

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
8TH ASSEMBLY, 65TH SESSION

TABLED DOCUMENT NO. 15-65

TABLED ON May 15, 1978

CHAPTER P-13

AN ORDINANCE RESPECTING THE PUBLIC SERVICE OF
THE NORTHWEST TERRITORIES

SHORT TITLE

1. This Ordinance may be cited as the *Public Service Ordinance*. Short title
1965(2nd),c.9,s.1.

INTERPRETATION

2. (1) In this Ordinance
- | | |
|--|----------------------------------|
| | Definitions |
| (a) "allowance" means compensation payable | "allowance" |
| (i) in respect of a position, or in respect of some of the positions in a class, by reason of duties of a special nature, or | |
| (ii) for duties that an employee is required to perform in addition to the duties of his position; | |
| (b) "classify" in relation to a position means to assign a class and grade to a position; | "classify" |
| (c) "department" means a division of the public service designated by the Commissioner as a department; | "department" |
| (d) "employee" means a person employed in the public service; | "employee" |
| (e) "establishment" means the positions in a department to which appointments may be made by the Commissioner; | "establishment" |
| (f) "head" or "head of a department" means the head of a department of the public service and where the position is vacant or the head of a department is absent or unable to perform the duties of his position, includes the person designated by him so to act; | "head" or "head of a department" |
| (g) "incompetence" means incompetence of an employee in the performance of his duties and includes negligence; | "incompetence" |
| (h) "lay-off" means a person who has been laid off pursuant to subsection 26(1) and who in the opinion of the Commissioner is suitable for continued employment in the public service; | "lay-off" |
| (i) "misconduct" means misconduct of an employee in the performance of his duties, and includes bringing the public service into disrepute; | "misconduct" |

- "public service" (j) "public service" means the public service of the Northwest Territories;
- "remuneration" (k) "remuneration" means pay and allowances.
- Regional director deemed to be head of department (2) Every employee who has been designated by the Commissioner to act as a regional director responsible to the Commissioner for the administration of the government of any region of the Territories shall be deemed to be a head of a department for the purposes of this Ordinance.
- Delegation by head of department (3) The head of a department may authorize any person employed in his department to exercise any of the powers, functions or duties of the head of the department under this Ordinance.
- Reference to head of department (4) Unless the context otherwise requires, a reference in this Ordinance to a head of a department in relation to an employee shall be construed as a reference to the head of the department in which the employee is employed. 1965(2nd),c.9,s.2; 1968(1st).c.4.s.1; 1971(2nd),c.16,s.1.

MANAGEMENT AND DIRECTION

- Powers of Commissioner 3. The Commissioner has the management and direction of the public service. 1968(1st),c.4,s.2.
- Delegation of authority 4. The Commissioner may authorize an employee to exercise and perform, in such manner and subject to such terms and conditions as the Commissioner directs, any of the powers, functions and duties of the Commissioner under this Ordinance, other than the powers, functions and duties of the Commissioner in relation to appeals under sections 33 and 32 and inquires under section 33. 1971(2nd),c.16,s.2.

ORGANIZATION OF THE PUBLIC SERVICE

CLASSIFICATION

- Classes 5. (1) The Commissioner shall divide the public service into classes of employment and shall classify each position therein.
- Grades (2) The Commissioner may subdivide each class into two or more grades, but where a class is not so subdivided it shall, for the purpose of this section, constitute a grade.
- Standards (3) The Commissioner shall define each grade by reference to standards of duties, responsibilities and qualifications and shall give it an appropriate title.

(4) Each grade shall embrace all positions in a class having similar duties and responsibilities and requiring similar qualifications of persons appointed to a position in the grade. Content of grade

(5) The Commissioner may divide, combine, alter or abolish any classes or grades. Amendments

(6) The title of each grade shall be observed in all records of the Territorial Government. 1965(2nd),c.9,s.3. Use of classification titles

PAY AND ALLOWANCES

6. The Commissioner shall keep under review the rates of remuneration to employees having regard to Considerations determining pay rates

- (a) the requirements of the public service;
- (b) the rates of pay and other terms and conditions of employment prevailing in Canada for similar work outside the public service;
- (c) the relationship of the duties of the various classes within the public service; and
- (d) any other considerations that the Commissioner considers to be relevant. 1965(2nd),c.9,s.4.

