

Re Government of the Northwest Territories -and- Union of Northern Workers
(Report and Binding Recommendations of March 22, 2019 – Clarification of A5.01 and
A5.02 – Casual Employees)

Subsequent to issuance of my Report and Binding Recommendations on March 22, 2019, I have received correspondence from the parties concerning an alleged “omission” from same, regarding Appendix A5 – Casual Employees.

While I have no intention of re-opening my Recommendations for further negotiation, I feel that the “A5-Casual Employees” issue can and should be dealt with as a clarification arising from my retained jurisdiction to “resolve any matters relating to implementation”.

At the time I issued my Recommendations I was of the view that A5.01 and A5.02 had been agreed to between the parties as per the Employer’s proposal submitted to the Union time dated 9:15 pm February, 9, 2019. Hence my reference to A5 in my Recommendations at page 6. I did not link it to A1 Relief Employees which I dealt with specifically in my Recommendations.

Accordingly, it is my view that the following language in Appendix A5 – Casual Employees should form part of my Recommendations:

Appendix A5 – Casual Employees

Amend to read:

A5.01 The Employer shall hire casual employees for a period not **less than five (5) days and not** to exceed ~~four (4)~~ **six (6)** months of continuous employment in any particular department, board or agency. **Casual employees shall have scheduled hours.**

The five (5) day minimum shall not apply to casual employees who are Health Care Practitioners under Appendix A10.

~~Where the Employer anticipates the period of temporary employment to be in excess of four (4) months, the employee shall be appointed on a term basis and shall be entitled to all provisions of the Collective Agreement from the first day of his/her employment.~~

A5.02 The Employer shall ensure that a series of casual employees will not be employed in lieu of establishing a full-time position or filling a vacant position.

An employee will not be hired as a casual employee to perform the same job as the employee performs in the employee’s position. Any hours in excess of or outside of the employee’s regularly scheduled hours of work in the same job shall be paid as overtime.

An employee who is on leave for greater than 14 calendar days may accept casual employment within the same Authority provided the employee is not performing the tasks within the same facility as their substantive position.

~~The Employer shall consult with the Union before a former casual employee is rehired in a particular division if that former casual employee had worked in that division as a casual employee performing the same duties at any time within the 30 working days immediately preceding the date of rehire.~~

It trust this clarifies the matter.

Vince Ready