

ORAL QUESTION—KEVIN O'REILLY, MLA FRAME LAKE

QUESTION 590-19(2): EMPLOYMENT STANDARDS ADMINISTRATION AND REPORTING

February 25, 2021

MR. O'REILLY: Merci, Monsieur le President. My questions are for the Minister of Education, Culture and Employment. The Employment Standards Act attempts to carefully balance the rights of workers and the interests of employers. Recently, I had a constituent raise concerns about how a simple complaint has taken more than four months to get sorted out. Can the Minister tell us whether response times are actually tracked for Employment Standards Act complaints, and can he share a summary of that information now? Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Frame Lake. Minister of Education, Culture and Employment.

HON. R.J. SIMPSON: Thank you, Mr. Speaker. There are service standards that have been developed for the Employment Standards Office, and those relate to how long between making a complaint or an inquiry and receiving a call back. The length of time between a complaint being made and a decision is not something that has traditionally been tracked. There is a wide variety of factors that determine how long a complaint would take to finalize or come to a decision. There are complaints that take one phone call to be decided upon, and then there are complaints that take months. It's feasible there could be complaints that take years because there are so many variables. Sometimes, even the complaint itself, the two parties don't agree on.

That number isn't something that has been tracked. The Employment Standards Office, in 2019-2020, there were 80 complaints received, and there were 119 payroll inspections, which is something they do; in 2018-2019, there were 79 complaints, and there were 80 payroll inspections; and in 2017-2018, there were 103 complaints and 39 payroll inspections. There was an increase in the payroll inspections, and that's because of increase in the NT Nominee Program applications. Those go hand-in-hand. At the same time, there was a vacancy for a year as well as slow-downs because people were working from home, and it's difficult to do investigations that way. There was a backlog that started building up at the beginning of 2020 and was exacerbated by an increase in payroll inspection applications later in the year. That could account for some of these delays that the Member is talking about. Thank you, Mr. Speaker.

MR. O'REILLY: I want to thank the Minister for that information. I was trying to scribble it down, but I'll catch it in Hansard. The Minister did mention that there are service standards for the employment standards section of the department. I'm wondering: can the Minister tell us whether he can share those service standards with us as Regular MLAs and perhaps even post it to the website? Because there is no information whatsoever about that on the website.

HON. R.J. SIMPSON: Absolutely. It's a public document. I'm sure it's available

somewhere in hard copy possibly; maybe it's up in the offices. I'm not sure, but I'll make sure that it is nice and visible so the Member can find it. I will share it directly with him, as well.

MR. O'REILLY: I want to thank the Minister for that. It's great to hear "yes" a few times, so I look forward to getting that information and seeing it on the website. There doesn't appear to be any public reporting requirements under the Employment Standards Act, unlike other territorial legislation such as the Access to Information and Protection of Privacy Act or other laws where complaints and decisions are made. Can the Minister find a way to make public, perhaps on an annual basis, the response times and other basic administrative information such as the number of complaints and their outcomes under the Employment Standards Act?

HON. R.J. SIMPSON: I just saw the Member's questions earlier today, and I already started those conversations with the department to figure out if there is a way that we can get that information public.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I want to thank the Minister for that, and I look forward to a full report from him on how he is going to make that information public. Lastly, though, it's not clear how many employees there are who handle Employment Standards Act administration and complaints and how staffing and resource needs are assessed. Can the Minister explain how staffing and resourcing needs are determined for the administration of the Employment Standards Act? Mahsi, Mr. Speaker.

HON. R.J. SIMPSON: Just like anything, we look at what's the need and weigh all of the different competing priorities across the GNWT, and we staff accordingly. Right now, there is a manager in the office who is also an employment standards officer; there are three inspectors; and there is a finance, collections, and information officer. In 2020, one of the inspector positions was vacant, and for the last six months or so of 2020, the finance position was also vacant. Thank you, Mr. Speaker.