7. The Commissioner shall establish rates of pay for each grade and establish the allowances that may be paid in addition to pay. 1965(2nd),c.9,s.5. Commissioner to fix pay and allowances

8. The rates of pay for grades shall consist of minimum rates, maximum rates and one or more intermediate rates, or such other rates as may in any special cases be appropriate. 1965(2nd),c.9,s.6. Form of rates

9. Where an employee is required to perform for a temporary period the duties of a higher position than the one held by him, the Commissioner may in accordance with the regulations authorize the payment to him of acting pay during such temporary period, and during the time that the employee is being paid acting pay, he has and may exercise the power and authority of the person holding the higher position. 1965(2nd),c.9,s.7. Acting pay

10. (1) Unless authorized by or under this Ordinance or any other Ordinance, no payment additional to the remuneration authorized by law shall be made to any employee in respect of any service rendered by him. No extra remuneration

(2) Nothing in this section shall be construed to prohibit Exceptions

- (a) payment to an employee of remuneration in respect of each of two or more positions, if the remuneration in respect of one position is not sufficient to compensate him for his

whole time and the total remuneration of the employee does not, in the opinion of the Commissioner, exceed reasonable remuneration for the duties performed; or

- (b) payment to an employee who is on leave of absence from his position and is performing other duties of such amount or at such rate as the Commissioner may fix. 1965(2nd),c.9,s.8.

ESTABLISHMENTS

Organization of
department

11. When a department is constituted, the head of that department shall prepare a statement showing

- (a) the number of employees required for the proper conduct of the business of the department;
(b) the duties and responsibilities of each employee and the qualifications desired; and
(c) the plan of organization showing the relationship between the persons to be employed therein. 1965(2nd),c.9,s.9; 1968(1st),c.4,s.3.

Classification

12. (1) The head of the department shall refer the statement prepared under section 11 to the Commissioner who shall classify the position of each proposed employee.

Establishments

(2) The head of the department shall prepare a list of proposed positions showing the class and grade of each position and the title of each grade and when approved by the Commissioner, the positions constitute the establishment for the department.

Pay

(3) The rate of pay applicable to a position as described on an establishment is the rate established by the Commissioner for the class or grade within which the position is included. 1965(2nd),c.9,s.10; 1968(1st),c.4,s.4.

Classification of
new positions

13. When a head of a department is of the opinion that the proper functioning of his department requires the addition of a position to the establishment of the department, he may submit to the Commissioner a description of the proposed position setting forth

- (a) the duties to be performed,
(b) the responsibilities to be assumed, and
(c) the qualifications desired,

and the Commissioner, if he approves, shall classify the position and the establishment of the department shall be deemed to be amended accordingly. 1965(2nd),c.9,s.11; 1968(1st),c.4,s.5.

14. The Commissioner may from time to time review the establishment of departments and may delete positions from or add positions to the establishment of a department. 1965(2nd),c.9,s.12; 1968(1st),c.4,s.5.

Establishment
1965(2nd)

Appointments

15. (1) The Commissioner has the exclusive right and authority to appoint persons to positions in the public service.

Exclusive right
to appoint

(2) Nothing in this or any other Ordinance shall be construed to prevent the Commissioner from appointing to a position in the public service a member of the Council appointed by the Governor General in Council. 1965(2nd),c.9,s.13.

Appointment of
Council member
to position in the
public service

16. (1) Whenever in the opinion of the Commissioner it is possible to do so and it is in the best interests of the public service, appointments shall be made from within the public service by competition.

Appointments to
be by
competition
within the public
service

(2) Where, in the opinion of the Commissioner, after considering any recommendations of the head of a department, it is impracticable or not in the best interests of the public service to make an appointment from within the public service by competition, the Commissioner may, without competition, appoint the person from within the public service who, in the opinion of the Commissioner, is best qualified. 1965(2nd),c.9,s.14; 1968(1st),c.4,s.6.

Appointments
from within
public service
without
competition

17. Where, in the opinion of the Commissioner, a suitable appointment cannot be made from within the public service, the appointment may be made from outside the public service. 1965(2nd),c.9,s.15.

