



## STAFF RETENTION POLICY

### 1. POLICY STATEMENT

The Government of the Northwest Territories (GNWT) values the members of the territorial public service and the work they do. It is committed to the retention, retraining and development of existing staff as required to provide job security, career development and to maintain a skilled, stable and competent territorial public service. The following guide the application of this policy:

- (a) the provision of reasonable job security to members of the territorial public service;
- (b) the need to mitigate adverse effects of organizational restructuring through the retention, retraining and development of staff wherever possible;
- (c) fair treatment of employees when organizational restructuring is necessary; and
- (d) the value of continuity of employees in the territorial public service.

### 2. PRINCIPLES

The GNWT adheres to the following principles when applying this policy:

- (a) The GNWT will not utilize lay-off or voluntary separation to terminate the employment of an employee for poor performance or misconduct.
- (b) Lay-off - The GNWT recognizes that in some circumstances lay-off is unavoidable and is the only viable option for the Employer and the employee.
- (c) Voluntary Separation - The GNWT recognizes that organizational restructuring may result in positions being transferred from one community to another, and that incumbents in such positions require adequate notice of this change.
- (d) The GNWT recognizes that it may be more beneficial for both the GNWT and employees who are or may become eligible for an unreduced pension upon or while serving their affected notice period to take their pension rather than continue their employment with the GNWT. The GNWT waives the requirement for an affected employee to accept a reasonable job offer and the employee waives the eight week affected notice period.

### 3. SCOPE

This policy and guidelines apply to all territorial public service employees, except casual employees, employees in the Northwest Territories Teachers' Association and employees of the Northwest Territories Power Corporation.

### 4. DEFINITIONS

- a. **Affected Employee** - an employee who has been notified by their department, board or agency that they are subject to voluntary separation due to their position being transferred to another community; or that they are subject to lay-off due to the position being eliminated as a result of a reorganization, business plans or other formal organization changes; the hours of work have been reduced by the Employer; and/or that the job description of the position has changed by more than 50 percent.
- b. **Affected Notice Period** – written notice to an employee that, eight weeks from the date of receipt of the affected notice, they are subject to either lay-off or voluntary separation.
- c. **Continuous Service and Continuous Employment** includes:
  - (i) uninterrupted employment with the GNWT;
  - (ii) prior service within the public service of the Government of Canada if the employee was hired or transferred from the public service within three months of terminating employment. This does not apply when a function of the Government of Canada is transferred to the GNWT;
  - (iii) prior service with a municipal corporation of the Northwest Territories if the employee was hired or transferred within three months;
  - (iv) where an employee is re-appointed after being laid-off, employment in the position held at the time of lay-off and employment in the position to which the employee is re-appointed shall constitute continuous employment if the lay-off was after April 1, 1970;
  - (v) where an employee other than a casual employee ceases to be employed for a reason other than dismissal, abandonment of position or rejection on probation, and is re-employed within a period of three months, the employee's period of employment for purposes of severance pay shall be considered as continuous service in the Public Service; and
  - (vi) leave without pay granted for relocation of spouse shall be deducted from the calculation of "continuous employment" for the purpose of calculating severance pay for the employee involved, except where the period of such leave is less than three months.
- d. **Deputy Head** - the deputy minister of a department, superintendent of a divisional education council, chief executive officer or president of a board, authority, agency or any such person as may be appointed as deputy head.

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- e. **Full-Time Basis** - a former employee on Education Assistance is taking and passing five full university or college courses per semester. In exceptional circumstances, and with Deputy Head approval, Education Assistance may be granted to a former employee taking as few as three classes.
- f. **Lay-Off** - the termination of employment because of lack of work or because of the discontinuance of a function where the terminated employee is suitable for continued employment in the territorial public service. "Lay-off" does not include termination of employment because of a transfer of the work or function to another employer where the employee is offered employment with the new employer.
- g. **Lay-Off Notice Period** - the period of time, usually 13 weeks, commencing when an affected employee receives a written notice of lay-off and ending on the day lay-off becomes effective. Employees who are affected due to voluntary separation do not receive a lay-off notice period. Under no circumstances shall the lay-off notice period be less than three months.
- h. **Pay** - means base wages and does not include other allowances and benefits. Where the employee is being laid-off for a second or subsequent time, the amount of severance will be calculated on complete years of continuous service less any period in respect of which the employee was granted severance pay.
- i. **Pay in Lieu of Notice** - includes allowances, in addition to base wages.
- j. **Reasonable Job Offer** - an offer of indeterminate employment within the territorial public service, normally at a pay level equal to or greater than the employee's current level. Where practicable, a reasonable job offer shall be within the employee's community of residence. For term employees, a reasonable job offer is an offer of employment in a term position equivalent in length to the remainder of the employee's current term appointment.
- k. **Staffing Priority List** - a record of affected employees who receive hiring priority status for a specified period of time.
- l. **Voluntary Separation** - an employee whose position has been transferred to a new community and the employee chooses not to transfer with the position. Voluntary separation also refers to an employee whose employment has been terminated and whose position is filled by another employee who was about to be or has been given a lay-off notice or who has been laid-off and is on the priority list as a result of a lay-off.

