficient manner according to accepted business and financial practices, and in accordance with applicable TB/MBC directives.
- h. 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.

- i. Approving the agency's MOU, and any amendments to the MOU, in a timely manner and authorizing the Chair to sign the MOU, or any amendments to the MOU, on behalf of the agency.
- j. Approving the agency's reports and reviews that may be requested by the Minister from time to time for submissions to the Minister within agreed upon timelines.
- k. Directing the development of an appropriate risk management framework and a risk management plan and arranging for risk-based reviews and audits of the agency as needed.
- l. 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 on the Commissioner's website), are in place for the members of the board and employees of the agency.
- m. Establishing performance measures, targets and management systems for monitoring and assessing the agency's performance.
- n. Directing corrective action on the functioning or operations of the agency, if needed.
- o. Cooperating with and sharing any relevant information on any risk-based or periodic review directed by the Minister or TB/MBC.
- p. Consulting, as appropriate, with stakeholders on the agency's goals, objectives and strategic directions.
- q. Providing advice to the government, through the Minister, on issues within or affecting the agency's mandate and operations.
- r. Setting and reporting on the strategic direction for the agency according to the Minister's agency mandate letter, agency's proposed business plan, and the agency's annual report.

#### **8.4 DEPUTY MINISTER**

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the agency, including informing the Minister of policy direction, policies and priorities of relevance to the agency's mandate.
- 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 management framework or operations of the agency.
- d. Facilitating regular briefings and consultations between the Chair and the Minister, and between the ministry staff and the agency staff as needed.
- e. Attesting to TB/MBC on the provincial agency's compliance with the mandatory accountability requirements set out in the AAD and other applicable TB/MBC directives, the

government's operational policies and policy directions based on the annual letter of compliance from the Chair to the Minister.

- 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 well as any amendments to the MOU, as directed by the Minister.
- q. Consulting with the agency's Chief Executive Officer 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 or Chief Executive Officer as needed or as directed by the Minister, or on the request of the Chair or Chief Executive Officer.
- s. Arranging for administrative, financial and other support to the agency, as specified in this MOU.
- t. Reporting to TBS on the agency and ministry's compliance with the AAD, as required.
- u. Informing the Chair or Chief Executive Officer, in writing, of new government directives and any exceptions to, or exemptions in whole or in part from TB/MBC directives, government policies, or ministry administrative policies.

- v. When required, submitting a report to the Secretary of TB/MBC on the wind-down of the agency, following the disposition of any assets, completion of any outstanding responsibilities by the agency, and the termination of any appointments.

## **8.5 AGENCY CHIEF EXECUTIVE OFFICER (CEO)**

The Chief Executive Officer is responsible for:

- a. Managing the day-to-day operational, financial, analytical, and administrative affairs of the agency in accordance with the mandate of the agency, TB/MBC and government directives, accepted business and financial practices, and this MOU.
- b. Advising the Chair on the requirements of and the agency's compliance with the AAD, as well as other TB/MBC and government directives and policies, and agency by-laws and policies, including annually attesting to the Chair on the agency's compliance with mandatory requirements.
- c. Applying policies and procedures so that public funds are used with integrity and honesty.
- d. Providing leadership and management to the agency staff, including human and financial resources management, in accordance with the approved business plan, accepted business and financial practices and standards, the agency's constituting instrument, and government directives.
- e. Establishing and applying a financial management framework for the agency in accordance with applicable Minister of Finance/Treasury Board 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, through the Chair, informed with respect to implementation of policy and the operations of the agency.
- i. Establishing and applying systems to ensure that the agency operates within its approved business plan.
- j. Establishing and applying the agency's risk management framework and risk management plan in place as directed by the Chair and board.
- k. Supporting the Chair and board in meeting their responsibilities, including compliance with all applicable legislation, directives, policies, procedures and guidelines.
- l. Carrying out in-year monitoring of the agency's performance and reporting on results to the board and Chair.
- m. Keeping the ministry and the Chair advised on issues or events that may concern the Minister, the Deputy Minister and the Chair in the exercise of their responsibilities.

