

WORKING IN PARTNERSHIP

LABOUR SERVICE BRANCH NEWSLETTER – 2006 VOLUME – ONE

NEWS UPDATE AND REMINDERS

PUBLIC AWARENESS CAMPAIGN

THE LABOUR SERVICE BRANCH HELPS NUNAVUT WORKERS AND THEIR EMPLOYERS BETTER UNDERSTAND THE MINIMUM STANDARDS SET OUT IN THE NUNAVUT *LABOUR STANDARDS ACT* SUCH AS *MAXIMUM HOURS OF WORK, OVERTIME PAY, MINIMUM WAGE, GENERAL HOLIDAY, VACATION PAY, PLUS REGULATIONS SUCH AS EMPLOYMENT OF YOUNG PERSONS AND EDUCATIONAL WORK EXPERIENCES.*

WE WORK WITH EMPLOYERS AND EMPLOYEES 12 MONTHS A YEAR TO EDUCATE THEM ABOUT THE NUNAVUT *LABOUR STANDARDS ACT*. DURING THE PEAK WORK SEASON, FROM JULY TO DECEMBER, HUNDREDS OF WORKERS JOIN THE WORKFORCE AND MAY NOT BE FAMILIAR WITH THEIR RIGHTS.

DURING THIS PEAK WORK SEASON, THE LABOUR SERVICE BRANCH IS CONDUCTING A PUBLIC AWARENESS CAMPAIGN USING PRINT MEDIA, AS WELL AS COMMUNITY RADIO TO PROMOTE AWARENESS AND UNDERSTANDING OF THE MINIMUM STANDARDS SET IN THE *LABOUR STANDARDS ACT* AND ITS REGULATIONS.

DID YOU KNOW ?

THE *LABOUR STANDARDS ACT* APPLIES TO THE MAJORITY OF NUNAVUT WORKPLACES. IT DOES NOT APPLY TO THE GOVERNMENT OF NUNAVUT WHOSE EMPLOYEES ARE SERVED BY THE *PUBLIC SERVICE ACT* AND COLLECTIVE AGREEMENT PROCESS. IN ADDITION, EMPLOYEES WHO WORK FOR PRIVATE SECTOR EMPLOYERS WHO ARE UNIONIZED MUST DEAL WITH WORKPLACE ISSUES COVERED IN THE AGREEMENT BY CONTACTING THEIR UNION REPRESENTATIVE.

NEWS UPDATE AND REMINDERS

PUBLIC AWARENESS CAMPAIGN

EDUCATIONAL WORK EXPERIENCE REGULATION FOR STUDENTS ATTENDING AN EDUCATIONAL INSTITUTE (*HIGH SCHOOL OR COLLEGE*)

APPLICATION & PERMIT PROCESS

THE EDUCATIONAL INSTITUTE APPLIES TO THE LABOUR STANDARDS OFFICER BY SUBMISSION OF AN APPLICATION PROVIDING THE REQUIRED INFORMATION FOR PERMIT CONSIDERATION. IF THE APPLICATION IS APPROVED, AN EDUCATION WORK EXPERIENCE PERMIT IS ISSUED TO THE EDUCATIONAL INSTITUTE. A COPY OF THE PERMIT IS PROVIDED TO THE STUDENT AND THE PRIVATE SECTOR EMPLOYER WHO HAS AGREED TO ACCEPT THE STUDENT. *NOTE : THE LABOUR STANDARDS ACT APPLIES TO PRIVATE SECTOR EMPLOYERS AND, AS SUCH, PERMITS ARE NOT REQUIRED IF THE STUDENT IS COMPLETING THE WORK EXPERIENCE WITH GOVERNMENT OF NUNAVUT DEPARTMENTS, FEDERAL DEPARTMENTS OR RELATED CROWN CORPORATIONS OR, AGENCIES OF THE GOVERNMENT.*

EMPLOYMENT OF YOUNG PERSONS REGULATION – A YOUNG PERSON UNDER THE ACT IS ANYONE UNDER THE AGE OF SEVENTEEN.

NO PERSON SHALL EMPLOY A YOUNG PERSON IN ANY CONSTRUCTION INDUSTRY UNLESS THE EMPLOYER FIRST IS ABLE TO OBTAIN THE APPROVAL IN WRITING OF THE LABOUR STANDARDS OFFICER.

WHERE AN EMPLOYER EMPLOYS A YOUNG PERSON IN ANY JOB OR OCCUPATION, THE EMPLOYMENT IS SUBJECT THAT THE EMPLOYER IS ABLE TO SATISFY THE LABOUR STANDARDS OFFICER THAT THE EMPLOYMENT IS NOT DETRIMENTAL TO THE HEALTH, EDUCATION OR MORAL CHARACTER OF THE YOUNG PERSON.

NO EMPLOYER SHALL PERMIT OR REQUIRE A YOUNG PERSON TO WORK AT ANY TIME BETWEEN THE HOURS OF 11 P.M. ON ONE DAY AND 6 A.M. OF THE NEXT DAY UNLESS HE OR SHE FIRST OBTAINS THE APPROVAL IN WRITING OF THE LABOUR STANDARDS OFFICER.

