

# Annual Report of the Labour Standards Board of the Northwest Territories

April 1, 1996 – March 31, 2003

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## **Annual Report of the Labour Standards Board**

Employment standards of the Northwest Territories are governed by the *Labour Standards Act*. This Act sets out the general rights and responsibilities, minimum requirements and fundamental principles of employment standards.

Our Annual Report includes key statistics about our work, such as the number of decisions, certificates, and director's certificates.

### **What is the Labour Standards Board?**

The Labour Standards Board is a board, which is created by section 44 of the Labour Standards Act.

### **What does the Labour Standards Board Do?**

The Board has four key areas of jurisdiction under the *Act*. They are:

- The Board is the forum where an employer or an employee aggrieved by a decision or order of the Labour Standards Officer may appeal to the Board. The Board is required to hear appeals of decision of the Labour Standards Officer.
- The Board also performs a role in the review of certificates for unpaid wages issued by the Labour Standards Officer. The Board is empowered to review certificates and the Board must either confirm a certificate or cancel a certificate. If confirmed, it is the Board that attends to the registration of a certificate with the Supreme Court of the Northwest Territories.
- The Board enforces the confirmed certificates by taking action to ensure the wages of the employees are paid.
- The Board may also enforce confirmed certificates made by a designated authority in a reciprocating jurisdiction.

### **Who are the Members of the Labour Standards Board?**

The Board is made up of five members, including a chairperson appointed by the Commissioner. Members are appointed for a term not exceeding five years and are eligible to be reappointed. The *Act* specifically sets out that three members of the Board constitute a quorum. As such, in order to review a certificate, consider an appeal or perform any of its statutory functions, there must be three Board Members. Over the last several years, this has been a serious problem of not having five members always appointed to the Board.

The most important problem arises if one of the three members had a conflict in reviewing a file. The impact of not having a full board is that some matters were unable to proceed as expeditiously as the Board would want.

We report that as of March 31, 2003, the members of the Labour Standards Board were:

Jerry Loomis – Chairperson  
 Louis Sebert – Member  
 Doris McCann – Member  
 Sarah Kay – Member  
 Russel Look – Member

During the period, April 1, 1994 through March 31, 2003, other members of the Board are listed and attached to the back of this report.

The Board is also supported by two administrative positions, the Executive Assistant, Karyn Dick, and the Administrative Assistant, Carole Robinson.

The office of the Board is located as follows:

3<sup>rd</sup> Floor, Panda II Mall  
 P.O. Box 2804  
 Yellowknife, NT X1A 2L9

**When Does the Board Meet?**

The Board does not have a defined meeting schedule. Rather meetings of the Board are dependant on the volume of work. Board meetings generally take two to three days and it is during these meetings that outstanding appeals and certificates are reviewed. Following is a summary of the number of meetings over the past six years.

<b>Fiscal Year Ended March 31</b>	<b>Apr 1/96 to Mar 31/97</b>	<b>Apr 1/97 to Mar 31/98</b>	<b>Apr 1/98 to Mar 31/99</b>	<b>Apr 1/99 to Mar 31/00</b>	<b>Apr 1/00 to Mar 31/01</b>	<b>Apr 1/01 to Mar 31/02</b>	<b>Apr 1/02 to Mar 31/03</b>
<b>Number of Meetings</b>	7	4	7	5	7	5	5

### How Does the Board Hear Appeals:

Appeals to the Labour Standards Board take one of two forms. They are either appeals in writing or there is an oral hearing. Where an appeal is heard in writing both parties are provided with the information provided by the other and the opportunity to make submissions to the Board on those aspects. Where the Board convenes an oral hearing, it will receive evidence in person from parties. Written information is exchanged, and commented on prior to the oral hearing.

The Board has faced more complex issues in recent years. Decisions of the Labour Standards Board can be appealed to the Supreme Court of the Northwest Territories on a point of law raised before the board.

### Cases Opened/ Decisions Made/ Dollar Value of Recoveries:

The Board has had significant success in recovering monies on behalf of employees. The chart below demonstrates the sums recovered for the period of April 1, 1996 to March 31, 2003. The chart also sets out the number of cases opened and decisions made by the Board.

	Apr 1/96 to Mar 31/97	Apr 1/97 to Mar 31/98	Apr 1/98 to Mar 31/99	Apr 1/99 to Mar 31/00	Apr 1/00 to Mar 31/01	Apr 1/01 to Mar 31/02	Apr 1/02 to Mar 31/03	Total
Cases Opened	68	48	61	50	38	43	43	351
Director's Certificates	43	43	38	50	61	48	68	293
Decisions Made	29	19	12	28	25	27	25	165
Company Certificates affected by decision	18	15	12	18	11	24	20	118
Directors Certificates affected by decision	18	5	9	8	44	46	50	180
Decisions made on issues, but not certificate involved	5	5	1	8	1	6	9	35
Money Collected	\$99,510.83	\$96,252.24	\$55,180.83	\$42,435.54	\$50,623.83	\$49,967.18	\$64,240.13	\$458,210.58

### Cases Opened

Cases are opened for each certificate the Labour Standards Officer has issued against an employer on behalf of an employee. One or more Directors certificates can be issued against the company Directors and included in each file (case). The Board reviews all certificates, along with the file information. However, only written decisions with reasons are made on certificates that are appealed, and on cases that have been appealed but no certificates are involved (see below).

Cases opened include files opened when a party appeals a decision of the Labour Standards Officer when no certificate has been issued.

Decisions are also made on issues where certificates have not been issued. Some of the issues involve whether a person is a contractor vs. an employer, rulings of the Officer denying termination pay, and preliminary decisions of the Board on whether an oral hearing should be conducted.

## LABOUR STANDARDS BOARD APPOINTMENTS

<u>Name</u>	<u>Appointed</u>	<u>Term Expires</u>	<u>Date of resignation</u>
Jerry Loomis Chairman effective	April 7, 1993 November 1, 1996	October 31, 2006	
Louis Sebert	November 1, 1996	October 31, 2006	
Doris McCann	January 05, 2001	January 04, 2006	
Russell Look	January 29, 2003		May 5, 2003
Sarah Kay	January 29, 2003	January 28, 2008	
Cheryl Walker	October 31, 2001		October 10, 2002
Donna Kisoun	December 12, 2000		April 1, 2001
John Simpson	April 21, 1998	December 07, 2001	
Lazarus Arreak	May 21, 1996		February 3, 1997
Chuck Gilhuly	November 01, 1996	Appointed as Chairman, Nunavut Labour Standards Board April 1, 2000	
Lena Tapatai	October 01, 1999	Appointed as Member, Nunavut Labour Standards Board	
Douglas Workman	April 21, 1998		March 30, 1999
Roland Gosselin	December 2, 1993		December 1, 1995
Alex Lacroix	August 23, 1991		August 22, 1995
Rosemary Cairns	May 20, 1986		October 31, 1996
Louise Nielsen	Appointed as Chairperson May 20, 1986		February 1, 1994
Debbie Nider	February 1, 1994		January 31, 1998