- n. Seeking support and advice from the ministry, as appropriate, on agency management issues.
- o. Establishing and applying a system for the retention of agency documents and for making such documents publicly available when appropriate, for complying with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act* where applicable.
- 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 services providing by the ministry, and on TB/MBC and government directives and ministry policies.
- r. Cooperating with a 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.
- t. 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.
- u. Keeping the board, through the Chair, informed about operational matters.
- v. Preparing the agency's annual reports and business plans as directed by the board.
- w. Preparing financial reports for approval by the board.
- x. Preparing, for approval by the board, a performance review system for staff and implementing the system.
- y. Attesting to the compliance of the agency to applicable directives and policies and support the board of directors to provide the statement of compliance of the agency.
- z. Managing the agency's relationship with bargaining agents and ensuring compliance with relevant collective agreements.
- aa. Representing the board to both the English- and French-language elementary and secondary education systems and the public in keeping with the objectives of the agency.

## 9. Ethical Framework

The members of the board who are appointed by the Lieutenant Governor in Council are subject to the conflict of interest provisions of the AAD and the conflict of interest provisions of the PSOA and its regulations.

Board members shall not use any information gained as a result of their appointment to or membership on the board for personal gain or benefit. A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter before the board, or a committee of the board, shall disclose the nature of the conflict to the Chair at the first opportunity and shall



refrain from further participation in the consideration of the matter. The Chair shall cause to be recorded in the minutes of the meeting of the board any declared conflicts of interest.

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

The Chief Executive Officer, as the ethics executive for the staff of the agency other than appointees, is responsible for ensuring that 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.

## **10. Reporting Requirements**

### **10.1 BUSINESS PLAN**

- a. The Chair will ensure that the Minister is provided annually with the agency's business plan covering a minimum of three (3) years from the upcoming fiscal year, which includes a financial budget and a risk assessment and management plan, for approval by the Minister. The annual business plan shall be in accordance with the requirements set out in the AAD.
- b. The annual business plan is to be submitted to the ministry's chief administrative officer or designated equivalent within three months prior to the agency's fiscal year start.
- c. The Chair is responsible 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 targeted results and timeframes.
- d. The Chair will ensure that the business plan includes a risk assessment and risk management plan to assist the ministry in developing its risk assessment and risk management plan information in accordance with the requirements of the AAD to assess risks, develop and maintain necessary records, and report to TB/MBC.
- e. The Chair will ensure that publicly posted business plans do not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the agency.
- f. The Minister will review the agency's annual business plan and will promptly advise the Chair whether or not he/she concurs with the directions proposed by the agency. The Minister may advise the Chair where and in what manner the agency's plan varies from government or ministry policy or priorities as may be required, and the Chair, on behalf of the board of directors, will revise the agency's plan accordingly. Business plans are only to be considered valid once the responsible Minister has approved the plan and the approval has been expressed in writing.

- g. In addition, TB/MBC may require the Minister to submit the agency's business plan to TB/MBC for review at any time.
- h. The Chair, through the CEO, will ensure that the Minister-approved business plan is made available to the public in an accessible format, in both official languages, on the agency website within 30 calendar days of the Minister's approval of the plan.

## **10.2 ANNUAL REPORTS**

- a. The Chair is responsible for ensuring that the agency's annual report is prepared and submitted to the Minister for approval within 120 calendar days after the agency's fiscal year end or, if the Auditor General completed the financial audit, within 90 calendar days of the agency's receipt of the audited financial statement. The annual report shall be in accordance with the requirements set out in the AAD.
- b. The Chair, through the CEO, will ensure that the annual report is prepared in the format specified in the AAD. Pursuant to subsection 25(3) of the Act, the agency is required to include such additional content in the annual report as the Minister may require.
- c. The Chair will ensure that publicly posted annual reports do not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency.
- d. The Minister will receive and review the provincial agency's annual report to confirm adherence with AAD requirements and will approve a report that adheres with the AAD within 60 calendar days after the day of receipt.
- e. The Minister will, within 30 calendar days of approval, table the report in the Legislative Assembly.
- f. The Chair, through the CEO, will ensure that its annual report is publicly posted in an accessible format, in both official languages, on the agency website after the report has been tabled in the Legislature and within 30 calendar days of Minister approval.
- g. When distributing annual reports, digital formats and channels for distribution must be used unless otherwise required (e.g. by directive, legislation).

