

ANNUAL REPORT - 2017

Labour & Industrial Relations

Justice & Public Safety /

Workforce & Advanced Learning

ANNUAL REPORT - 2017

Key Indicators

The labour force totalled 81,100 in February 2017: a 0.5% increase over its size in February 2016. On a year-over-year basis, outcomes were generally positive. During this period there was an increase in employment and a decrease in the number of those unemployed, with the net result being a substantial drop in the unemployment rate. Job growth was concentrated in full-time employment, while part-time employment held constant. On a month-over-month basis,

- the number of youth in the labour force increased;
- the number of those employed aged 25-54 years also increased (driven by an increase in women in the workforce);
- the oldest group (aged 55 years and over) decreased.

(Information taken from the Labour Market Bulletin - Prince Edward Island, February 2017)

A total of 21,300 persons were unionized as of December, 2015. This includes employees who fall under both the Federal and Provincial labour codes. (Latest statistics available from Labour Canada).

Labour Canada quotes major collective bargaining settlements for all industries in Prince Edward Island in 2015 / 2016 provided base rate wage adjustments averaging 2.4% annually (the highest in the country). Wage adjustments averaged 2.4% for the public sector. No private-sector agreements settled in Prince Edward Island during the year. (Latest statistics available from Labour Canada).

Statistics Canada shows the Prince Edward Island average weekly earning industrial aggregate for 2016 as \$819.21 compared to \$800.70 in 2015. This represents an increase of 2.35%. The average weekly earning aggregate for Canada for 2016 was \$956.50. (Statistics Canada, March 2017)

The inflation rate from April, 2016 to March, 2017 was 1.5 %. (Statistics Canada, April, 2017)

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LABOUR CONCILIATION SERVICES

During the reporting period, the Minister appointed Shawn Shea as Conciliation Officer for ten matters:

- University of Prince Edward Island Board of Governors / University of Prince Edward Island Faculty Assoc. Bargaining Unit #1 & #2 - **settled**
- Cavendish Farms / United Food and Commercial Workers Union, Local 864 - **settled**
- Association of Commercial and Industrial Contractors / United Brotherhood of Carpenters and Joiners of America, Local 1338 - **settled**
- Association of Commercial and Industrial Contractors / International Union of Bricklayers and Allied Craftworkers - **settled**
- Education Negotiating Agency / Canadian Union of Public Employees, Local 3260 - **settled**
- Association of Commercial and Industrial Contractors of PEI / International Brotherhood of Electrical Workers, Local 625 - **ongoing**
- Holland College Early Learning Centre / Prince Edward Island Union of Public Sector Employees - **settled**
- Atlantic Beef Products / United Food and Commercial Workers, Local 864 - **settled**
- University of Prince Edward Island / Canadian Union of Public Employees, Local 1870 - **settled**
- Health PEI / Prince Edward Island Union of Public Sector Employees - **arbitration**

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LABOUR RELATIONS BOARD

Nancy Birt, QC, Chair
Matthew MacFarlane, Vice Chair

Employer Representatives

Fraser MacDougall
Judy Hughes
John Cormier
Linda Gaudet

Employee Representatives

Michael Lund
Raymond McBride
Blair James
Craig Walsh

Shawn M. Shea is the Chief Executive Officer of the Board and a full time staff member of the Division.

The Labour Relations Board is located in the Sherwood Business Centre, 161 St Peters Road. It provides a quasi judicial process to address applications made by either management or labour. The Board provides a timely resolution for matters and strives for balance and fairness in its decision making.

The Board received 10 applications in addition to 15 which were carried over from previous years for a total of 25 applications; 4 of which have been granted; 4 of which were dismissed; 13 of which were withdrawn; and 4 are ongoing.

The Board held

- 2 full party hearing dates,
- 9 panel only hearings, and
- 1 full Board meeting.

LABOUR & INDUSTRIAL RELATIONS DIVISION

EMPLOYMENT STANDARDS DIVISION

Robert Yeo is the Employment Standards Officer for the Division. His role is a blend of public education, regulatory inspection and enforcement. The Division provides factual information to the public through telephone contact, office interviews, information seminars, routine inspections and distribution of Departmental literature.