When
Appointment
from outside
public service
authorized

18. The Commissioner may in relation to any position or any class or grade prescribe qualifications as to age, residence or any other matters that in his opinion are necessary or desirable having regard to the nature of the duties to be performed, but in so doing the Commissioner shall not discriminate against any person by reason of race, national origin, or religion. 1965(2nd),c.9,s.16.

Qualifications

19. (1) An employee shall be considered to be on probation for a period of one year after he has taken up the duties of his position or for such longer period as the Commissioner may establish for any class or grade of the position.

Probation

(2) The Commissioner may, on the recommendation of the head of a department, extend the probationary period of an employee, but the period of extension shall not exceed the period specified in or established in relation to that position under subsection (1).

Extension of
probationary
period

Reduction of
probationary
period

(3) Where an appointment is made from within the public service, the probationary period shall be reduced to six months and the Commissioner may, if he considers it appropriate, further reduce or waive the probationary period. 1965(2nd),c.9,s.17; 1968(1st),c.4,s.7.

Rejection

20. (1) The Commissioner may, on the recommendation of the head of a department, at any time during the probationary period of an employee, reject that employee for cause. /

Effect of
rejection

(2) An employee who has been rejected under this section ceases to be an employee. 1965(2nd),c.9,s.18; 1968(1st),c.4,s.8.

Special
employment

21. (1) The Commissioner may appoint persons to manage or staff industrial and economic development projects sponsored by the Territories on such terms and conditions of employment as the Commissioner may deem appropriate to the project.

Non-applicability
of Ordinance

(2) Any person appointed pursuant to subsection (1) shall be deemed not to be an employee within the meaning of this Ordinance and the provisions of this Ordinance do not apply to him. 1971(1st),c.9,s.1.

TERMS AND CONDITIONS OF EMPLOYMENT

TENURE

Tenure of office

22. The tenure of office of an employee is, subject to the provisions of this Ordinance and the regulations made there under and, unless some other period of employment is specified, for an indeterminate period. 1965(2nd),c.9,s.19.

Term of
appointments

23. An employee who is appointed to a position in the public service for a specified period ceases to be employed at the expiration of that period. 1965(2nd),c.9,s.20.

Resignation

24. (1) An employee may resign his position in the public service by giving to the Commissioner two weeks' notice in writing of his intention to resign his position.

Acceptance and
withdrawal

(2) A resignation is completed when it is accepted in writing by the Commissioner, but it may, by an appropriate notice in writing to the Commissioner and with the approval of the Commissioner, be withdrawn at any time before the effective date thereof, if no person has been appointed or selected for appointment to the position to be vacated by the resignation. 1965(2nd),c.9,s.21.

Abandonment

25. An employee who is absent from duty without leave for a period of one week may by an appropriate instrument in writing be declared by the Commissioner to have abandoned his position, and

thereupon the position becomes vacant and the employee ceases to be an employee. 1965(2nd),c.9,s.22.

LAY-OFFS

26. (1) Where the duties of a position held by an employee are no longer required to be performed, the Commissioner may lay off the employee and he thereupon ceases to be an employee. Laying of employees

(2) Notwithstanding anything in this Ordinance, the Commissioner may, without competition, appoint a lay-off to any position in the public service for which he is qualified having the same or lower maximum rates of pay as the position held by him at the time he was laid off. Reappointment

(3) A lay-off is entitled for a period of twelve months, or such longer period not exceeding two years, as the Commissioner may determine, after he was laid off to enter any competition for which he would have been eligible had he not been laid off. Competitions

(4) A person ceases to be a lay-off if he is not appointed to a position in the public service within twelve months from the date on which he became a lay-off or if he is appointed to or if, except for reasons that in the opinion of the Commissioner are sufficient, he declines an appointment to a position in the public service with the same or higher maximum rates of pay. 1965(2nd),c.9,s.23; 1968(1st),c.4,s.9. Termination of lay-off status

27. Where two or more persons employed in positions of the same grade in any department of the public service are to be laid off, or where one person is to be laid off and there are other persons holding positions of the same grade in the same department, the Commissioner shall, after considering such material and conducting such examinations, tests, interviews and investigations as he considers necessary, list the persons holding positions of the same grade in order of their merit, and such persons shall be laid off in order beginning with the person lowest on the list. 1965(2nd),c.9,s.24; 1968(1st),c.4,s.10. Order of laying off