## **10.3 OTHER REPORTS**

The Chair is responsible on behalf of the board of directors for:

- a. Ensuring that the reports and documents set out in Appendix 1 to this MOU are submitted for review and approval by the Minister in accordance with the prescribed timelines.
- b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time for the purpose of the ministry's administration.

- c. Submitting reports periodically to the Minister based on student achievement and education quality data it has collected through assessments and reviews. The Chair may include recommendations for improvement in any of the agency reports. Before submitting any report, the Chair shall advise the Minister as to the format of the report and brief the Minister on information to be contained in the report.
- d. Releasing assessment results, research results, research reports or other information related to its assessments and reviews to the public not later than 180 days after the event so long as it provides advance notice to the Minister as to the format and content of the information to be released.

## **11. Public Posting Requirements**

- a. The provincial agency, through the Chair on behalf of the board of directors, will ensure that the following approved governance documents are posted in an accessible format, in both official languages, on the agency website within the specified timelines:
  - Memorandum of understanding and any letter of affirmation – 30 calendar days of signing by both parties
  - Agency mandate letter – no later than the corresponding annual business plan
  - Annual business plan – 30 calendar days of Minister’s approval
  - Annual report – 30 calendar days of Minister’s approval (the report must first be tabled in the Legislature).
- b. Posted governance documents should not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets or scientific information, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency
- c. The provincial agency, through the Chair on behalf of the board of directors, will ensure that the expense information for appointees and senior management staff are posted on the agency or ministry website, in accordance with the requirements of the MBC Travel, Meal and Hospitality Expenses Directive.
- d. The provincial agency, through the Chair on behalf of the board of directors, will ensure that any other applicable public posting requirements are met.

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

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the agency is essential for the Minister to meet his/her responsibilities for reporting and responding to the Legislative Assembly on the affairs of the agency. The parties also recognize that it is essential for the Chair on behalf of the board of directors to be kept

informed of the government initiatives and broad policy directions that may affect the agency's mandate and functions.

The Minister and the Chair on behalf of the board of directors, therefore, agree that:

- a. The Chair will keep the Minister advised, in a timely manner, of all planned events or issues, including contentious matters, that concern or can be reasonably expected to concern the Minister in the exercise of his/her responsibilities.
- b. The agency and ministry will adhere to the Public Communications Protocol set out in Appendix 3 to this MOU for ongoing issues management.
- c. The Minister and the Chair will consult with each other on public communication strategies, research, and publications.
- d. The Minister will consult with the Chair in a timely manner, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the agency's mandate or functions, or which otherwise will have a significant impact on the agency.
- e. The Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the agency's mandate, management and operations.
- f. The Deputy Minister and the CEO/Chair will meet at least annually or as requested by either party, to discuss issues relating to the delivery of the board's mandate and the efficient operation of the agency [and the provision of services by the ministry to the agency]. The Deputy Minister and the CEO shall provide timely information and advice to each other concerning significant matters affecting the agency's management or operations.

## **13. Administrative Arrangements**

### **13.1 APPLICABLE GOVERNMENT DIRECTIVES**

- a. The Chair, on behalf of the board of directors, is responsible for ensuring that the agency operates in accordance with all applicable TB/MBC, PSC and government directives, as well as applicable ministry financial and administrative policies and procedures. Appendix 2 to this MOU provides a list of applicable directives and policies.
- b. The ministry will inform the agency of amendments or additions to directives, policies and guidelines that apply to the agency; however, the agency is responsible for complying with all directives, policies and guidelines to which it is subject.
- c. In addition to complying with the MBC Realty Directive, agency shall comply with the Ministry of Government Services' Realty Policy including any appendices to this policy when acquiring space for accommodation and program purposes. The ministry will ensure that the agency is provided with any updates to this policy.