Public Education

During the reporting period of April 1, 2016 to March 31, 2017, the Division

- printed and distributed over 9500 pieces of information and legislation to Regional Services Centres, all Access PEI centres, on the website www.peiemploymentstandards.ca and at our office in the Sherwood Business Centre, 161 St Peters Road
- conducted 53 information sessions involving 425 employers/employees
- attended 8 job fairs across the Island
- set up information booths at 5 locations across the Island, and
- visited over 150 individual employers .

Investigation

During the reporting period, the Division

- handled 8175 inquiries
- conducted 87 office interviews
- investigated 121 formal complaints
 - 46 resulted in the collection of \$53,188.39

Enforcement

During the reporting period, the Division

- conducted 5 proactive inspections / audits
 - resulting in the collection of \$15,793.32 on behalf of 92 employees
- issued 14 formal Orders to employers for non-payment of monies owing to former / current employees totalling \$27,628.13
- filed judgments on behalf of 8 employees amounting to \$15,021.82
 - of which the Sheriff's Office has been successful in collecting \$2,183.56

LABOUR & INDUSTRIAL RELATIONS DIVISION

Reciprocal Enforcement Agreements

With Nova Scotia

- the Division forwarded 4 judgments in the amount of \$24,991.50 for collection
 - of which Nova Scotia was successful in collecting \$23,379.36.

With New Brunswick

- the Division received 2 judgments in the amount of \$5,075.36 for collection
 - to date, the Sheriff's Office is endeavouring to collect on these judgments.
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LABOUR & INDUSTRIAL RELATIONS DIVISION

EMPLOYMENT STANDARDS BOARD

Don MacCormac, Chair
Wayne Vessey, Vice-Chair
Hazel Walsh, Secretary

Employer Representatives

Blair Waugh
Douglas MacKenzie
Elaine Thomson

Employee Representatives

Dianne Arsenault
Tracy Carmichael
Alexander MacKay

Located in the Sherwood Business Centre, 161 St Peters Road, the primary role of the Employment Standards Board is to hear appeal presentations from employers or employees regarding alleged violations of the *Employment Standards Act (the Act)*. In accordance with the *Act*, the Board, annually makes a recommendation to the Lieutenant Governor in Council on changes to the Minimum Wage Order.

During the reporting period, the Board held

- three panel hearings to deal with employee claims
 - one training session
 - one full Board meeting (annual meeting)
 - two consultation sessions to receive input from both employers and employees on recommendations regarding the Minimum Wage Order
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LABOUR & INDUSTRIAL RELATIONS DIVISION

OFFICE OF THE WORKER ADVISOR

Maureen Peters, Worker Advisor
Sue Hancock, Research Assistant

Located in the Sherwood Business Centre, 161 St Peters Road , the Office of the Worker Advisor provides independent information, advice and assistance (free of charge) to workers, and/or their dependants, on matters involving Workers Compensation. This includes issues arising pursuant to the *Workers Compensation Act* and Regulations, the *Occupational Health & Safety Act*, and Board policies and procedures.

This position is created and funded through the application of Section 85 of the *Workers Compensation Act* for Prince Edward Island. It provides for the service of a Worker Advisor to assist injured workers in respect of claims for compensation. Furthermore, Section 85(2) of the *Act*, the Workers Compensation Board (the Board) shall make annual grants in such amounts appropriate to cover the costs of providing services under this section of the *Act*. For the *calendar year* 2016, the recorded funding disbursement by the Board for the operation of the Worker Advisor Program was \$169,120.00.

