

Memorandum of Understanding

Between

Minister of Health and Long-Term Care

And

**HealthForceOntario Marketing
and Recruitment Agency**

October 2014

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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 (“Minister”) and the Agency;
 - Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, the Executive Director, and the Agency’s Board; and
 - Set out the expectations for the operational, administrative, financial, staffing, auditing and reporting arrangements between the Agency and the Ministry.
- b. This MOU should be read together with the Act and Regulation. This MOU does not affect, modify or limit the powers of the Agency as set out in the Regulation, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.

2. Definitions

In this MOU:

- a. “Act” means *Development Corporations Act*, RSO 1990, c D.10 that governs the Agency
- b. “Agency” means HealthForceOntario Marketing and Recruitment Agency
- c. “AEAD” means the Treasury Board/Management Board of Cabinet Agency Establishment and Accountability Directive
- d. “Appointee” means a member appointed to the Agency 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 HealthForceOntario Marketing and Recruitment Agency
- f. “Chair” means the chair of the HealthForceOntario Marketing and Recruitment Agency
- g. “ED” means the Executive Director of the Agency
- h. “Deputy Minister” means the Deputy Minister of Health and Long-Term Care

- i. "MBC" means Management Board of Cabinet
- j. "Minister" means Minister of Health and Long-Term Care
- k. "Ministry" means Ministry of Health and Long-Term Care
- l. "PSOA" means the *Public Service of Ontario Act*, 2006, S.O. 2006, c. 35, Sched. A.
- m. "Regulation" means O. Reg. 249/07 made under the *Development Corporations Act* that governs the Agency
- n. "TB" means Treasury Board

3. Agency's Legal Authority and Mandate

- a. The legal authority of the Agency is set out in the Regulation and the Act.
- b. The Agency serves as the operating arm of the Government's health human resource strategy and, consistent with its objects, the Agency assists with the planning, recruitment, retention, transition and distribution of health professionals in Ontario. The mandate of the Agency is defined in its objects as set out in the Regulation. In particular, in furtherance of those objects, the Agency shall,
 - (a) provide services to health practitioners who are not ready to practise in their field in Ontario;
 - (b) maintain a website to be known as HealthForceOntario.ca;
 - (c) carry on such other operational programs, matters or elements as may be devolved to the Agency by the Minister from time to time; and
 - (d) operate HFOJobs, a job portal for health professionals.

4. Crown Agent Status

- a. HealthForceOntario Marketing and Recruitment 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 under the AEAD.

6. Guiding Principles

The parties agree to the following principles:

- a. The Minister acknowledges that the Agency exercises powers and performs duties in accordance with its mandate.
- b. The Minister acknowledges that the Agency 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.
- c. The Agency, the Board and the Chair acknowledge that accountability is a fundamental principle to be observed in the management, administration and operations of the Agency.
- d. The Board acknowledges that its members are 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; prudent, efficient, and lawful use of public resources; fairness; high quality service to the public; and openness and transparency to the extent allowed under law.
- f. The Agency shall comply with:
 - (i) all applicable MBC, Public Service Commission and Ministry of Finance Directives, policies and guidelines as set out in **Appendix 2**, as they may be amended from time to time,
 - (ii) any further directives that the MBC, Public Service Commission and Ministry of Finance may apply to the Agency from time to time, and
 - (iii) any policy directions issued under the Regulation.
- g. The Agency and the Ministry agree to avoid duplication of services wherever possible.

7. Accountability Relationships

7.1 Minister

The Minister is accountable:

- a. to Cabinet and the Legislative Assembly for reporting and responding to the Legislative Assembly on the affairs of the Agency.
- b. for attesting, 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 Cabinet for the performance of the Agency and its compliance with the government's operational policies and broad policy directions.
- d. for receiving and ensuring that the Agency's annual report is made available to the public by the Agency after tabling it in the Legislative Assembly.
- e. for ensuring timely communications with the Chair about issues that may affect the Chair's responsibilities for the Agency.

7.2 Chair

The Chair is accountable, on behalf of the Board:

- 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, the Regulation, and this MOU
- b. for reporting to the Minister, as requested, on the Agency's activities
- c. for ensuring timely communications with the Minister about issues that may 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, and for carrying out the roles and responsibilities assigned to it by the Act, the Regulation, 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, the Regulation or this MOU.