SUSPENSION AND DEMOTION

28. (1) Where an employee, in the opinion of the head of a department, has been guilty of misconduct or incompetence, the head, Misconduct

(a) may, by an appropriate notice in writing, suspend the employee for a period not exceeding six months; or

(b) may recommend to the Commissioner that the employee's pay be reduced

- (i) to a level not lower than the minimum pay for his position,
 - (ii) by an appointment to a position in a lower grade in his classification, or
 - (iii) by an appointment to another position with a lower maximum rate of pay.
- Notice** (2) The head shall give an employee notice in writing of any recommendation made pursuant to paragraph (1)(b).
- Right of appeal** (3) Within two weeks after receiving a notice under subsection (1) or (2), the employee may appeal to the Commissioner against the decision of the head.
- If appeal** (4) If an appeal is taken to the Commissioner under this section, the Commissioner shall,
- (a) if the appeal is against a recommendation to demote, take such action with regard to the recommendation as he sees fit, and
 - (b) if the appeal is against a suspension,
 - (i) confirm the suspension,
 - (ii) reduce the period of suspension, or
 - (iii) revoke the suspension as of the day it was imposed, as he sees fit.
- Demotion** (5) A demotion under this section may be for a fixed period.
- Reinstatement** (6) The Commissioner may at any time reinstate a demoted employee. 1965(2nd),c.9,s.25; 1968(1st),c.4,s.11;1971(2nd),c.16,s.3.
- Suspension** 29. In any case where
- (a) it is alleged that an employee has been guilty of misconduct or incompetence and the Commissioner considers it desirable to investigate the allegation, or
 - (b) criminal proceedings against an employee are pending,
- the commissioner may, by an appropriate notice in writing, suspend the employee for a period not exceeding six months. 1965(2nd),c.9,s.26.
- No remuneration during suspension** 30. (1) An employee is not entitled to any remuneration in respect of any period during which he is under suspension.
- Termination** (2) The Commissioner may at any time terminate a suspension. 1965(2nd),c.9,s.27.
- Suspension pending inquiry** 31. (1) This section applies where an employee is suspended under section 29.

(2) The Commissioner may extend the period of suspension for an employee but for not more than six additional months at any one time. Extension

(3) Upon completion of the investigation or proceedings, as the case may be, the Commissioner shall. Proceedings upon completion of inquiry

(a) if as a result of the investigation or proceedings he is satisfied that the employee has been guilty of misconduct or incompetence,

(i) dismiss or demote the employee, or

(ii) suspend the employee for a further period not exceeding six months; or

(b) if as the result of the investigation or proceedings he is not satisfied that the employee has been guilty of misconduct or incompetence, rescind the suspension retroactively to the time it was first imposed. 1965(2nd),c.9,s.28; 1971(2nd),c.16,s.4.

DISMISSALS

32. (1) Where the Commissioner has decided that an employee should be dismissed, he shall give to that employee notice in writing of his decision and his reasons therefor. Notice of dismissal recommendation

(2) Within thirty days after receiving a notice under subsection (1), the employee may appeal to the Commissioner for reconsideration of his dismissal. Right to appeal

(3) If Dismissal

(a) no appeal is taken within the period prescribed in subsection (2), or

(b) an appeal is taken and on reconsideration the Commissioner has decided to dismiss the employee.

the Commissioner shall give to that employee notice in writing of his dismissal as of the date fixed therein, which date shall not be earlier than the date of the notice of dismissal.

(4) From the notice of dismissal the employee may appeal to an arbitrator pursuant to the *Arbitration Ordinance*. Arbitration Ordinance
1965(2nd),c.9,s.29.

POLITICAL PARTISANSHIP

33. (1) Except as authorized under this section, no employee shall Political partisanship

- (a) engage in work for, on behalf of or against a candidate for election as a member of the Council of the Territories or the House of Commons of Canada, or engage in work for, on behalf of or against a political party; or
- (b) be a candidate for election as a member described in paragraph (a).

