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**REPORT OF
THE LABOUR STANDARDS LAW REVIEW PANEL
INTO
EMPLOYMENT STANDARDS
IN THE
NORTHWEST TERRITORIES**



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SUBMITTED TO THE HONOURABLE STEPHEN KAKFWI
MINISTER OF SAFETY AND PUBLIC SERVICE

MARCH, 1990

GORDON R. CARTER, CHAIRMAN
DANIEL WILDE, PANEL MEMBER
JAMES M. EVOY, PANEL MEMBER

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INTRODUCTION

In September of 1989, the Honourable Stephen Kakfwi, Minister of Safety and Public Services, appointed a Labour Standards Law Review Panel to conduct a study into employment standards in the Northwest Territories and to make recommendations as to provisions to be contained in a new Employment Standards Act. The appointed Panel consisted of Gordon Carter, an N.W.T. consultant, as Chairman and Daniel Wilde, a Yellowknife businessman, and Jim Evoy, representative of workers' interests, as Panel Members.

Executive Secretaries to the Panel were Paulette Malo who left in November and was replaced by Theresa Slator in mid-December.

The new Act was to replace the current Labour Standards Act, the Employment Agencies Act and the Wage Recovery Act. In conducting its review, the Panel was to recognize that Employment Standards Law establishes minimum conditions of employment to apply to virtually all employees with the fewest possible exceptions. The Panel was instructed not to examine the function of labour relations as this responsibility is covered under Federal Statute.

The Panel was to conduct its inquiry by inviting public input through written presentations. The Panel was also enabled to invite those who submitted presentations or other private citizens to appear before them. The Panel was to consider Canadian practice in general as reflected in current federal and provincial legislation.

The Labour Standards Law Review Panel were given the Terms of Reference attached to this document as Appendix 1.

BACKGROUND INFORMATION

The Panel follows two prior formal inquiries, the first in May of 1966 and the second in January of 1973. The Labour Standards Act has not been subjected to a substantial review since 1974 although it has been amended and "patched up" a number of times since the last formal inquiry.

Following their appointment, the Panel proceeded to collect information, legislation and other pertinent material on employment standards from all provincial/territorial jurisdictions within Canada as well as from the federal government and the governments of a number of other jurisdictions including Sweden, Denmark, the United Kingdom, New Zealand and Alaska.

The Panel advertised the intent of their study in newspapers, on radio and television and requested written submissions from the public regarding any concerns about labour/employment legislation. A representative copy of the advertising is attached as Appendix 2.

A list of the written submissions received is attached as Appendix 3. Following a review of all written presentations, the Panel invited all those who presented briefs to appear before them to review, explain and elaborate on their written submissions. The presenters were given a choice of a private or public hearing and, of the fifteen presenters, all but one chose to orally present their material in a public hearing. The public hearings were held in Yellowknife from January 29th to February 2nd, 1990.

The Panel also invited the Deputy Minister of Safety and Public Services, the Labour Standards Officer, the two Labour Standards Inspectors, the Executive Secretary to the Labour Standards Board and all members of the Labour Standards Board to private interviews which were held February 5 and 6.

The Panel presented a Preliminary Report to the Minister on Monday, February 5th, 1990, a copy of which is attached to this report as Appendix 4.

The Panel were advised throughout the course of its inquiry that the public perception is that labour regulation does not seem to be a priority with this government or with any past government and that the time is ripe for the government of the day to give serious consideration to placing a greater emphasis on labour regulation, both in terms of funding and manpower.

The Panel would like to take this opportunity to commend all those groups and individuals who took the time and effort required to prepare their written submissions and oral presentations. In most cases, it is obvious that considerable thought and effort were applied to the task. The recommendations contained in the submissions were insightful and were an invaluable tool to the Panel in the course of their report drafting.