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

- a. The Deputy Minister is responsible for providing the agency with the administrative and organizational support services listed in Appendix 4 to this MOU, and for negotiating with Ontario Shared Services concerning these services, as appropriate.
- b. Appendix 4 may be reviewed at any time at the request of either party.
- c. The Deputy Minister will ensure that the support or services provided to the agency are of the same quality as those provided to the ministry's own divisions and branches.
- d. The Minister and the Chair will develop and sign protocols for data sharing, interoffice communications, and such other matters as may be required from time to time. These protocols will be signed within three months of the signing of this MOU and will be reviewed annually thereafter.

### **13.3 OTHER RELATIONSHIPS**

- a. Subject to the Act, the Freedom of Information and Protection of Privacy Act, the Municipal Freedom of Information and Privacy Act, the Agency may enter into agreements with other ministries, agencies, boards, and commissions for the purpose of sharing or coordinating information and services. If such arrangements have financial or policy implications for the government, the Agency Chair must obtain the Minister's approval prior to finalizing arrangements.
- b. The Act specifies that the Agency needs the approval of the Lieutenant Governor in Council before acquiring or disposing of any interest in real estate, other than a lease hold interest. The Agency will use the services of Infrastructure Ontario when acquiring any interest in real property.

### **13.4 LEGAL SERVICES**

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

### **13.5 CREATION, COLLECTION, MAINTENANCE AND DISPOSITION OF RECORDS**

- a. The Chair, on behalf of the board of directors, is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The board, through the Chair, is responsible for ensuring that the provincial agency complies with all government legislation, directives and policies related to information and records management.

- c. The CEO, the Chair and the board shall protect the legal, fiscal and other interests of the agency by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the agency. This includes, but is not limited to, all electronic records, such as emails, information posted on the agency's website(s), database data sets, and all records stored on personal computers and shared drives.
- d. The Chair, on behalf of the board of directors, is responsible for ensuring measures are implemented requiring the agency's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs.
- e. The board of directors, through the Chair, is responsible for ensuring that the agency complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.

### **13.6 INTELLECTUAL PROPERTY**

- a. The Chair, on behalf of the board of directors, is responsible for ensuring that the legal, financial and other interests of the government related to intellectual property are protected in any contract that the agency may enter with a third party that involves the creation of intellectual property.

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

- a. The Chair and the Minister acknowledge that the agency is bound to follow the requirements set out in the *Freedom of Information and Protection of Privacy Act (FIPPA)* in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The Chair is the institution head for the purposes of the FIPPA.

### **13.8 SERVICE STANDARDS**

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

## 14. Financial Arrangements

### 14.1 GENERAL

- a. All financial procedures for the agency shall be in accordance with applicable TB/MBC and Ministry of Finance directives and guidelines, ministry corporate financial and administrative policies and procedures, and other Government guidelines, directives and policies, as set out in Appendix 2 of this MOU.
- b. When ordered to do so by the Minister of Finance and/or the President of the Treasury Board, pursuant to Section 16.4 of the *Financial Administration Act*, the agency shall pay into the Consolidated Revenue Fund any money that the Minister of Finance and/or the President of the Treasury Board determines is surplus to its requirements.
- c. Pursuant to Section 28 of the *Financial Administration Act*, the agency shall not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities of the Government of Ontario without the written approval of the Minister of Finance and/or the President of the Treasury Board. The Minister's approval is required before seeking statutory approval from the Minister of Finance.
- d. The provincial agency's approved operating and capital allocations may be adjusted in a given year if in-year fiscal constraints are ordered by Cabinet or the Minister. The agency will be provided with notice of changes to its allocation as soon as is reasonably possible. Where the agency must reallocate resources as a result of its operating and/or capital allocations being adjusted, the agency shall inform and discuss the changes with the ministry before making such changes.
- e. The CEO shall be responsible for providing the ministry with the necessary documentation to support the agency's expenditures.