Excepted activities

(2) A person does not contravene subsection (1) by reason only of his attending a political meeting or contributing money for the funds of a candidate for election as a member described in paragraph (1)(a) or money for the funds of a political party.

Leave of absence

(3) Notwithstanding any other Ordinance, upon application made to the Commissioner by an employee, the Commissioner may, if he is of the opinion that the usefulness to the public service of the employee in the position he then occupies would not be impaired by reason of his having been a candidate for election as a member described in paragraph (1)(a), grant to the employee leave of absence without pay to seek nomination as a candidate and to be a candidate for election as such a member, for a period ending on the day on which the results of the election are officially declared or on such earlier day as may be requested by the employee if he has ceased to be a candidate.

Notice

(4) Forthwith upon granting any leave of absence under subsection (3), the Commissioner shall cause notice of his action to be published in the *Northwest Territories Gazette*.

Effect of election

(5) An employee who is declared elected as a member described in paragraph (1)(a) thereupon ceases to be an employee.

Inquiry

(6) Where any allegation is made to the Commissioner by a person who is or has been a candidate for election as a member described in paragraph (1)(a) that an employee has contravened subsection (1), the allegation shall be referred to a board established by the Commissioner to conduct an inquiry at which the person making the allegation and the employee concerned, or his representative, is given an opportunity of being heard, and upon being notified of the board's decision on the inquiry, the Commissioner may, if the board has decided that the employee has contravened subsection (1), dismiss the employee. 1965(2nd), c.9, s.30; 1971(2nd), c.16, s.5.

HOLIDAYS

Holidays

34. (1) The following days are holidays for the public service:
- (a) New Year's Day,
 - (b) Good Friday,
 - (c) Easter Monday,
 - (d) the day fixed by proclamation of the Governor-in-Council for the celebration of the birthday of the Sovereign,

- (e) Dominion Day,
- (f) Labour Day,
- (g) Remembrance Day,
- (h) Christmas Day,
- (i) the day fixed by Order of the Commissioner as a general day of Thanksgiving,

and any other day fixed by Order of the Commissioner as a holiday for all or any part of the public service is a holiday for the public service or for that part of the public service, as the case may be.

(2) The Commissioner may make regulations providing for the grant of leave of absence to employees where a holiday specified in subsection (1) falls on the day when they are not required to perform the duties of their positions. 1965(2nd),c.9,s.31.

When holiday falls on day of rest

LEAVE OF ABSENCE

35. (1) Subject to this section, every employee, except one who is on retiring leave or on leave of absence without pay, is entitled to annual vacation leave, that is to say, leave of absence with pay as follows:

Annual leave

- (a) where the employee has been employed in the public service for less than two years, three weeks in respect of each fiscal year;
- (b) where the employee has been employed in the public service for two years or more but less than twenty years, four weeks in respect of each fiscal year; and
- (c) where the employee has been employed in the public service for twenty years or more, five weeks in respect of each fiscal year.

(2) The vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed is such period as may be prescribed by the regulations.

In respect of first year

(3) No employee shall be granted vacation leave unless he has been employed in the public service for at least six months.

Minimum service

(4) Annual vacation leave shall be taken at such times as the Commissioner may specify and, subject to the regulations, shall be granted during the fiscal year in respect of which it was earned or during the next following fiscal year.

Times for taking leave

(5) In calculating the period in which an employee has been employed in the public service for the purposes of subsections (1) and (3), there shall be included any continuous period of employment of that employee in the public service of Canada that was immediately prior to his employment in the public service.

Calculation of employment in public service

Two years
service required
for vacation
leave

(6) No employee shall be granted the vacation leave described in paragraphs (1)(b) and (c) unless he has been employed in the public service for at least two years.

Exception

(7) Nothing in subsection (6) shall deprive an employee who had been employed in the public service of Canada immediately prior to his employment in the public service of the four weeks vacation leave to which he was, or would have been entitled had he remained in the employ of the public service of Canada.

Inclusion of
northern service

(8) Notwithstanding subsection (5), in calculating whether an employee has been employed in the public service for the two years referred to in subsection (6), there shall be included any continuous period of employment of that employee in the public service of Canada that was served

(a) in the Northwest Territories, or

(b) in the Province of Manitoba or Quebec or both north of the 55th parallel of north latitude,

immediately prior to his employment in the public service. 1965(2nd),c.9,s.32; 1968(1st),c.4,s.12; 1969(3rd),c.8,s.1.