The Panel was disappointed not to have heard from more individuals or from more native or aboriginal groups or persons. Only one private individual chose to present his case to the Panel. Unfortunately, due to time constraints and funding restrictions, the Panel was unable to travel to other communities to pursue the concerns of the "ordinary citizen" of the N.W.T.

As noted in their Preliminary Report, it became clear to the Panel during the course of their review of the written submissions and hearing of oral presentations that they had been able to look at only the tip of the iceberg. A number of issues and concerns were raised by the submissions that required a much more in-depth analysis than that which the Panel, given its limited resources, was able to provide.

REPORT AS PER TERMS OF REFERENCE

Results of Examination of the Adequacy of the Existing N.W.T. Labour Standards Act and Regulations

The Panel found much of the existing N.W.T. Labour Standards Act ambiguous and open to varied interpretation. The existing Act and Regulations are in need of revision and modernization to make them consistent with current practice in other jurisdictions. The evidence received by the Panel, both written and oral, indicated that present legislation has many shortcomings in dealing with today's problems. Should major resource development occur in the N.W.T., the large influx of workers would result in chaos. N.W.T. labour regulations would either be ignored or the responsibility for labour regulation might have to be assumed by a higher level of government i.e. the federal government. An Employment Standards Act must be clear, concise and simply written and must fulfill the expectations and requirements necessary for the decade of development which appears to be coming in the 1990's.

Results of Examination of the Adequacy of the Inspection and Enforcement Provisions

The Panel have no doubts about the dedication and sincerity of the persons charged with the inspection and enforcement provisions of the Labour Standards Act. The Panel was appalled, however, by the inadequacies of the legislation and by the discretionary powers given to the people responsible for this very important function. The provisions contained in the Act with regard to inspection seem to provide the Inspectors with discretionary powers which could be legislated. The Panel found the resources of both the Inspectors and the Labour Services Branch to be inadequate to operate in anything other than a reactive mode as complaints must be made before an inspection takes place. The Panel feels that the Department and the Board should operate in a more proactive mode. All workplaces should be subject to inspection, not just the workplaces from which complaints have been received.

The Panel found the investigative and enforcement provisions completely inadequate for the purposes they are to achieve. Enforcement is complicated by a lack of definition of clear lines of authority between the inspection personnel, the Labour Standards Board and the Courts. Contested matters take months and sometimes years to be settled. Fines and penalties are too low. The enforcement provisions must be strengthened. The penalties must be severe enough to warrant compliance by all employers. Representation by employers' groups were unanimous in urging clarification of the rules so that all businesses would operate from a common base.

Results of Examination of the Adequacy of the Mechanism of the Appeal Process

The mechanism of the appeal process is not clearly identified. The appeal process is ponderous, unwieldy and slow. Evidence was presented to the Panel that most appellants abandon their claims before they are resolved. There are no provisions for appellants to be provided with any legal advocacy and, again, the lack of definition of clear lines of authority between inspection personnel, the Labour Standards Board and the Courts can result in contested matters taking months, if not years to settle. Most importantly, the Labour Standards Board has no real power. The Board cannot subpoena witnesses and are lacking many of the quasi-judicial powers normally available to boards of a similar nature. In light of Canada's new Charter of Rights and the possible denials of natural justice mechanisms of the appeal process should be examined in detail as soon as possible.

Results of Examination into the Extent of Worker, Employee and Public Understanding and Knowledge of the Labour Standards Law

The Panel found that there is an appalling lack of knowledge and understanding of labour standards laws. Very few workers really know how they are protected or if they are protected at all. It was stated on a number of occasions during the hearings that many employers and employees thought the labour laws of Alberta applied in the N.W.T. The understanding of labour regulation is further complicated by the number and variety of jurisdictions under which an employee may fall depending on his employer and/or industry. Federally regulated businesses i.e. banks, marine operations, air transport operations, etc., fall under the jurisdiction of Labour Canada whose nearest administrative office is in Whitehorse, Yukon Territory. There are other employer/employee relationships which are subject to different rules and regulations. For example, Canadian Oil and Gas Lands Administration regulations apply to certain aspects of work on drilling rigs and federal public servants are covered under the Alberta Workers Compensation Act. It is a confusing melange to sort through and most people just have no idea where to go for help. There is no central clearing house or information centre and even the professionals working in the labour standards field often encounter problems in determining who an employer or employee should contact to obtain information. Time and again, presentations revealed that the laws were unclear and that the public had to be made more aware of their rights and responsibilities. Time and again, the Panel were asked to ensure information on labour laws be distributed in some fashion.