**LABOUR SERVICE BRANCH
NEWSLETTER – 2006
VOLUME – ONE**

FREQUENTLY ASKED QUESTIONS THIS PERIOD

**WHAT EVERY EMPLOYER / EMPLOYEE SHOULD KNOW ABOUT THE NUNAVUT
LABOUR STANDARDS ACT. THIS EDITION WILL DEAL WITH THE FOLLOWING TOPIC:**

HOURS OF WORK

CAN OVERTIME BE BANKED?

THERE ARE NO PROVISIONS FOR BANKING OF OVERTIME IN THE *LABOUR STANDARDS ACT*. THE LABOUR SERVICE BRANCH DOES NOT HAVE A PROBLEM WITH AN EMPLOYER AND EMPLOYEE ENTERING INTO A LIEU TIME WORK SITUATION AS LONG AS IT IS AGREEABLE BETWEEN THE TWO PARTIES AND THE TIME OFF IS GIVEN AT TIME AND ONE HALF. *THIS MEANS, FOR AN OVERTIME HOUR WORKED, AN EMPLOYEE IS ENTITLED TO 1.5 HOURS OFF WITH PAY AT STRAIGHT TIME. TIME OFF CANNOT BE GIVEN HOUR FOR HOUR.* IT IS NOTED THAT AT ANY TIME, AN EMPLOYEE CAN ASK THAT THEIR OVERTIME BE PAID OUT AND THE EMPLOYER MUST PAY IT OUT. IF AN EMPLOYEE HAS OVERTIME BANKED AND THE EMPLOYMENT ENDS, THE OVERTIME IS PAYABLE ON THE FINAL PAY.

WHAT ARE THE MAXIMUM HOURS AN EMPLOYER CAN REQUEST OF AN EMPLOYEE?

THE MAXIMUM HOURS OF WORK ARE 10 HOURS IN A DAY AND 60 HOURS IN A WEEK WITH ONE DAY OFF PER WEEK. *OVERTIME IS STILL PAYABLE AFTER THE STANDARD HOURS OF 8 HOURS IN A DAY AND 40 HOURS IN A WEEK.* AN EMPLOYER CANNOT REQUEST AN EMPLOYEE TO WORK IN EXCESS OF THE MAXIMUM HOURS EXCEPT IN AN EMERGENCY SITUATION UNLESS THE EMPLOYER RECEIVES AN EXTENDED HOURS PERMIT AUTHORIZATION IN WRITING FROM THE LABOUR STANDARDS OFFICER.

WHAT IS RECALL PAY?

WHERE AN EMPLOYEE HAS BEEN RECALLED TO WORK BY HIS OR HER EMPLOYER AND THE RECALL WAS NOT SCHEDULED IN ADVANCE, THE EMPLOYER SHALL PAY TO THE EMPLOYEE COMPENSATION EQUIVALENT TO FOUR HOURS PAY AT HIS OR HER REGULAR RATE OF PAY WHETHER OR NOT THE EMPLOYEE IS CALLED ON TO PERFORM ANY WORK AFTER REPORTING FOR WORK.

DO EMPLOYEES GET MEAL BREAKS?

YES. AFTER 5 CONTINUOUS HOURS OF WORK, AN EMPLOYEE IS ENTITLED TO A MEAL BREAK OF AT LEAST 30 MINUTES. IT IS NOT A PAID BREAK UNLESS THE EMPLOYER MANIPULATES THAT TIME BY ASKING THE EMPLOYEE TO WORK OR STAY ON THE PREMISES. IT IS NOT ALWAYS POSSIBLE TO GIVE MEAL BREAKS AND IN THOSE CASES THE EMPLOYER MUST APPLY TO THE LABOUR STANDARDS OFFICER FOR A MEAL BREAK WAIVER.

LABOUR SERVICES = LABOUR STANDARDS

LABOUR SERVICE BRANCH

COURT SERVICE DIVISION
DEPARTMENT OF JUSTICE

SERVING

EMPLOYERS/ EMPLOYEES
AND
GENERAL PUBLIC

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ROLE OF THE LABOUR SERVICE BRANCH

THE LABOUR SERVICE BRANCH IS A COMPONENT OF THE DEPARTMENT OF JUSTICE. THE HEAD OF LABOUR SERVICES IS ALSO THE LABOUR STANDARDS OFFICER APPOINTED TO ADMINISTER THE *LABOUR STANDARDS ACT*. THE ACT ESTABLISHES THE MINIMUM CONDITIONS OF EMPLOYMENT OF EMPLOYEES. ADMINISTRATION OF THE ACT COVERS ACTIVITIES SUCH AS:

- ACCEPTING AND INVESTIGATING COMPLAINTS - MEDIATING SETTLEMENTS WHILE MAINTAINING MINIMUM STANDARDS AS STATED IN THE *LABOUR STANDARDS ACT* AND REGULATIONS;
 - CONSIDERING REQUESTS FOR ISSUING PERMITS RESPECTING WORKING HOURS OF EMPLOYEES;
 - RECEIVING AND RESPONDING TO REQUESTS FOR INFORMATION FROM EMPLOYERS, EMPLOYEES, AND TRADE UNIONS;
 - EDUCATING EMPLOYERS AND EMPLOYEES AND GENERAL PUBLIC ON THE ACT;
 - ENSURING ACCESS TO COPIES OF THE *LABOUR STANDARDS ACT* AND REGULATIONS;
 - CONDUCTING PAYROLL INSPECTIONS AS REQUIRED TO ENSURE COMPLIANCE.
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