7.5 Executive Director (ED)

- a. The ED is accountable to the Board for the management of the Agency's operations and staff and the implementation of policy and operational decisions.

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. Attesting, reporting and responding to TB/MBC on the Agency's performance, compliance with applicable TB/MBC, Public Service Commission and Ministry of Finance directives, the government's operational policies and policy directions
- c. Where required, recommending to Treasury Board/Management Board of Cabinet the merger, any 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. Recommending the Agency's MOU for approval before it is signed by the parties
- k. Developing the Agency's MOU with the Agency and signing it into effect after it has been signed by the Chair on behalf of the Agency
- l. Reviewing and approving the Agency's annual business plan

- m. Recommending to TB/MBC any provincial funding to be allocated to the Agency by the Ministry
- n. 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
- o. Reviewing the advice or recommendation of the Agency on candidates for appointment or re-appointment to the Board.
- p. Determining whether to fix the range of salary or other remuneration and the benefits, including rights relating to severance, termination, retirement and superannuation, of Executive Director; and
- q. Meeting with the Chair annually.

The Minister may delegate his/her responsibility to the Deputy Minister or any other person, subject to such limitations, conditions and requirements as the Minister may set out in the delegation.

8.2 Chair

The Chair is responsible, as the representative of the Board, for:

- a. Providing leadership to the Agency and leadership and monitoring of the Board's performance so that the Board provides effective governance of the Agency
- b. Ensuring the implementation of the goals, objectives, and strategic direction of the Agency
- c. Ensuring the Agency seeks strategic policy direction for the Agency from the Minister as appropriate
- d. Ensuring the Agency consults with the Minister or delegate 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 Regulation
- e. Monitoring the performance of the Agency
- f. Reporting to the Minister as requested on the Agency's activities
- g. Ensuring that the Agency operates within its approved budget allocation
- h. Ensuring the development of the Agency's MOU with the Minister and signing it on behalf of the Board

- i. Reviewing and approving the Agency's business plan, budget, annual report and financial reports, and submitting them to the Minister
- j. Providing the Minister with a copy of every audit report, a copy of the Agency's response to each report, and any recommendations in the report
- k. Ensuring the Minister is advised annually on any outstanding audit recommendations
- l. Ensuring that Appointees 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) and protected disclosure of wrongdoing (Part VI of the PSOA), and acting as the ethics executive for Appointees
- m. Making sure that appropriate management systems are in place (financial, information technology, human resource) for the effective administration of the Agency
- n. Making sure that an appropriate framework is in place for Agency Appointees to receive adequate orientation and training
- o. Making sure that Agency Appointees are aware of and comply with applicable TB/MBC and Ministry of Finance directives
- p. Making sure a process for responding to and resolving complaints from the public and Agency clients is in place
- q. Ensuring effective public communications and relations for the Agency
- r. Cooperating with any review or audit of the Agency directed by the Minister or TB/MBC
- s. Keeping the Minister informed of upcoming appointment vacancies and provide recommendations for appointments or re-appointments
- t. Evaluating the performance of the Executive Director in consultation with the Board.

8.3 Board of Directors

The Board is responsible for:

- a. Setting the goals, objectives, and strategic directions for the Agency within its mandate as defined by the Act, the Regulation, 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, and approving the Agency's business plans
- d. Directing the preparation of, and approving the Agency's annual reports for submission to the Minister for tabling in the Legislative Assembly
- e. Making decisions consistent with the business plan approved for the Agency and ensuring that the Agency operates within its funding allocations
- f. Ensuring that the Agency manages its affairs in compliance with applicable TB/MBC directives as set out in Appendix 2
- 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. Ensuring that the Board is an effective governor of the Agency, including having 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 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 or TB/MBC from time to time
- l. Ensuring the Establishment and implementation of an appropriate risk management framework for the Agency
- m. Ensuring that conflict of interest rules that the Agency is required to follow, as set out in Ontario Regulation 381/07 under the PSOA, are in place for Appointees and employees of the Agency
- n. Establishing performance measures, targets and management systems for monitoring and assessing the Agency's performance, including monitoring compliance with the Act, the Regulation and this MOU
- 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. Arranging for the Agency to hire an Executive Director, and establishing an employment and performance contract for the Executive Director that identifies the Executive Director's responsibilities, and his or her reporting obligations to the Board, and the standard to be met in performing his or her responsibilities; reviewing the performance of the Executive Director; and holding the Executive Director accountable for meeting his or her responsibilities
- t. Appointing an external auditor for the Agency