The Worker Advisor may assist and/or represent the worker and/or their dependants before the Board at the Customer Service level and the Internal Reconsideration level, as well as before the Workers Compensation Appeal Tribunal (WCAT) and the PEI Court of Appeal. During 2016, both the Board and the Worker Advisor identified that a growing backlog of cases needed to be addressed, and an additional resource for preparation of submissions to the WCAT was arranged. Consequently, the Office of the Worker Advisor noted increases in the number of new files opened and the number of IR Requests submitted:

New Files Opened	94
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Internal Reconsideration

(1 st appeal level) submissions:	96
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WCAT:

(2 nd appeal level) Notices of Appeal Filed	48
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Hearings Attended	11
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LABOUR & INDUSTRIAL RELATIONS DIVISION

OFFICE OF THE EMPLOYER ADVISOR

Patricia McPhail, Employer Advisor
Shelley Blaquiere, Program Assistant

Located at Burns Avenue, Charlottetown, the Office of the Employer Advisor provides free and independent advice and assistance in the areas of claims management, classifications and assessments, workplace health and safety and appeals. Services available include education and training, assistance and representation during the appeal process, research and analysis, along with information sharing.

This position is created and funded under Section 85 of the *Workers Compensation Act*, which provides for funding from workers compensation employer assessments. It first became operational on February 16, 2004. The mandate of the Office is to assist PEI employers and employer associations with the statutory interpretation and application of both the *Workers Compensation Act* and the *Occupational Health and Safety Act*, as well as policies, procedures and practices of the Workers Compensation Board of PEI.

Employer Assistance and Representation

The Office of the Employer Advisor represented a number of Island employers in the preparation and presentation of their appeals, or responses to Worker appeals, to both the Internal Reconsideration Officer and the Workers Compensation Appeal Tribunal. During the fiscal year:

- 57 files were opened
(Dealing claim procedure and acceptance, claim costs, new evidence, return-to-work and accommodation, re-employment obligations, appeal procedures, cost relief, pre-existing conditions, rate questions and experience rating.)

In addition numerous inquiries were handled from individual employers and employer associations on various aspects of both the *Workers Compensation Act* and the *Occupational Health and Safety Act* as well as board policies, procedures and practices.

Policy feedback and consultation

The Employer Advisor submitted feedback on several WCB Draft Policies that were presented for public consultation as well as participated in regular Liaison Committee meetings with the Workers Compensation Board, the Worker Advisor and the WCAT Coordinator.

LABOUR & INDUSTRIAL RELATIONS DIVISION

Communications and Client Relations

During the reporting period, the Office provided information to the public through

- 3 information booths (at the Occupational Health & Safety Conference, the Charlottetown Chamber Biz to Biz Expo, and the Summerside Chamber Expo)
- letters to farming organizations because of the introduction of mandatory WCB coverage for farmers in January of 2017
- letters to select employers in higher paying rate groups to introduce the Office's services
- 3 training sessions to employer groups/associations
- 1 orientation session on the services offered by the Office
- Contact with the PEI HR Toolkit to update information on its services, and
- 12 issues of *The Employer Advisor* electronic newsletter

Professional Development

The Office of the Employer Advisor participated in teleconference calls with the other five members of the Canadian Association of Employer Advisors/Advocates throughout the year. The Employer Advisor attended the Workers Compensation Board's session on their new *Return To Work Program*, as well as training sessions on conflict resolution and administrative law.

LABOUR & INDUSTRIAL RELATIONS DIVISION

WORKERS COMPENSATION APPEAL TRIBUNAL (WCAT)

P. Alanna Taylor, Chair
John L. Ramsay, Q.C., Vice-Chair
Meaghan Hughes, Vice Chair
Michele Ling, Coordinator

Employer Representatives

Don Cudmore
Scott Dawson
Stu Lavers
Donald Turner
Robert Gallant
Fairley Yeo

Worker Representatives

Leo Cheverie
Gary Paynter
Bruce Gallant
Gordon Huestis
Elizabeth (Libba) Mobbs

WCAT's mandate is to review final decisions of the Workers Compensation Board and to ensure compliance with the *Act*, regulations and policy. Its mission is to provide a timely, fair and independent appeal process consistent with the legislation and the rules of natural justice and to render decisions which are a fair reflection of the case.

