

ANNUAL REPORT - 2018

Labour & Industrial Relations

Workforce & Advanced Learning

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Key Indicators

The labour force totalled 83,800 in February 2018: a 3.3% increase over February 2017. On a year-over-year basis, outcomes were generally positive. During this period there was a slight decrease in employment and a slight increase in the number of those unemployed. Job growth was concentrated in full-time employment, while part-time employment held constant.

Compared to January, the unemployment rate on the Island was less severe in February, as it declined largely across genders and age groups. The rate of unemployment among individuals aged 25 years and over declined modestly to 9.7% in February, having risen in January. However, more men in this age group were looking for work in February than were women, with the unemployment rate among men up modestly to 10.2% over the month, while that of women declined by 0.4 of a percentage point from January to 9.2% in February.

Young people (aged 15 to 24) on the Island are more likely to be unemployed than those aged 25 years and above, with their unemployment rate at 2.8 percentage points above that of individuals aged 25 and over in the latest month. Nevertheless, the rate of unemployment among the youth considerably dropped to 12.5% in February, a decline of 3.1 percentage points from January and 4.0 percentage point from twelve months before. Partly, this may be a sign of persistent labour market detachment as only a few found employment in February. Even with the overall decline, the rate of unemployment was fairly different between young men and young women, with the rate at 15.3% among young men and 10.0% among young women. While the unemployment rate remained higher among young men, it has considerably declined both over the month and over the year. Their female counterpart, on the other hand, saw a monthly decline of 2.9 percentage points and a year-over-year decline of 1.1 percentage points. (Information taken from the Labour Market Bulletin - Prince Edward Island, February 2018)

A total of 17,945 persons were unionized as of December, 2017. This includes only employees who fall under Provincial labour codes. (Information provided by Unions to Labour and Industrial Relations Division, December, 2017).

Labour Canada does not quote any major collective bargaining settlements for all industries in Prince Edward Island in 2017 / 2018. (Latest statistics available from Labour Canada).

Statistics Canada shows the Prince Edward Island average weekly earning industrial aggregate for October, 2018 as \$840.53 compared to \$821.74 in October, 2017. This represents an increase of 2.25%. The average weekly earning aggregate for Canada for 2017 was \$976.14. (Statistics Canada, October 2018)

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The inflation rate from April, 2017 to March, 2018 was 2.9 %. (workpei.ca, April 2018)

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LABOUR CONCILIATION SERVICES

During the reporting period, the Minister appointed a Conciliation Officer for six matters:

- Town of Kensington / Canadian Union of Public Employees – settled
- Corps of Commissionaires / Public Service Alliance of Canada – arbitration
- City of Charlottetown / Canadian Union of Public Employees – arbitration
- City of Charlottetown / Charlottetown Police Association, Local 301 of the Atlantic Police Association – arbitration
- Health PEI / Canadian Union of Public Employees – arbitration
- University of Prince Edward Island / Canadian Union of Public Employees - arbitration

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LABOUR RELATIONS BOARD

Nancy Birt, QC, Chair
John O'Keefe, 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 9 applications in addition to 4 which were carried over from previous years for a total of 13 applications; 5 of which have been granted; 1 of which was stayed; 3 of which were withdrawn; and 4 are ongoing.

The Board held

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

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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, 2017 to March 31, 2018, 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 41 information sessions involving 325 employers/employees
- attended 9 job fairs across the Island
- set up information booths at 6 locations across the Island, and
- visited over 200 individual employers .

Investigation

During the reporting period, the Division

- handled 7750 inquiries
- conducted 119 office interviews
- investigated 154 formal complaints
 - 47 resulted in the collection of \$99,614.07

Enforcement

During the reporting period, the Division

- conducted 6 proactive inspections / audits
 - resulting in the collection of \$9,083.34 on behalf of 24 employees
- issued 5 formal Orders to employers for non-payment of monies owing to former / current employees totalling \$11,985.55
- issued a 3rd party demand and collected \$7,495.83 on behalf of 7 employees
- referred 1 employee to the Wage Earner Protection Program (WEPP) in the amount of \$7,468.80
- filed a judgment on behalf of 1 employee amounting to \$400.00

Reciprocal Enforcement Agreements

- filed a judgment under our Reciprocal Agreement with Ontario in the amount of \$18,279.84
- collected \$540.00 from a judgment filed under our Reciprocal Agreement with New Brunswick

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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

- two panel hearings to deal with employee claims
- two full Board meeting (including annual meeting)
- two consultation sessions to receive input from both employers and employees on recommendations regarding the Minimum Wage Order

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OFFICE OF THE WORKER ADVISOR

Maureen Peters, Worker Advisor

Sue Hancock, Intake Officer

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 2017, the recorded funding disbursement by the Board for the operation of the Worker Advisor Program was \$169,620.00.