Appointment
during extended
leave

36. (1) Where an employee has been granted leave of absence for a period in excess of two months, the Commissioner may appoint another person to that employee's position, and in that event, the employee ceases to be the incumbent of that position, but during the remaining period for which he was granted leave of absence he shall, subject to this section, be deemed to be the incumbent of an equivalent position on the establishment.

Remuneration

(2) An employee who by subsection (1) is deemed to be the incumbent of an equivalent position is not entitled to any remuneration in respect of that position unless he was, in accordance with the regulations, granted leave of absence with pay.

Appointment to
another position

(3) Where an employee is on leave of absence and another person is appointed to his position under subsection (1) the Commissioner shall, during or after the expiration of leave, appoint the employee without competition to another position in the public service for which he is qualified. 1965(2nd),c.9,s.33.

PAY

Rate of pay on
appointment

37. (1) Subject to this section, the rate of pay of a person appointed to a position in the public service shall be the minimum rate for the grade of that position.

Appointment at
higher than
minimum rate

(2) The Commissioner may make an appointment to a position or to positions in a class at a rate of pay higher than the minimum rate applicable to that position or class.

(3) Subject to this Ordinance, an employee is entitled to be paid for services rendered the remuneration applicable to the position held by him. 1965(2nd),c.9,s.34. Right to remuneration

38. Every employee shall, before any remuneration is paid to him, take and subscribe the oath set out in Schedule A. 1965(2nd),c.9,s.35. Oath of office

39. (1) Subject to this section, an employee holding a position for which there is a minimum and a maximum rate of pay may be granted increases in pay until he reaches the maximum rate for the position. Increases

(2) An increase shall not be granted to an employee until the head of a department certifies to the Commissioner that the employee is performing the duties of his position satisfactorily. 1965(2nd),c.9,s.36; 1968(1st),c.4,s.13. Denial of increase

GENERAL

REGULATIONS

40. The Commissioner may make regulations for carrying the purposes and provisions of this Ordinance into effect, and without restricting the generality of the foregoing, may make regulations Regulations

- (a) providing for the grant of vacation leave in excess of three weeks in respect of any fiscal year in special circumstances, prescribing the vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed and providing for the grant of vacation leave with the consent of the employee at a time other than as prescribed in section 35;
- (b) providing for the grant to an employee of retiring leave, that is to say, leave of absence with pay terminating with his retirement from the public service or the payment of a gratuity in lieu thereof;
- (c) providing for the grant of leave of absence, other than vacation leave or retiring leave, with or without pay;
- (d) for requiring employees by reason of special circumstances or the nature of their duties to perform the duties of their position on a holiday, but any employee who is so required to perform the duties of his position on a holiday shall be granted another day of leave with pay or shall be paid compensation for overtime in lieu thereof;
- (e) for regulating hours of work, attendance, and other matters relating to the performance of duties;

- (f) authorizing the imposition of minor pecuniary penalties on employees for failure to comply with attendance requirements;
- (g) for authorizing the grant of leave of absence with pay for overtime as defined by the regulations, or the payment of compensation in lieu thereof to the employee or his personal representative;
- (h) prescribing the method of determining the rate of pay upon appointment where a lay-off or a person holding a position in the public service of Canada is appointed to a position in the public service;
- (i) prescribing the effective date of an appointment to the public service and prescribing what constitutes a resignation by an employee;
- (j) providing for the payment of acting pay where an employee is required to perform for a temporary period the duties of a higher position and prescribing the amount of or method of determining such acting pay and the circumstances and conditions under which it may be paid;
- (k) providing for the selection, appointment, conditions of employment and remuneration of employees performing duties of a casual, part-time or seasonal nature notwithstanding anything in this Ordinance;
- (l) prescribing what constitutes continuity of employment for the purposes of this Ordinance;
- (m) for regulating the holding of offices or positions outside the public service by persons employed in the public service;
- (n) prescribing procedure on appeals, and prescribing the procedure for dealing with grievances, as defined by such regulations;
- (o) authorizing the Commissioner to revoke an appointment where he finds any irregularity in the appointment; and
- (p) for any purpose for which regulations are by this Ordinance authorized to be made. 1965(2nd),c.9,s.37.