Results of Determination as to whether the Wage Recovery Act and the Employment Agencies Act should be incorporated into the New Employment Standards Act.

The Panel could see no reason why the Employment Agencies Act and the Wage Recovery Act should not be incorporated into a new Employment Standards Act and, in fact, recommend that it be done.

Results of Determination as to what resources are necessary to properly administer and publicize the Employment Standards Act.

It is difficult, if not impossible, to determine the necessary resources to properly administer and publicize an Act which has not yet been redrafted. The Panel feels that the budget for labour services needs to be increased significantly but cannot realistically put an exact figure to it. Areas where the Panel feels more funding is required are increased inspections, additional administrative support for both the Labour Services Branch and the Labour Standards Board and increased per diems for board members.

Every effort should be made to amalgamate the applications, compliance certification and information dissemination functions of the Workers Compensation Board and Employment Standards functions. Posters outlining workers' rights similar to compensation benefit information should be posted in work places. Shared costs could be negotiated and while no estimate is available, a cooperative scheme should be about half as expensive as if it were done as a separate function.

An Employment Information Centre with a toll-free telephone number should be established in cooperation with all other labour governing agencies i.e. Labour Canada, Workers Compensation Board, etc., etc. to provide both employers and employees with current information on all aspects of employment regulation. A cost for this service could be established after the participating partners were determined.

All kinds of schemes from compulsory public and high school courses to regular newspaper, radio and television advertising and permanently employed information officers travelling throughout the N.W.T. could be employed to constantly publicize an Employment Standards Act, but the same argument could be made for almost every regulatory act governing people's lives. It would be a matter of government policy which of the regulatory functions should be emphasized and for that reason, no dollar figure can be given.

RECOMMENDATIONS - IMMEDIATE ACTION

The Panel strongly recommends that a new Employment Standards Act for the N.W.T. be drafted and put into legislation, however, we are not in a position to provide firm recommendations for the total Act. We can advise that there is an overwhelming need for a proper global review of employment standards in the N.W.T. We envision that such a review would require a budget sufficient to hire researchers and labour experts and fund an expanded panel of at least five members including a representative of aboriginal people and a representative of women. The budget would also need to cover visits to at least ten other communities in the Northwest Territories to listen, perhaps even to elicit, comments from those people most affected by the employment standards laws. In addition to community visits, the Panel feels that there may be other groups, as yet unidentified, who did not submit briefs or make presentations to the Panel but who should be interviewed.

Having said that the Panel did not have the time or resources to provide firm recommendations as to the complete redrafting of a new Employment Standards Act, there are a number of matters which we recommend could, and should, be attended to immediately by amendments to the present legislation.

1. Minimum Wage:

- a) Provision to adjust the minimum wage should be removed from the Act and be subject to future amendments by Regulation.
- b) The minimum wage should be immediately increased to \$6.75 per hour.
- c) The Minister should appoint two members to a Panel, one representative to be nominated by organized labour and one representative to be nominated by the business community for the future review and adjustment of the minimum wage. These two appointees would choose an independent Chairman and these three people would constitute the Minimum Wage Review Panel.
- d) A further review of the minimum wage should be conducted prior to the end of 1990 with a target date for implementation of January 1, 1991. Thereafter, the minimum wage should be reviewed annually by the Panel.