8.4 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 Agency Establishment and Accountability Directive, the Government Appointees Directive and other directives that apply to the Agency
- c. Recommending to the Minister, as may be necessary, the evaluation or 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 Minister, and between Ministry staff and Agency staff
- e. Attesting to Treasury Board/Management Board of Cabinet as required, to the Agency's compliance with the mandatory accountability requirements set out in the Agency Establishment and Accountability Directive
- 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 HealthForceOntario Marketing and Recruitment Agency

- g. Undertaking risk-based reviews of the Agency, its management or operations, as may be directed by the Minister or TB/MBC
- h. Establishing a framework for assessing the Agency's business plans and other reports
- i. Supporting the Minister in reviewing the performance targets, measures and results of the Agency
- j. Advising the Minister on documents submitted by the Agency to the Minister for review or approval, or both
- k. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category
- l. Undertaking reviews of the Agency as may be directed by the Minister
- m. 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
- n. Consulting with the Agency's chair, as needed, on matters of mutual importance including services provided by the Ministry and compliance with TB/MBC directives and Ministry policies
- o. Meeting with the Chair or Executive Director as needed
- p. Arranging for administrative, financial and other support to the Agency as specified in this MOU
- q. Informing the Chair, in writing, of new government directives and any exceptions to or exemptions in whole or in part from TB/MBC directives or Ministry administrative policies
- r. 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

8.5 Executive Director

The Executive Director is responsible for:

- a. Providing oversight, leadership and management of the day-to-day operations of the Agency in accordance with the mandate of the Agency, TB/MBC and Ministry of Finance directives, accepted business and financial practices, and this MOU

- b. Advising the Chair on the requirements of and compliance with the Agency Establishment and Accountability Directive 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 Agency staff, including financial resources management
- 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, through the Chair, 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 Chair and Board
- k. Supporting the Chair and Board in meeting their responsibilities
- l. Carrying out in-year monitoring of the Agency's performance and reporting on results to the Chair and Board
- 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 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 provided by the Ministry, and 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. Reviewing and approving claims for per diems and expenses of board members
- 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. Preparing, for approval by the Board, a performance review system for staff, and implementing the system.

9. Reporting Requirements

9.1 Business Plan

- a. The Chair will ensure that the Minister is provided annually with the Agency's business plan as specified in the AEAD, the Business Plan Guideline and Appendix 1.
- b. The Minister or delegate 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 or delegate 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. Where possible the delegate, shall provide feedback as soon as possible and within sixty days of Agency filing.

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

9.2 Annual Reports

- a. The Chair is responsible 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 with a draft provided for comment no later than 30 days prior to due date as set out in Appendix 1.
- b. The Chair is responsible for ensuring that the Agency's annual report fulfills the requirements of the AEAD and the Regulation.

9.3 Other Reports

The Chair is responsible for:

- a. Ensuring that the reports and documents are submitted for review and approval to the Minister or delegate as required and in accordance with Appendix 1.
- b. At the request of the Minister or Deputy Minister or delegate, supplying specific data and other information that may be required from time-to-time.

10. Communications

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 or 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 Board, through the Chair, to be kept informed 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 (or Executive Director) will keep the Minister (or Deputy 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 her responsibilities
- b. The Minister (or Deputy Minister) will consult with the Chair (or Executive Director), 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 Parties 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/or delegate and the Chair and/or delegate will meet 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 Executive Director will meet as needed to discuss issues relating to the efficient operation of the Agency and the provision of services by the Ministry to the Agency
- f. The Agency and Ministry will adhere to the Public Communications Protocol set out in **Appendix 3** to this MOU.