APPLICATION

Application

41. (1) Except as provided by subsection 42(3) this Ordinance applies to all employees whether appointed before or after the coming into force of this Ordinance.

Reference to period of employment

(2) A reference in any of the provisions of this Ordinance to a period of employment shall be construed as including employment before as well as after the coming into force of this Ordinance. 1965(2nd),c.9,s.38; 1969(2nd),c.25,s.1.

COLLECTIVE AGREEMENTS

42. (1) In sections 42 to 46
- (a) "collective agreement" means an agreement in writing entered into pursuant to this section between the Commissioner and an employees' association respecting terms and conditions of employment and related matters and shall be deemed to include any award made by an arbitrator; Definitions
"collective agreement"
- (b) "employees' association" means an association of public service employees incorporated by an Ordinance empowering it to bargain collectively. "employees' association"
- (2) The Commissioner may enter into a collective agreement with an employees' association. Collective agreement
- (3) Where the parties to collective bargaining have bargained collectively in good faith with a view to concluding a collective agreement but have been unable to reach agreement on any term or condition of employment, the parties shall agree to submit their differences to arbitration pursuant to the *Arbitration Ordinance*. Arbitration
- (4) An arbitration award shall deal only with terms and conditions of employment of employees as set out in the submission to arbitration. Award
- (5) In the event that the parties submit a dispute to arbitration, each party shall pay its own costs notwithstanding section 32 and 33 of the *Arbitration Ordinance*, but the costs incurred by persons in the discharge of their duties under the *Arbitration Ordinance* shall be shared equally by the parties. Costs of arbitration
- (6) A collective agreement between the Commissioner and an employees' association shall be binding on the Commissioner, the employees' association and the members of such association. Collective agreement binding
1969(2nd), c.25, s.1.
43. (1) An employees' association on behalf of its members or the Commissioner may, by written notice, require the other party to commence bargaining collectively with a view to the conclusion, renewal or revision of a collective agreement. Notice to commence bargaining
- (2) Where notice to bargain collectively has been given, the employees' association and the officers designated to represent the Commissioner shall, without delay but in any case within sixty days after the notice has been given or within such further time as the parties may agree, meet and commence to bargain collectively in good faith. Time to commence bargaining
1969(2nd), c.25, s.1.
44. Where a collective agreement fails to provide for the determination of disputes arising out of the collective agreement during the Arbitration

term of the agreement without stoppage of work, such disputes shall be determined by means of arbitration pursuant to the *Arbitration Ordinance*. 1969(2nd),c.25,s.1.

Limitation

45. No collective agreement shall provide, directly or indirectly, for the alteration or elimination of any existing term or condition of employment, the alteration or elimination of which or the establishment of which, as the case may be, would require or have the effect of requiring the enactment or amendment of any legislation by the Council except for the purposes of appropriations. 1969(2nd),c.25,s.1.

46. (1) No money deducted from an employee's salary for payment to an employees' association or paid to an employees' association by an employee of the public service shall be used directly or indirectly on behalf of any political party or on behalf of any candidate for political office.

(2) The Commissioner shall not make such deduction from the salaries of employees unless the employees' association delivers to the Commissioner a statutory declaration made by an officer duly authorized in that behalf that the employees' association is complying and will continue to comply with subsection (1). 1969(2nd),c.25,s.1.

SAVING PROVISION

Saving provision regarding health and safety

47. Nothing in section 42 or 44 shall be construed to require the Commissioner to do or refrain from doing anything contrary to any instruction, direction, regulation or directive in the interest of the health, safety or security of the people. 1969(2nd),c.25,s.1.

TRANSITIONAL

Employees continued

48. Every person who holds a position in the public service at the time this Ordinance comes into force continues to hold that position after that time, subject to the provisions of this Ordinance. 1965(2nd),c.9,s.39.

SCHEDULE A

OATH OF OFFICE AND SECRECY

I, (A.B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service of the Northwest Territories and

that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God. 1965(2nd),c.9,Sched.A.

①
QUEEN'S PRINTER FOR CANADA
OTTAWA, 1974