### 14.2 FUNDING

- a. The agency is funded by the Government, out of the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislative Assembly, and is subject to adjustments made by the Minister, TB/MBC or the Legislative Assembly.
- b. The CEO will prepare estimates of the agency's expenditures for inclusion in the ministry's business plan for presentation to the Legislative Assembly. The Chair will deliver these estimates to the Minister in sufficient time to be analyzed and approved by the Minister.
- c. The estimates provided by the Chair may, after appropriate consultation with the Chair, be altered as required. The parties acknowledge that TB/MBC has final decision-making authority.
- d. Financial procedures of the agency must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.

- e. The provincial agency shall maintain a bank account in its own name and manage its financial activities, including leasing, investment and management of cash in accordance with the Ontario Financing Authority's policy directions.

### **14.3 FINANCIAL REPORTS**

- a. The Chair, on behalf of the board of directors, will provide to the Minister 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 Division.
- b. The agency will submit its salary information to the Minister of Finance and/or the President of the Treasury Board, through the ministry, in accordance with the *Public Sector Salary Disclosure Act, 1996*.

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

#### Collection/Remittance of HST

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

#### Payment/Recovery of HST

- b. The agency is responsible for paying HST where applicable, in accordance with the *Excise Tax Act* (Canada).
- c. Under the Canada-Ontario Reciprocal Taxation Agreement, the agency is entitled to claim HST government rebates in respect of any HST paid by the agency to suppliers, subject to any restrictions specified by Finance Canada.
- d. The agency will not claim an HST government rebate in respect of tax for which it has claimed a refund, input tax credit or other rebate under the *Excise Tax Act* (Canada).
- e. The agency is responsible for providing the Ministry of Finance or the Canada Revenue Agency, upon request, with any information necessary to determine the amount of an HST government rebate.

## **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 of Treasury Board Secretariat.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so by the ministry's Audit Committee or by the Corporate Audit Committee.



- c. Regardless of any previous or annual external audit, the Minister may direct that the agency be audited at any time.
- d. The agency will promptly provide a copy of every report from an audit to the Minister and the Minister of Finance/President of Treasury Board. The 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.
- e. The Chair, on behalf of the board of directors, may request an external audit of the financial transactions or management controls of the agency, at the agency's expense.

## **15.2 OTHER REVIEWS**

- a. The agency is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the 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. In requiring a periodic review, the Minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Chair, the board of directors, and the Minister, and how any other parties are involved.
- c. A mandate review of the provincial agency will be conducted at least once every seven years.
- d. The Minister will consult the Chair, on behalf of the board of directors, as appropriate during any such review.
- e. The Chair and CEO and board will cooperate in any review.
- f. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the agency to TB/MBC for consideration.

## **16. Staffing and Appointments**

### **16.1 DELEGATION OF HUMAN RESOURCES MANAGEMENT AUTHORITY**

- a. Where the PSC has delegated its powers, duties and functions in relation to human resources management to the Deputy Minister, Chair or prescribed individual under Ontario Regulation 148/10, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the mandate of the agency, and within the parameters of the delegated authority.

### **16.2 STAFFING REQUIREMENTS**

- a. The agency is staffed by persons employed under Part III of the *Public Service of Ontario Act, 2006*

- b. The agency, in its dealings with staff employed under Part III of the *Public Service of Ontario Act, 2006*, is subject to MBC human resource directives and Public Service Commission directives under the PSOA.

### **16.3 APPOINTMENTS**

- a. The directors of the board of directors of the agency are appointed by the Lieutenant Governor in Council pursuant to subsection 11(1) of the Act.
- b. The minimum number of directors is 7 and the maximum number of directors is 9, as set out in the Act.
- c. One director is designated by the Lieutenant Governor in Council to act as the Chair pursuant to subsection 12(1) of the Act.
- d. The CEO of the agency is appointed by the Lieutenant Governor in Council after consulting with the directors pursuant to subsection 16(1) of the Act.