11. Administrative Arrangements

11.1 Applicable government of Ontario Directives

- a. The Board is responsible for ensuring that the Agency operates in accordance with all applicable TB/MBC, Public Service Commission, and Ministry of Finance 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 Board is responsible 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.
- c. The Board is responsible 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.

11.2 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 and timeliness as those provided to the Ministry's own divisions and branches.

11.3 Legal Services

- a. Where 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.

11.4 Freedom of Information and Protection of Privacy

- a. The Chair is the institution head for the purposes of the *Freedom of Information and Protection of Privacy Act*.

[Section 11.5 is intentionally deleted]

11.6 Records Management

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

11.7 Client/Customer Service

- a. The Board 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 must 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.

12. Financial Arrangements

12.1 Funding

- a. The Agency is funded from the Consolidated Revenue Fund pursuant to an appropriation authorized by the Legislative Assembly
- b. The Executive Director will prepare, for the Board, estimates of the Agency's expenditures for inclusion in the Ministry's Results Based Plan. The Chair, on behalf of the Board, will deliver these estimates to the Minister
- c. When ordered to do so by the Minister of Finance, 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 determines is surplus to its requirements.

12.2 Financial Reports

- a. The Chair, on behalf of the Board, 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.
- b. The Agency will submit to the Ministry of Finance its salary information according to the *Public Sector Salary Disclosure Act*.

12.3 Taxation Status: Harmonized Sales Tax (HST)

- a. With the harmonization of the Goods and Services Tax and the Provincial Sales Tax, the Agency does not receives a CVAT rebate under the Comprehensive Integrated Tax Coordination Agreement.

13. Audit and Review Arrangements

13.1 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. The Minister may direct that the Agency be audited at any time.
- d. The Chair or the Board may request an external audit of the financial transactions or management controls of the Agency at the Agency's expense.

14. Staffing Arrangements and Appointments

14.1 Staffing Arrangements

- a. Agency employees are employed under O. Regulation 249/07.
- b. In developing its own human resources policies and practices, the Agency shall apply the principles of the PSOA and MBC directives

14.2 Appointments

- a. The Chair and other directors of the Board are appointed by the Lieutenant-Governor-in-Council on the recommendation of the Minister pursuant to s.5(2) of the Regulation

15. Liability Protection and Insurance

- a. The Agency shall obtain such policies of insurance against liabilities and other risks as the Board considers prudent in the circumstances. The Board shall consult with the MOHLTC in relation to this obligation.

16. Effective Date and Duration and Periodic Review

16.1 Effective Date of MOU

- a. This MOU becomes effective on the date it is signed by the parties.
- b. This MOU will continue in effect for not more than five years from the effective date unless it is replaced by a new MOU as a result of a significant change in the Agency's mandate, governance structure or powers
- c. This MOU will remain in force for no more than six months after its expiry date until a signed MOU is provided to the Secretary, Management Board of Cabinet.
- d. If a new Minister or Chair takes office before this MOU expires, the Minister and Chair must affirm by letter that the MOU will continue in force without a review; or alternatively, they may agree to revise it. A copy of the letter of affirmation between the Minister and Chair must be provided to the Secretary, Management Board of Cabinet within six months of the new party or parties' commencement.
- e. Without affecting the effective date of this MOU, either the Minister or Chair may initiate a review of this MOU by written request to the other.
- f. A full review of this MOU will be conducted prior to its expiry not more than five years following the date it came into effect, or immediately in the event of a significant change to the Agency's mandate, powers or governance structure as a result of an amendment to the Development Corporations Act, O. Reg.249/07.

16.2 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, on behalf of the Board, as appropriate during any such review.
- c. The Chair, Board and Executive Director will cooperate in any review.

