



## IDENTIFICATION

Department	Position Title	
Education, Culture and Employment	Inspector, Employment Standards	
Position Number	Community	Division/Region
71-7969	Yellowknife	Labour Development and Standards, Employment Standards Office

## PURPOSE OF THE POSITION

The Inspector, Employment Standards is appointed by the Minister and is responsible for assessing and enforcing compliance with, providing advice and interpretation of, and investigating complaints made under the Employment Standards legislation of the Northwest Territories to ensure that employees/employers are protected by, and aware of, the legislative requirements.

## SCOPE

The Inspector, Employment Standards position is located in Yellowknife and reports to the Manager of Employment Standards who is the Employment Standards Officer appointed under the *Employment Standards Act* (the Act). The position is one of three inspectors in the unit.

The Inspector deals with approximately 40 – 50 complaints per year and 1 – 2 payroll inspections per week. Inspectors are assigned specific regions and share the Yellowknife caseload.

The work has a direct impact on employers and employees in the Northwest Territories. In dealing with complaints, the Inspector is required to provide a fair and open assessment of a situation, using investigative and analytical skills to assess compliance with the Employment Standards Act. The incumbent has considerable latitude in carrying out investigations and independent judgment is required. Decisions on complaints, drafted by Inspectors for consideration by the Employment Standards Officer, must be based on quasi-legal arguments and ascertained facts. The result of each investigation conducted has the potential to be examined by an appeal body.

The incumbent also has the legislative authority to conduct workplace inspections for the purposes of obtaining evidence if they believe an offence under the Act has been committed. The Inspector holds an appointment as a Commissioner of Oaths for the purpose of swearing legal documents.

## **RESPONSIBILITIES**

### **1. Investigates complaints filed under the *Employment Standards Act* in order to ensure that employees have received at least their minimum legislated entitlements.**

- Attempts to resolve conflict and /or misunderstandings before official complaints are filed.
- Analyses workplace relationships to document the existence of contracts of service.
- Interprets contracts of employment and ensures the employer is subject to legislation.
- Obtains evidence and conducts interviews to obtain relevant information and discuss conditions.
- Audits employer's payroll records and reviews company's employment policies and practices for compliance with legislation.
- Identifies infractions and performs payroll calculations to determine amounts owed.
- Obtains employer agreements to correct employment standards deficiencies within specified time periods and monitors the implementation of such agreements.
- Makes recommendations to the Employment Standards Officer to post bonds against repeat non-compliant employers.
- Requests orders for non-compliance and recommends prosecutions to Employment Standards Officer.
- Prepares information/evidence for prosecution or civil suits.
- Drafts decisions highlighting the facts and determinations of the investigation quoting relevant case law and sections of the Act for consideration by the Employment Standards Officer.
- Drafts legal documents.
- Prepares complaint files for submission to appeal hearings of the Adjudicators and may be asked to provide oral or written representations to explain conduct of cases.
- Works to improve operating procedures and suggests revisions to legislation.
- Analyses and ensures the effectiveness of Employment Standards Office to maintain equality and fairness of the investigation system across the NWT.

### **2. Provides technical information and advice to employers and employees about the *Employment Standards Act* in order to improve compliance.**

- Meets with employers/employees to obtain firsthand knowledge of the community employment environment.
- Visits new businesses to share information about the requirements under the Act.
- Assists with private and public sector employment agreements and employment (or human resource) policies to ensure that they fall within the standards set out by legislation.