### **16.4 REMUNERATION**

- a. Remuneration for board members is set by the Lieutenant Governor in Council.
- b. As set out in Order in Council 72/2019, the Chair is remunerated at an annual rate of remuneration of \$140,000 and as set out in Order in Council 1057/2005, the directors are each remunerated at a per diem rate of \$150.
- c. Travel expenses of board members must comply with the MBC Travel, Meal and Hospitality Expenses Directive. Reasonable expenses shall be reimbursed.

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

### **17.1 RISK MANAGEMENT**

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

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

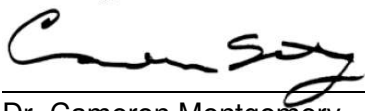
- a. The agency will purchase, at its own expense, third party liability insurance coverage to protect itself against claims that might arise from anything done or omitted to be done by the agency or its directors, officers, employees, and from anything done or omitted to be done where bodily or personal injury, death or property damage, including loss of use thereof, is caused. The amount, type and cost of insurance should be specified, and proof of insurance should be provided to the ministry by the agency.
- b. No proceeding for damages shall be taken against a director, officer or employee of the agency for any act done in good faith in the execution or intended execution of the person's

duty or for any alleged neglect or default in the execution in good faith of the person's duty pursuant to subsection 28(1) of the Act.

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

- a. This MOU becomes effective on the date it is signed by the Minister as the last party to execute it ("Original Effective Date") and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. A copy of the signed MOU and any successor MOU must be provided to the Secretary, Treasury Board/Management Board of Cabinet.
- c. Upon a change in the Minister or Chair, both parties must affirm by letter that this MOU will continue in force without a review (and attach the signed letter to the MOU); or alternatively, they may agree to revise it and sign a new MOU within six (6) months of the change.
- d. A copy of the letter of affirmation, or a new MOU between the Minister and Chair must be provided to the Secretary, Treasury Board/Management Board of Cabinet within six months of the new party or parties' commencement.
- e. Either the Minister or the Chair, on behalf of the board of directors, may initiate a review of this MOU by written request to the other.
- f. If either of the parties deems it expedient to amend this MOU, they may do so only in writing. Any amendment shall only be effective after approval by the parties.
- g. A full review and replacement 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 *Education Quality and Accountability Office Act, 1996* and any other applicable legislation.
- h. At a minimum, this MOU will be reviewed at least once every 5 years, or upon change in Chair or Minister, to ensure it is current and consistent with government expectations.

## Signatures



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Dr. Cameron Montgomery  
Chair  
Education Quality and Accountability Office

April 8, 2020

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Date



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The Honourable Stephen Lecce  
Minister  
Ministry of Education

October 13, 2020

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Date

## Appendix 1: Summary of Agency Reporting Requirements

DUE DATE	REPORT / DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS
	The agency will prepare estimates of its expenditures for inclusion in the ministry's business plan.	CEO
Submitted annually within three (3) months prior to the agency's fiscal year end	Agency Business Plan	CEO-Prepare as directed by the Board Board-Direct the development of Business Plan and approve for submission to the Minister Chair-Review, approve and submit Plan to Minister within specified timeline
Submitted annually within 120 calendar days after the agency's fiscal year end	Annual Report	CEO-Prepare as directed by the board Board-Direct preparation of and approve for submission to the Minister for tabling in the Legislative Assembly within the specified timeline Chair-Review, approve and submit to the Minister within the specified timeline
Annually	Auditing	
Unaudited-within 30 days of the end of the agency's fiscal year. Audited-within 90 days of the end of the agency's fiscal year	Audited Financial Statements Financial Reports	CEO-Prepare as directed by the board Chair-Provide to the Minister
Reviewed at least once every 5 years or upon change in Chair or Minister	Memorandum of Understanding	Chair

