



Staff Retention Policy

1. Statement of Policy

The Government of the Northwest Territories (GNWT) values the members of the territorial public service and the work they do, and is committed to the retention, retraining, and development of existing staff wherever possible. The Staff Retention Policy (Policy) is intended to provide guidance to the departments and agencies of the GNWT when implementing lay-offs or changes to existing positions within the territorial public service.

2. Principles

The following principles guide the application of this Policy:

- (1) the provision of reasonable job security to members of the territorial public service;
- (2) the need to mitigate adverse effects of organizational restructuring through the retention, retraining, and development of employees wherever possible;
- (3) fair treatment of employees when organizational restructuring is necessary; and
- (4) the value of employee continuity in the territorial public service.

3. Scope

This Policy and accompanying guidelines apply to all GNWT public servants, except casual employees, employees who are members of the Northwest Territories Teachers' Association, and employees of the Northwest Territories Power Corporation.

4. Definitions

The following terms apply for the purposes of this Policy:

Deputy head as defined in the *Public Service Act*, means, (a) in relation to a department, the Deputy Minister of that department, and (b) in relation to any other portion of the public service, the chief executive officer of that portion or, if there is no chief executive officer, such person as the Minister may designate as deputy head for the purposes of the Staff Retention Policy.



Lay-off means termination of employment due to the position being eliminated, the hours of work being reduced by the employer or the job description of the position changing by more than 50 percent, where the employee is suitable for continued employment with the GNWT. Lay-off does not include termination of employment because of a transfer of the position to another department or agency within the GNWT. Under no circumstances shall the lay-off notice period be less than 21 weeks.

Lay-off employee means an employee who has been notified by their department or agency that they are subject to positional relocation, positional changes or lay-off as a result of organizational changes.

Lay-off notice period – or, lay-off period, is a 21-week period that begins when an employee receives official written lay-off notice and following which the employee is subject to lay-off or position relocation.

Staffing Priority List is a record of employees who have been provided with notice of lay-off and who receive staffing priority status for a specified period.

Staffing priority status affords laid-off employees with priority over all other potential candidates, including non-laid off affirmative action candidates, in the hiring process for a vacant position. Employees are given staffing priority status for vacant positions within the territorial public service during the 21-week lay-off notice period.

Voluntary Separation means where, due to positional change or position elimination, an employee chooses or requests to sever their employment with the GNWT.

5. Authority and Accountability

General

This Policy is issued under the authority of the Financial Management Board. The authority to make exceptions and approve revisions to this Policy rests with the Financial Management Board. Authority and accountability are further defined as follows:

(a) Minister of Finance (Minister)

The Minister of Finance is accountable to the Financial Management Board for the implementation of this Policy.

(b) Deputy Minister

The Deputy Minister of Finance is accountable to the Minister for the administration of this Policy.



Specific

(a) Financial Management Board

The Financial Management Board may approve the Staff Retention Policy.

(b) Minister of Finance

The Minister:

- (i) may recommend amendments and exceptions to the Staff Retention Policy to the Financial Management Board; and
- (ii) may establish guidelines necessary to the implementation of this Policy.

(c) Deputy Minister of Finance

The Deputy Minister of Finance:

- (i) provides support, direction and assistance on this Policy and associated procedures to deputy heads; and
- (ii) provides the President of the Union of Northern Workers with written notice of lay-off in accordance with the UNW Collective Agreement.

(d) Department of Finance

The Department of Finance:

- (i) provides assistance and advice to departments and agencies on the application of this Policy;
- (ii) provides departments and agencies with applicable information to facilitate the retention of employees subject to lay-off and the use of retraining where necessary to effect retention; and
- (iii) provides support to employees, managers, senior managers, departments, and agencies to minimize as much as possible the need for lay-off.

(e) Deputy Heads

Deputy Heads:

- (i) are accountable to the Minister of Finance for the application of the Staff Retention Policy and Guidelines;



- (ii) are responsible for providing communications and updates to their respective Ministers with regards to the application of the Staff Retention Policy and Guidelines in their department or agency;
- (iii) will notify and engage in meaningful consultation with the Union of Northern Workers when a reduction in the workforce of five or more bargaining unit positions in their department or agency is being contemplated;
- (iv) when it is determined that positions will be eliminated or relocated, the Deputy Head or delegate will meet with the employees who will be provided with notice of lay-off as soon as practicable;
- (v) are responsible for identifying opportunities for employees subject to lay-off within their department or agency.

6. Provisions

General

- (a) Eligible employees subject to lay-off may be able to choose from among the following options: Voluntary Separation, Separation Assistance, Severance Priority, Retraining, or Education Assistance.
- (b) No employee will be laid off, transferred, or relocated while on, or within six months of their return from, maternity or parental leave without the consent of the employee, the employer, and, if applicable, the Union of Northern Workers.
- (c) When an employee subject to lay-off accepts a position at a lower salary, they shall retain their current salary and shall be entitled to all negotiated pay increases they were entitled to prior to re-assignment for a period of one year from their start-date in the new position.
- (d) Employees who may be eligible to seek a waiver for an unreduced pension may opt to retire rather than continue employment and may still choose from the severance options available to them.
- (e) The Department of Finance shall provide confirmation to employees subject to lay-off that all reasonable options were explored that would have allowed for the employees to be retained in the territorial public service.
- (f) The Department of Finance shall copy the Union of Northern Workers on all written lay-off notices for bargaining unit positions in accordance with the Memorandum of Understanding between the Employer and the Union of Northern Workers.



Policy Review

This Policy will be reviewed by the Department of Finance every three years or as otherwise required.

7. Prerogative of the Financial Management Board

Nothing in this Policy shall in any way be construed to limit the prerogative of the Financial Management Board to make decisions or act with respect to staff retention outside the provisions of this Policy and Guidelines.

Chair
Financial Management Board