WCAT's operations are governed by the *Workers Compensation Act* (the "*Act*"). The *Act* sets out the structure, jurisdiction, and responsibilities for WCAT. WCAT's guiding principles include:

- an accessible appeal system for workers and employers
 - easy access to appeal process information
 - superior quality service for all stakeholders
 - independent and impartial decision making, and
 - timely and efficient appeal processing and decision making.
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LABOUR & INDUSTRIAL RELATIONS DIVISION

Caseload Activity Overview

53 Appeals Filed:

The number of appeals filed in 2016 increased by 10.4% from the previous year. Of the 53 appeals filed, 49 were new worker appeals and were 4 new employer appeals.

6 Appeals Withdrawn:

During the year there were 6 files withdrawn by the appellant without hearing.

13 Hearings:

There were 13 hearings held in 2016 (compared to 16 in 2015).

12 Decisions:

- 6 appeals were dismissed
- 5 were allowed
- 1 matter was referred back to the Workers Compensation Board

0 Appeals to Court of Appeal:

There were no leave applications filed with the Court of Appeal in 2016.

LABOUR & INDUSTRIAL RELATIONS DIVISION

Summary of the strategic plan and future direction.

Workplace services are a reflection of social values. Therefore the services of the Division are subject to continuous review and reflection as to how the values and needs of Islanders can be supported through its work.

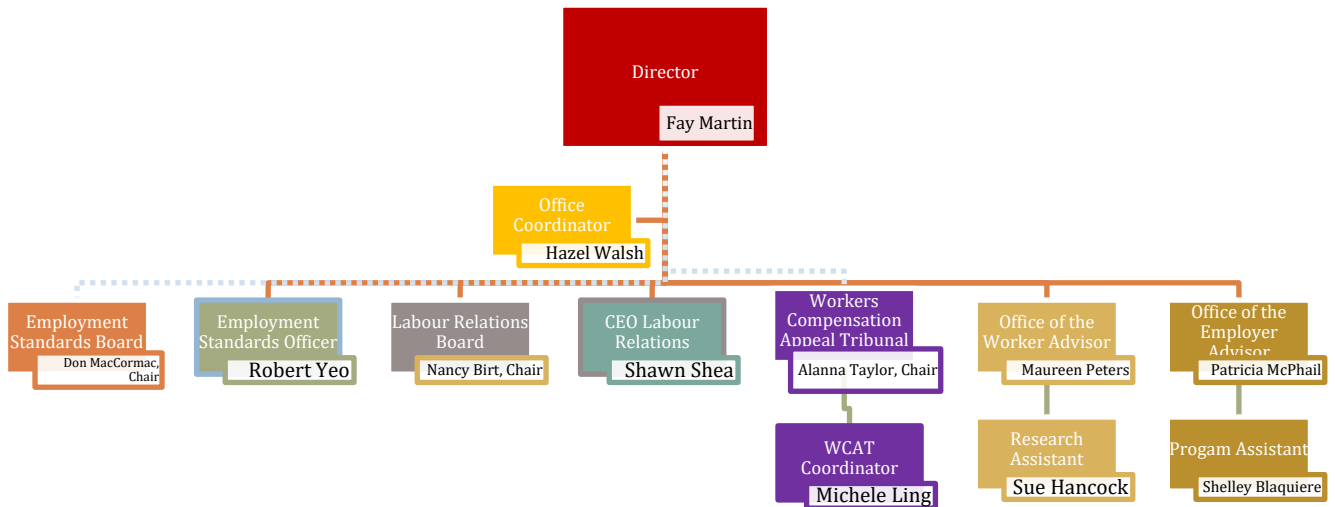
The Labour & Industrial Relations Division has transitioned to a new Department. Recruitment for a new Director and development of a business plan that preserves its fundamental mission while supporting and leveraging the work of the Department will be key.

The priority for FY 2017-18 will be developing and instituting a plan to address the backlogs of appeals and establishing a sustainable process for maintaining timely and measuring quality of service.

LABOUR & INDUSTRIAL RELATIONS DIVISION

Organizational Structure

The Division is a relatively flat structure with three main areas of focus: employment standards, labour relations and workers compensation appeals. The Boards and Tribunal are independent of the Director. However, the Director is responsible for the administrative infrastructure for the Boards to ensure they have access to the tools and resources needed to conduct their work.



LABOUR & INDUSTRIAL RELATIONS DIVISION

Contact Information

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