2. Resting or Eating Periods:

- a) Provisions should be added to the Act to provide all workers with a minimum eight hour rest out of every 24 hours.
- b) Provisions should be added to the Act to provide all workers with two ten minute coffee or rest breaks per shift.

3. Notice of Termination and Lay-Off:

- a) The ceiling presently in place restricting notice of termination to a maximum of eight weeks after nine years of employment should be removed.
- b) Provisions should be added to the Act to ensure that, if an employee is dismissed for any reason, the employer must pay all salary, wages and entitlements owing to the employee within 48 hours.

4. Vacation Pay:

- a) A provision should be added to Act stating explicitly that vacation pay is to be paid out to the employee within seven days of request for same unless the employee has been terminated, in which case, payment must be within 48 hours of termination as stated above.

5. Removal of Exclusions:

- a) No class or occupation of employee should be excluded from the Act.
- b) The Panel recommends that the Act explicitly state that part-time workers enjoy the same protection afforded by the Act as full-time workers.

6. Transportation from remote areas:

- a) The Act should explicitly state that employers at remote work sites are financially responsible for the transportation of employees who are terminated for any reason to their point of hire.

7. General Holidays:

- a) The Panel recommends that the name "General Holiday" be changed to "Statutory Holiday" as this is the more commonly understood and used term.
- b) The Panel recommends that the Statutory Holiday provisions be removed from the Act and be governed by Regulation with the present Statutory Holidays designated as:
 - New Year's Day
 - Good Friday
 - Victoria Day
 - Canada Day
 - the first Monday in August
 - Labour Day
 - Thanksgiving
 - Remembrance Day
 - Christmas Day

8. Enforcement:

- a) The Panel finds the fines and penalties set forth in the Act for the contravention of provisions of the Act inadequate in today's economy and recommends that same be increased to reflect a composite of current penalties imposed by law in other jurisdictions.

9. Pay Periods and Timely Payment of Wages

- a) Provisions should be added to the Act to ensure that the maximum holdback of pay is two weeks or semi-monthly.
- b) Provisions should be added to the Act to ensure that minimum pay periods of bi-weekly or semi-monthly be established.
- c) Payment of wages must be by cash or by cheque drawn on a chartered bank.

The above is in no way to be construed as an exhaustive list of changes which will give the Government of the N.W.T. the labour regulation tools required to deal with a major influx of workers as a result of resource development or even to deal with on-going labour matters in the 1990's. It is intended rather to be a "quick fix" of some matters which can be attended to immediately.

CRITICAL AND COMPLEX ISSUES

A host of other very important issues raised during our study of the legislation and by those who appeared magnified the Panel's concern that they had seen only the "tip of the iceberg". Some of the other matters requiring intense study and contemplation include:

- the problems with the inadequacy of the laws under which the Labour Standards Board must operate;
- permit system regarding rotational scheduling, extended hours of work, averaging, etc.;
- the re-active role and discretionary powers of the inspection services;
- the slow appeal process mechanism;

- **pay equity;**
- **hours of work and overtime;**
- **advocacy and grievance procedures;**
- **payroll records;**
- **protection of workers wages;**
- **a workers' wages trust fund;**
- **maternity, paternity, parental and family leave, bereavement leave, sick leave, jury duty leave et al;**
- **entitlements for Statutory Holidays;**
- **a Fair Wage Act;**
- **child protection laws;**
- **deductions from minimum wage employees**

The inherent intricacy of these issues alone denotes a more thorough study than could be applied by the Panel.

The expected future economic growth, the social climate of the 1990's and the needs of the people of the N.W.T. must all be addressed in conjunction with all other aspects of labour regulation to create a progressive, socially responsible workplace in the N.W.T. for the 1990's.