### 5. AUTHORITY AND ACCOUNTABILITY

#### (1) 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

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the Financial Management Board. Authority and accountability is further defined as follows:

(a) 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 of Finance for the administration of this Policy.

(2) Specific

(a) Ministers

Ministers responsible for departments, boards and agencies, or their delegates:

- (i) are accountable for the implementation of this policy in their departments, boards and agencies.
- (ii) shall approve any staff retention strategies developed to retain employees subject to lay-off and mitigate the impact of elimination of positions.

(b) Minister of Finance

The Minister may establish ministerial policies necessary to the implementation of this Policy.

(c) Deputy Minister of Finance

- (i) Provide support, direction and assistance on this policy and associated procedural issues to deputy heads.
- (ii) Immediately after affected employees are provided with their affected notice period, provide the President of the Union of Northern Workers with written notice of any lay-offs and/or geographic relocations of employees who are members of the Union of Northern Workers bargaining unit. This notice must include the names, positions and locations of the employees to be laid-off and the reason(s) for lay-off and/or the names, positions and locations of the employees to be relocated.

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### (d) Deputy Heads

- (i) When it is determined that positions will be eliminated or relocated, as soon as possible, meet with the employees who will be affected. If any employees belong to the Union of Northern Workers, a representative from the Union of Northern Workers is invited to participate. The employee(s) are advised of the time frame in which the positions will be eliminated or relocated to another community.
- (ii) Deputy heads are responsible for identifying opportunities for affected employees within their departments, boards or agencies.
- (iii) The deputy head, in conjunction with the Department of Finance, shall develop a strategy aimed at retention of employees subject to lay-off and designed to mitigate the impact of elimination of positions. The strategy shall:
  - a. set out a plan to minimize as much as possible the need for lay-off;
  - b. identify vacant positions and retraining opportunities within the department, board or agency and elsewhere in the territorial public service;
  - c. identify employees who are prepared to participate in retraining programs;
  - d. identify employees who are eligible to retire with an unreduced pension as a result of a pending lay-off;
  - e. identify transfer assignment or secondment opportunities that may be available to employees subject to lay-off; and
  - f. include a plan to provide assistance to affected employees in identifying alternative employment and retraining needs and opportunities.

### (e) Department of Finance

- (i) Provide assistance and advice to departments, boards and agencies on the application of this policy.
- (ii) Provide departments, boards and agencies with reports of vacant positions to facilitate the retention of employees subject to lay-off and the use of retraining where necessary to effect retention.

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- (iii) Although deputy heads retain primary responsibility for identifying retraining or redeployment opportunities for affected employees subject to lay-off, the Department of Finance shall provide support to employees and departments, boards and agencies to minimize as much as possible the need for lay-off. This includes:
  - a. identifying alternative employment in the territorial public service for which an affected employee may be qualified;
  - b. with the assistance of department, board or agency management, identifying affected employees who may become qualified for vacant positions through retraining;
  - c. with the assistance of department, board or agency management, identifying suitable retraining programs to provide employees with skills required for redeployment;
  - d. identifying affected employees who are or may become qualified for an unreduced pension;
  - e. providing assistance to departments, boards or agencies in designing “on-the-job” training programs;
  - f. providing assistance to employees in identifying their own skills; and
  - g. providing assistance to employees in resume writing and preparation for interviews.
- (iv) Advise employees subject to lay-off or voluntary separation of vacancies in their own department, board or agency and elsewhere in the territorial public service.
- (v) Administer the Staff Development and Retraining Fund. Some retraining costs associated with redeploying staff outside the department, board or agency initiating the lay-off(s) may be paid from this Fund.

### 6. PROVISIONS

#### 1. General

- (a) Options available to affected employees subject to lay-off include one of the following: separation assistance, severance priority, retraining or education assistance.

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- (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 the Union of Northern Workers.
- (c) An affected employee subject to lay-off whose position will be eliminated, and where continued employment in the territorial public service would require the employee to be retrained, may choose to exercise a lay-off option rather than continuing employment in the territorial public service.
- (d) When an affected employee subject to lay-off accepts a position at a lower salary than their current salary, they shall retain their current salary and shall be entitled to all negotiated pay increases they were entitled to previous to reassignment for a period of one year from the start of the new position.

### 2. Reporting

The Department of Finance shall report lay-off and voluntary separation statistics on an annual basis to the Legislative Assembly. Where a department, board or agency has used lay-off or voluntary separation, a report shall be compiled containing the following information:

- (a) the number of positions that were affected by lay-off or voluntary separation;
- (b) the number of affected employees;
- (c) the number of employees that were laid-off and the number of employees subject to voluntary separation;
- (d) the community or communities affected by elimination of positions and/or lay-off and voluntary separation;
- (e) the reasons that positions were eliminated or reorganized;
- (f) the number of affected employees who chose to exercise a lay-off option, rather than seeking retraining and/or alternative employment in the territorial public service;
- (g) the retraining and redeployment options that were identified for employees subject to lay-off; and
- (h) confirmation that all reasonable options that would have allowed for the employees to be retained in the territorial public service were explored.

### 3. Policy Review

This policy will be reviewed by the Department of Finance every three years.

**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 take action with respect to staff retention outside the provisions of this Policy.



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Chair  
Financial Management Board