## Appendix 2: Applicable Government of Ontario Directives

1. The following TB/MBC and government directives, guidelines and policies apply to the agency:
  - Agencies & Appointments Directive
  - Accountability Directive
  - Advertising Content Directive
  - Open Data Directive
  - Perquisites Directive
  - Ontario Public Service Procurement Directive
    - For the purpose of the Ontario Public Service Procurement Directive, EQAO is an Other Included Entity, as defined in the Procurement Directive
  - Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services
  - Realty Directive
  - Transfer Payment Accountability Directive (if applicable)
  - Travel, Meal and Hospitality Expenses Directive
  - Visual Identity Directive
  - Management and Use of Information & Information Technology (I&IT) Directive
  - Corporate Policy on Recordkeeping
  - Managing, Distributing and Pricing Government Information (Intellectual Property)
2. The agency is responsible for complying with all directives, policies and guidelines to which it is subject, irrespective of whether it is included on the list above.
3. The ministry will inform the agency of amendments or additions to directives, policies and guidelines that apply to the agency.

## Appendix 3: Public Communications Protocol

### 1. Purpose

The purpose of this communications protocol is to set out a framework for the ministry and agency to collaborate on public communications opportunities and contentious issues. Clear and direct lines of communication between the ministry and its agencies are essential.

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

### 2. Definitions

a. "Public communications" means any material that is communicated to the public, either directly or through the media in:

- Oral form, such as a speech or public presentation
- Printed form, such as a hard copy 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.

3. The agency will comply with the TB/MBC Visual Identity Directive and identify itself in all media responses and news releases and on its website as an agency of the Government of Ontario.

4. The ministry and the agency will appoint persons to serve as public communications "leads".

- The ministry lead is Lenni Eubanks, Director of Communications
- The agency lead is Tony Saini, Director, Corporate and Public Affairs, EQAO

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

a. 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 grant announcements and contentious issues).

- For all contentious issues, the agency 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 agency of contentious issues that require attention. The agency will provide all required background information on the issue to the ministry lead, who will arrange to have a contentious issues note prepared.
  - The agency must obtain ministry approval prior to issuing media responses or news releases in this category. The agency 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.
- b. Media responses, news releases or communications plans where provincial or Ministerial messaging on government priorities would enhance the agency's or the government's profile, or would provide opportunities for local MPP announcements
- The agency lead will notify the ministry lead of upcoming media responses, news releases, and communications plans fifteen (15) days in advance for all non-contentious items that might generate media interest.
  - For non-contentious items which provide government messaging opportunities or which involve funding announcements, the agency must also request ministry approval of news releases or communications plans seven (7) days prior to the date required.
  - Final approval is required from the Minister's office and will be sought via the ministry lead. If the agency does not receive comments or approval from the Minister's office or ministry lead at least forty-eight (48) hours before the time at which the item is to be issued, the agency can proceed accordingly.
- c. Media responses or news releases related to the day-to-day business of the agency and its programs that do not have direct implications for either the ministry or the government.
- The agency 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.



## Appendix 4: Administrative or Organizational Support Services

The Deputy Minister is responsible for ensuring that the Ministry/Ontario Shared Services provides the following administrative support services to the Agency:

- a. Financial administration: pay and benefits administration, accounts payable and technical advice, purchasing, central mail and printing services, and records and form advisory services
- b. Human resource services: classification, advice and consultation regarding recruitment procedures and staff relations, job description writing, career counselling and staff development, and advice and consultation regarding corporate initiatives such as occupational health and safety
- c. Corporate educational opportunities and career planning services are available and open to agency staff; the ministry must assist the CEO in ensuring that these are communicated effectively to agency staff
- d. Information technology, telecommunications services, and digital partnership with CSC and ITS
- e. Internal audit: financial compliance, management, human resource and information systems audits, operational reviews, and special investigations as required
- f. Accommodation: planning, including lease renewals
- g. Freedom of information program services
- h. French language services translation and interpretation services
- i. Business planning
- j. Performance measurement and program evaluation
- k. Communications and marketing
- l. Access to data necessary to meet the agency's operational requirements where permitted by law
- m. Legal Services.