APPENDIX 1: TERMS OF REFERENCE

THE REVIEW PANEL IS TO CONDUCT A STUDY INTO EMPLOYMENT STANDARDS AND IS TO MAKE RECOMMENDATIONS AS TO PROVISIONS TO BE CONTAINED IN A NEW EMPLOYMENT STANDARDS ACT WHICH IS TO REPLACE THE CURRENT LABOUR STANDARDS ACT, THE EMPLOYMENT AGENCIES ACT, AND THE WAGE RECOVERY ACT. IN CONDUCTING ITS REVIEW, THE PANEL IS TO RECOGNIZE THAT EMPLOYMENT STANDARDS LAW ESTABLISHES MINIMUM CONDITIONS OF EMPLOYMENT TO APPLY TO VIRTUALLY ALL EMPLOYEES WITH THE FEWEST POSSIBLE EXCEPTIONS. THE PANEL IS NOT TO EXAMINE THE FUNCTION OF LABOUR RELATIONS AS THIS RESPONSIBILITY IS COVERED UNDER FEDERAL STATUTE.

THE PANEL IS TO CONDUCT IT INQUIRY BY INVITING PUBLIC INPUT THROUGH WRITTEN PRESENTATIONS. THE PANEL MAY INVITE THOSE WHO HAVE SUBMITTED PRESENTATIONS OR PRIVATE CITIZENS TO APPEAR BEFORE THE PANEL. THE PANEL IS TO CONSIDER CANADIAN PRACTICE IN GENERAL AS REFLECTED IN CURRENT FEDERAL AND PROVINCIAL LEGISLATION.

IN CONDUCTING ITS REVIEW INTO LABOUR STANDARDS, THE PANEL IS:

- TO EXAMINE THE ADEQUACY OF THE EXISTING NWT LABOUR STANDARDS ACT AND REGULATIONS;
- TO EXAMINE THE ADEQUACY OF THE INSPECTION AND ENFORCEMENT PROVISIONS OF THE LABOUR STANDARDS ACT;
- TO EXAMINE THE ADEQUACY OF THE MECHANISM OF THE APPEAL PROCESS AS CURRENTLY DEFINED IN THE LABOUR STANDARDS ACT;
- TO DETERMINE THE EXTENT OF WORKER, EMPLOYEE AND PUBLIC UNDERSTANDING AND KNOWLEDGE OF LABOUR STANDARDS LAW;
- TO DETERMINE WHETHER THE WAGE RECOVERY ACT AND THE EMPLOYMENT AGENCIES ACT SHOULD BE INCORPORATED IN THE NEW EMPLOYMENT STANDARDS ACT; AND
- TO DETERMINE WHAT RESOURCES ARE NECESSARY TO PROPERLY ADMINISTER AND PUBLICIZE THE EMPLOYMENT STANDARDS ACT.

THE PANEL IS TO COMPLETE AND FILE ITS REPORT AND RECOMMENDATIONS TO THE MINISTER BY MARCH 31, 1990.

APPENDIX 2: REPRESENTATIVE COPY OF ADVERTISING USED TO SOLICIT PUBLIC INPUT

Labour Standards Law Review Panel

LABOUR LAWS AND YOU

An independent Labour Standards Law Review Panel has been appointed to conduct a study into current labour laws.

The panel is inviting individuals and groups, workers and employers, to make submissions. Its members wish to hear what you think of employment laws on minimum wage, transportation from remote areas, general holidays, maternity leave and security of employment.

Your input will be used to combine the Labour Standards Act, Employment Agencies Act and Wages Recovery Act into a new Employment Standards Act. With your guidance the panel will assess the protection these acts provide, areas where protection for employees is lacking, and ways to improve the administration and enforcement of the acts.

The Labour Standards Law Review panel is composed of Chairman Gordon Carter, arbitrator and long-time northern resident; Jim Evoy, workers' rights activist and columnist for Native Press; and Daniel Wilde, long-time resident and private businessman.

To obtain more information or make your concerns known, contact:

Paulette Malo, Executive Secretary
Labour Standards Law Review Panel
P.O. Bag 4510
Yellowknife, N.W.T. X1A 2R3

Phone: (403)873-7471

Fax: (403)873-0260

Collect calls will be accepted from 8:30 a.m. to 5 p.m., Mountain Standard Time.