18. Signatures



Agency Chair Date April 7/15
HealthForceOntario Marketing and Recruitment Agency



Minister Date MAY 20/15
Ministry of Health and Long-Term Care

Appendix 1: Summary of Agency Reporting Requirements

DUE DATE	REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS
O. Regulation 249/07 and AEAD		
October 1 (Annually)	Business Plan (s.11)	Chair
July 31 (Annually)	Annual Report (s.10) & Audited Financial Statement (s.12)	Chair
Every 5 years	Approval of Memorandum of Understanding (s.8)	Chair
Agency Funding Agreements		
Various	Financial and Performance Reporting • As defined by funding agreements	Executive Director

Appendix 2: Applicable TB/MBC and Ministry of Finance Directives

1. The Agency is required to following all applicable government of Ontario directives, guidelines, and policies that apply to the Agency, and in particular including but not limited to:

- Accountability Directive
- Accounting Advice Directive
- Advertising Content Directive
- Agency Establishment and Accountability Directive
- Business Planning & Allocations Directive
- Cash Management Directive
- Disclosure of Wrongdoing Directive
- Emergency Evacuation Planning Guide
- Freedom of Information and Protection of Privacy Directive
- General Expenses Directive
- Government Appointees Directive
- Government Publications Directive
- Indemnification Directive
- Internal Audit Directive
- Corporate Policy on Record Keeping
- Perquisites Directive
- Procurement Directive
- Procurement Directive on Advertising, Public and Media Relations, and Creative Communications Services Directive
- Realty Directive
- Risk Management Policy
- Transfer Payment Accountability Directive
- Travel, Meal and Hospitality Expenses Directive
- Visual Identity Directive

Where a Directive is listed, any policy or guideline related to the Directive also applies. A Guideline is only listed if there is no corresponding Directive

2. The Ministry will endeavour to promptly to inform the Agency of amendments or additions to directives, policies and guidelines that apply to the Agency but the Agency is responsible for complying with all directives, policies and guidelines to which it is subject regardless of whether the Ministry informs the Agency or not of such amendments.

Appendix 3: Public Communications Protocol

1. Definitions

- a. "Public communications" means any material that is communicated to the public, either directly or through the media in print, broadcast or electronic form.
- 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, *French Language Services Act* and *Accessibility for Ontarians with Disabilities Act, 2005*.
4. The Agency will identify itself in all media responses and news releases as an Agency of the Government of Ontario.

3. The Ministry and the Agency will appoint persons to serve as public communications "leads".

- The Ministry lead is **Assistant Deputy Minister, Communications & Marketing Division, MOHLTC**, or delegate
- The Agency lead is **the Executive Director, or delegate**

4. For the purpose of this protocol, public communications are divided into seven categories:

- a. 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 lead should keep the Ministry apprised as soon as reasonably possible of their media responses or news releases to the Ministry lead or delegate, who will circulate as appropriate to other individuals within the Ministry
- 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 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 approval of news releases or communications plans seven days prior to the date required
 - Final approval is required from the minister's office. If the Agency were not to receive comments or approval from the minister's office or Ministry lead within forty-eight hours of the date on which the item is to be issued, the Agency can proceed accordingly.
- c. Contentious issues, media responses, and news releases that may have direct implications for either the Ministry or the government, or are likely to result in inquiries being directed to the Minister or government (including all funding or grants announcements and contentious issues)
- For all contentious issues, the Agency lead will notify the Ministry lead immediately upon becoming aware of the issue. The Ministry lead may also advise the Agency of contentious issues that require attention. The Agency will provide 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.

d. Market Research

- Any market research undertaken by the Agency will be carried out by a vendor of record of the government based on the approval of a business case by the Ministry lead.
- The Agency will provide to the Ministry lead, in a timely manner, the results of any public, health service provider, or other market research activities of The Agency

e. Evaluation

- The Agency will provide the Ministry lead with performance data and evaluation reports relating to communications programs, plan and activities, as may be requested by the Ministry lead.

f. Paid Advertising

- As requested by the Ministry, major advertising plans must be reviewed and approved in advance by the Ministry lead prior to creative development and/or the purchase of media, for compliance with the *Government Advertising Act, 2004* and its regulations, as amended (the "GAA") along with any applicable communications-related directive.

g. Publications and Web Design

- The Agency's communications activities and branding as well as print and web-based publications (e.g., reports) and communications products (e.g., brochures) shall be developed and managed in accordance with any applicable directives or policies of the Government of Ontario.

Appendix 4: Administrative or Organizational Support Services

1.0 The Deputy Minister is responsible for ensuring that the Ministry provides the following administrative support services to the Agency:

- Translation (through Vendor of Record)
- Office Accommodation
- Procurement
- Learning and Development
- Legal