- Ensures employers and employees are kept informed of changes in legislation.
- Meets with employers or employees to discuss needs and concerns related to the Act.
- Provides information about employment legislation and policies including interpretations and rulings on particular circumstances at worksites.
- Discusses remedies to particular problems with employers and union representatives.
- Tailors information sessions and conducts seminars to high schools, employers, and members of the public on the provisions and intent of NWT employment law.
- Conducts and facilitates presentations at trade shows to provide a forum where attendees can get immediate answers to specific concerns.
- Conducts targeted initiatives to ameliorate areas of concern in private industry.
- Performs workplace inspections and payroll audits proactively and reactively for the purpose of ensuring compliance with the legislation.
- Develops promotional material of the services offered by Employment Standards and contributes content for the Employment Standards section of the department's website.
- Performs payroll audits on applicants to the Northwest Territories Nominee Program (NTNP) to ensure employer compliance with legislation and, where compliance issues are identified, works with employers to rectify them.
- Liaises with Employment and Social Development Canada (ESDC), Immigration, Refugees and Citizenship Canada (IRCC), Workers' Safety and Compensation Commission (WSCC), Band offices and other Government of the Northwest Territories departments to ensure consistency of information about services.

**3. Mediates between employers and employees to resolve employment issues.**

- Analyses the issues and positions of the parties.
- Conducts negotiations with employers and employees to attain acceptable outcomes for both parties.
- Uses negotiating and dispute resolution techniques to motivate parties to agreement.
- Conveys or recommends wording changes to proposals to formulate creative resolutions for both parties.
- Initiates proposals advantageous to both parties enabling them to resolve conflict.
- Engages with union representatives, legal counsel and government staff as required during mediation processes.

**4. Assists the Employment Standards Officer in analyzing the effectiveness of the support provided by the Employment Standards office.**

- Analyses and reports on the concerns of employers and employees.
- Reports on the effectiveness of legislative provisions and suggests changes.
- Compiles statistics on the number and nature of inquiries by recording information into a database.
- Recommends changes to address issues identified during the course of investigations.
- Identifies areas for future training and program development.

**WORKING CONDITIONS**

### **Physical Demands**

No unusual demands.

### **Environmental Conditions**

The incumbent is required to visit a variety of worksites including industrial sites, construction sites, camps and garages, and may be exposed to a variety of smells and sounds, and the need to follow safety protocols

### **Sensory Demands**

No unusual demands

### **Mental Demands**

The incumbent may be required to work with angry, hostile individuals as often as daily. As position involves mediating parties in conflict, there may be express or implied threats. The Inspector may be approached by clients outside of regular work hours. Travel of up to one week 2 - 6 times per year to NWT communities. The environment is stressful as there are multiple demands and deadlines as well as a frequent need to shift attention from case to case.

### **KNOWLEDGE, SKILLS AND ABILITIES**

- Thorough knowledge of NWT and national employment standards and enforcement and investigative procedures.
- Knowledge of northern community life and cross-cultural issues.
- Knowledge of the NWT's Access to Information and Protection of Privacy Acts.
- Knowledge of general accounting practices and principles.
- Able to use accounting software.
- Proven strong communication skills.
- Experience using MS Office Suite, internet and email.
- Able to use electronic case management and information management systems.
- Proven interpersonal, analytical, negotiation and conciliation skills.
- Well-developed problem solving and research skills, including the skill to present a sound foundation for solutions.
- Demonstrated organizational skills in a complex environment.
- Experience in conducting presentations and training seminars.
- Ability to interpret, monitor and enforce legislation and case law.
- Able to work effectively with people in cross-cultural situations.
- Able to work under pressure.
- Able to work with minimal supervision.
- Able to interview effectively and assess credibility.

### **Typically, the above qualifications would be attained by:**

- A related diploma combined with 3 years' experience in an investigative, accounting/bookkeeping, labour relations or human resources setting.

- A Class 5 Driver's License.

### **ADDITIONAL REQUIREMENTS**

#### **Position Security** (check one)

- ☐ No criminal records check required
- ☒ Position of Trust – criminal records check required
- ☐ Highly sensitive position – requires verification of identity and a criminal records check

#### **French language** (check one if applicable)

- ☐ French required (must identify required level below)
  - Level required for this Designated Position is:
  - ORAL EXPRESSION AND COMPREHENSION
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
  - READING COMPREHENSION:
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
  - WRITING SKILLS:
    - Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐
- ☐ French preferred

#### **Indigenous language:** Select language

- ☐ Required
- ☐ Preferred