All comments should be made to the panel by November 30. In early December, the information will be reviewed and individuals or groups will be invited to appear before the panel to speak on their submissions.

Information and hearings will be kept confidential, on request.

**APPENDIX 3: WRITTEN SUBMISSIONS RECEIVED BY THE PANEL
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1. **QUIRKE, J.**
Contact: John Quirke, Deputy Minister, Safety & Public Services, Government of the N.W.T.,
 2nd Floor, Northway Building, Yellowknife
 Telephone: 873-7619

2. **MARIE-JEWELL, J.**
Contact: Jeannie Marie-Jewell, Minister Responsible for Status of Women, G.N.W.T.,
 Sixth Floor, Laing Building, Yellowknife
 Telephone: 873-7959

3. **LEWIS, B.**
Contact: Brian Lewis, M.L.A. Yellowknife Centre, G.N.W.T.
 Legislative Assembly Building, Yellowknife
 Telephone: 873-7918

4. **KUNKA, G.**
Contact: Gloria Kunka, Secretary-Treasurer, Canadian Association of Administrators of Labour
 Legislation, Labour Canada, Ottawa, Ontario
 Telephone: 1-613-997-2617 (General Inquiries, Labour Canada)

5. **GAWOR, B.**
Contact: Bill Gawor, Box 85, Rankin Inlet, XOC OGO
 Telephone: 1-819-645-2987

6. **WOMEN'S RESOURCE CENTRE**
Contact: Catherine Sills, Executive Director, Box 276, Hay River, N.W.T. X0E 0R0
 Telephone: 1-874-3311 (Centre); 1-874-2125 (C. Sills residence)

7. **PAUKTUUTIT INUIT WOMEN'S ASSOCIATION**
Contact: Mary Sillett, President, 200 Elgin Street, Suite 804, Ottawa, Ontario, K2P 1L5
 Telephone: 1-613-238-3977

- *8. **Y.W.C.A. YELLOWKNIFE**
Contact: Sharon Sawchuk, Executive Director, 5004-54th Street, Yellowknife
 Telephone: 920-2777

- *9. **PADGHAM, R.**
Contact: Russell Padgham, #202, 5123-53rd Street, Yellowknife, X1A 1V7
 Telephone: 873-3730

- *10. **NERCO CON MINE**
Contact: Grant Horseman, Employee Relations Director, Box 2000, Yellowknife, X1A 2M1
 Telephone: 873-2783

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11. **LABOUR SERVICES**
Contact: Karen Jackman, 403-4402 School Draw Ave., Yellowknife
Telephone: 873-8978 (res.)
- *12. **NWT ADVISORY COUNCIL ON THE STATUS OF WOMEN**
Contact: Katherine Peterson, President, c/o Women's Secretariat, Box 1329, Yellowknife,
Telephone: 920-6177 (Secretariat) 873-4456 (K. Peterson business)
13. **LABOUR STANDARDS (E. Smith)**
Contact: Eric Smith, Labour Standards Officer, Safety and Public Services, G.N.W.T.,
Yellowknife
Telephone: 873-7486 (Labour Service Office) 873-5474 (Residence)
- *14. **IGLOO REAL ESTATE & INSURANCE**
Contact: Myrna Strain, Assistance Manager, Box 2698, Yellowknife, X1A 2R1
Telephone: 920-2525
- *15. **UNITED STEELWORKERS OF AMERICA**
Contact: Marie Kelly, Student-at-Law, 234 Eglinton Ave. E., Suite 700, Toronto, Ontario
M4P 1K7
Telephone: 1-416-487-1571
- *16. **NWT CONSTRUCTION ASSOCIATION**
Contact: Nelson Madsen, Director, Box 1889, Yellowknife, X1A 2P4
Telephone: 873-3949
- *17. **UNION OF NORTHERN WORKERS**
Contact: Darm Crook, President, Box 1116, 4710 - 50 Ave., Yellowknife X1A 2N8
Telephone: 873-5668
- *18. **NWT CHAMBER OF COMMERCE**
Contact: Kevin Diebold, President, Box 2544, Yellowknife, X1A 2P8
Telephone: 873-1989
- *19. **NWT TEACHERS ASSOCIATION**
Contact: Blake Lyons, Executive Director, Box 2340, Yellowknife, X1A 2P7
Telephone: 873-8501
- *20. **FEDERATION OF LABOUR**
Contact: Dave Johnston, President, 5112 - 52 Street, Box 2787, Yellowknife, X1A 2R1
Telephone: 873-3695