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 2017, 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	36
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Internal Reconsideration

(1 st appeal level) submissions:	55
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WCAT:

(2 nd appeal level) Notices of Appeal Filed	43
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Hearings Attended	62
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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.

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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.

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WORKERS COMPENSATION APPEAL TRIBUNAL (WCAT)

Chair

P. Alanna Taylor

Vice Chairs

Robertson Burnett

David Hooley

Gordon MacFarlane

John L. Ramsay, Q.C

Jonah Clements

Meaghan Hughes

Ron MacLeod

Susan Robinson

Maureen Gregory

Emily MacDonald

Stephen MacKnight

Employer Representatives

Don Cudmore

Robert Gallant

Cassandra Goodwin

Diana Lariviere

Eugene (Stu) Lavers

Marion Miller

Robert (Bob)Smith

Scott Stewart

Donald Turner

Fairley Yeo

Worker Representatives

Leo Cheverie

Shelly Higgins

Gordon Huestis

Marlene Hunt

Michelle Lafford

Cynthia McCardle

Elizabeth (Libba) Mobbs

Lalana Paul

Gary Paynter

Coordinator

Michele Ling

Mandate

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:

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- 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

Caseload Activity Overview

28 Appeals Filed:

The number of appeals filed in 2018 decreased from the previous year. Of the 28 appeals filed, 22 were new worker appeals and were 6 new employer appeals.

13 Appeals Withdrawn:

During the year there were 13 files withdrawn by the appellant without hearing.

48 Hearings:

There were 48 hearings held in 2018 (compared to 68 in 2017).

72 Decisions:

- 33 appeals were dismissed
- 36 were allowed
- 2 allowed in part
- 1 returned to WCB

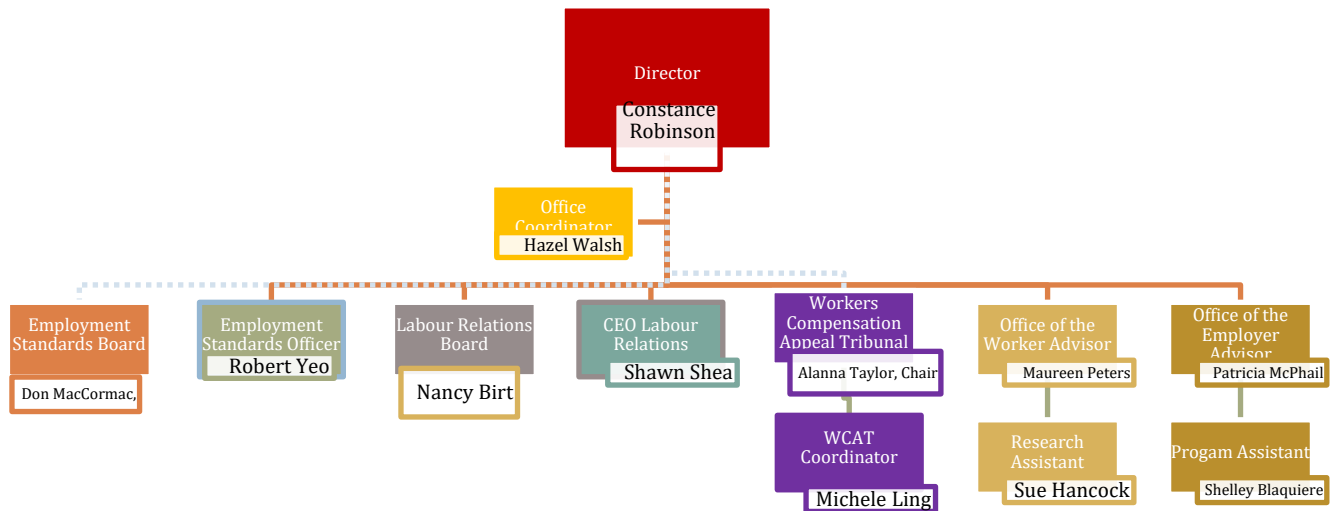
7 Appeals to Court of Appeal:

There were 7 leave applications filed with the Court of Appeal in 2018, compared to 4 filed in 2017.

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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.



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Contact Information

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