

For R(16)110108029

Changes to Employment Standards in the NWT

The *Employment Standards Act* provides a modern and effective legislative framework for employment standards in the NWT. The *Act* will come into effect on April 1, 2008.

The new *Act* is the result of extensive consultation with Northerners, including many employers, employer organizations, and labour organizations as well as individuals.

The *Employment Standards Act* combines the *Labour Standards Act*, *Wages Recoveries Act* and *Employment Agencies Act* into one modern and effective legislative framework.

Additionally, the *Act*:

- allows for certain employers and employees or classes of employers and employees to be exempted from the general standards of the *Act*;
- incorporates standards regarding employment of young persons, previously dealt with through regulations;
- establishes new days of rest requirements:

An employer must provide to every employee at least:

- One day of rest in each work week,
- Two consecutive days of rest in each period of two consecutive work weeks,
or
- Three consecutive days of rest in each period of three consecutive work weeks;
- allows employees to receive lieu-time with pay instead of overtime, when employer and employee enter into an employee agreement:
 - Overtime agreements must have certain standards, set out in section 12 of the *Act*;
- provides for the establishment of a minimum wage by regulation;

- requires that employees be granted an annual vacation with vacation pay within 6 months following the first year of employment;
- requires that employers provide the number of hours of statutory holiday pay, if applicable, on pay advice;
- allows for employers to provide pay advice electronically in lieu of written pay advice;
- establishes the right of employees to unpaid:
 - compassionate leave,
 - bereavement leave,
 - sick leave and
 - court leave;
- requires that employers give advanced notice of termination to affected employees and their trade union where large numbers of employees are to be terminated at one time;
- establishes a new complaints process and provides for the resolution of complaints by an Employment Standards Officer and provides the Employment Standards Officer with the authority to dismiss complaints in certain circumstances, including situations where the complaint can be addressed under the processes set out in a collective agreement or under the *Human Rights Act*;
- establishes a new appeal process by which individual Adjudicators hear appeals of decisions made by the Employment Standards Officer;
- ensures that employee wages continue to have priority over other claims against the employer, up to a maximum of \$7500 per employee; and
- restricts access to information provided under the *Act* that could identify the parties to a complaint or appeal.

If you have questions about how the *Act* will affect you, please contact Labour Services at 1-888-700-5707 or in Yellowknife at 873-7486.