**APPENDIX 3: WRITTEN SUBMISSIONS RECEIVED BY THE PANEL
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- *21. **TOURISM INDUSTRY ASSOCIATION OF THE N.W.T.**
Contact: Bill Braden, Executive Director, Box 506, Yellowknife, X1A 2N4
Telephone: 873-2122
22. **VERBAL SUBMISSIONS (Various)**
- *23. **NORTHERN ALBERTA & N.W.T. (District of MacKenzie) BUILDING & CONSTRUCTION TRADES COUNCIL**
Contact: Robert R. Blakely, Hladun, Blakely, Barristers & Solicitors, Scotia Place, 20th Floor, Ezzo Tower, 10060 Jasper Avenue, Edmonton, Alberta T5J 3R8
Telephone: 1-423-1888
- *24. **YELLOWKNIFE CHAMBER OF COMMERCE**
Contact: Dorothy Barkley, Manager, 48th St. & Franklin Ave., Yellowknife
Telephone: 920-4944
- *25. **ARCTIC PUBLIC LEGAL EDUCATION SOCIETY**
Contact: Stephen Whipp, Executive Director, 4916-47 St., Box 2706, Yellowknife, X1A 2R1
Telephone: 920-2360
26. **MEMBERS OF THE LABOUR STANDARDS BOARD OF THE N.W.T.**
Contact: Karyn Dick 920-6324

* Orally supported written submission before the Panel

APPENDIX 4:

Labour Standards Law Review Panel

PRELIMINARY REPORT TO THE HONOURABLE STEPHEN KAKFWI
MINISTER OF SAFETY & PUBLIC SERVICES
BY THE LABOUR STANDARDS LAW REVIEW PANEL

MONDAY, FEBRUARY 5TH, 1990

Your Panel has completed a preliminary study into employment standards in the Northwest Territories, the other provinces, the Yukon and numerous foreign jurisdictions. In addition, the Panel invited public participation and received twenty-six (26) written submissions, fourteen (14) of which appeared before the Panel to make an oral presentation.

It is the unanimous conclusion of the Panel that any report or recommendation which we can give you on or before March 31st, 1990, will not be a global review of labour issues but rather recommendations on "band-aid" solutions to cure some of the more glaring inequities in the present laws.

The review, as contemplated by the Terms of Reference, your press release of September 14th, 1989, and public expectation is that some innovative solutions to the peculiar labour problems of the Northwest Territories are required. Those kinds of recommendations are just not possible by March 31st for a number of reasons including the time frame given the Panel, the problems with administrative and research support services, the constrictions on travel and the financial resources available to the Panel.

The Panel is firm in its belief that, in the best interests of the working people and employers of the Northwest Territories and to meet the challenges of the 21st century, a truly global review of employment standards must be done. We have only been able to look at the tip of the iceberg. With an expanded Panel, sufficient funding and an appropriate time frame for a task of this magnitude, a truly innovative and workable Employment Standards Act can be developed for the Northwest Territories. The Panel is prepared to draft such a plan, a proposed budget and time plan if you agree it should be done. We await your direction.

Respectfully submitted,



Gordon R. Carter
Chairman

GRC:mts

