

STAFF RETENTION POLICY

INTRODUCTION AND STATEMENT OF INTENT

1. The GNWT values the members of its 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 public service. The following guide the application of this policy:
 - the provision of reasonable job security to members of the public service;
 - the need to mitigate adverse effects of organizational restructuring through the retention, retraining and development of staff wherever possible;
 - fair treatment of employees when organizational restructuring is necessary;
 - the value of continuity of employees in our organization.
2. The GNWT recognizes that in some circumstances layoff is unavoidable and is the only viable option for the employer and the employee.

APPLICATION

3. This policy and the applicable guidelines and procedures apply to all public service employees, except casual employees, employees in the NWT Teachers' Association bargaining unit and employees of the NWT Power Corporation.

DEFINITIONS

4. **Deputy Head** is the Deputy Minister or CEO/Director of a GNWT department, board or agency.
5. **Layoff** is 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 public service. "Layoff" 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.

PROCEDURES AND GUIDELINES

6. Where positions will be deleted because of a change in departmental structure, responsibilities or functions, every reasonable effort shall be made to retain

employees by placing them in vacant positions in the public service for which they are qualified or for which they can become qualified through retraining.

7. Deputy Heads bear the primary responsibility for identifying retraining or redeployment opportunities for affected staff in their departments.
8. When a department, board or agency determines that positions are to be deleted, the department, board or agency identifies those employees who may be affected.
9. The department, board or agency shall develop a strategy aimed at retention of employees and designed to mitigate the impact of deletion of positions. The strategy shall:
 - a) set out a plan to minimize as much as possible the need for layoff;
 - b) identify vacant positions and retraining opportunities within the department and elsewhere in the public service;
 - c) identify employees who are prepared to participate in retraining programs;
 - d) identify transfer assignment or secondment opportunities that may be available to affected employees;
 - e) include a plan for the department, in conjunction with Corporate Human Resource Services, Department of the Executive ("CHRS") to provide assistance to affected employees in identifying alternative employment and retraining needs and opportunities.
10. The Minister responsible for the department, board or agency shall approve the strategy and shall provide a copy of the strategy to the Executive Director of CHRS and to the Director of Labour Relations and Compensation, FMBS ("LR&C").
11. Employees subject to layoff shall be advised of vacancies in their own department, board or agency and elsewhere in the public service of the GNWT. To facilitate effective and timely communication of this information, and to facilitate the retention of employees subject to layoff and the use of retraining where necessary to effect retention, departments, boards and agencies shall provide reports of vacant positions to the Executive Director of CHRS. These reports shall be made by the 15th day of each month. CHRS shall provide this information to other departments, boards or agencies that will be deleting positions or that have done so already. CHRS shall also provide this information to the Director of LR & C.
12. Although Deputy Heads retain primary responsibility for identifying retraining or redeployment opportunities for affected staff, CHRS shall provide central support to

both employees and departments to minimize as much as possible the need for layoff. This includes:

- identifying alternative employment in the public service for which an affected employee may be qualified;
- with the assistance of departmental management, identifying affected employees who may become qualified for vacant positions through retraining;
- with the assistance of departmental management, identifying suitable retraining programs to provide employees with skills required for redeployment;
- providing assistance to departments in designing “on-the-job” training programs;
- providing assistance to employees in identifying their own skills; and
- providing assistance to employees in résumé writing and preparation for interviews.

13. All retraining costs associated with redeploying staff outside the department initiating the layoff(s) shall be paid from the Staff Development and Retraining Fund. The fund is administered by CHRS.

14. An employee whose position will be deleted may choose to exercise a lay-off option, rather than continuing employment in the public service, where continued employment in the public service would require the employee to be retrained.

15. Layoff shall not be used to terminate the employment of an employee for poor performance or misconduct.

16. When an employee accepts a position at a lower salary than their current salary, they retain their current salary for a period of one year from the start of the new position.

REPORTING AND COMMUNICATION REQUIREMENTS

Communicating with Affected Employees

17. When it is determined that positions may be deleted, departmental management shall, as soon as possible thereafter, meet with the employees who may be affected. If employees are part of the UNW bargaining unit, a representative from the UNW is invited to participate. The employee(s) are advised of the time frame in which the positions will be deleted or reorganized.

Reporting to the Union of Northern Workers

18. Immediately after affected employees are provided with Notice of Layoff, the Deputy Head shall provide the President of the Union of Northern Workers (UNW) with written notice of any layoffs of employees from positions in the UNW bargaining unit. This notice must include the names, positions and locations of the employees to be laid off and the reason(s) for layoff.

Reporting to Individual Members of the Legislative Assembly

19. The Minister responsible for the department initiating layoff(s) shall advise MLAs who have constituents who are affected employees of pending layoffs and the work location of those employees.

Reporting to the Legislative Assembly

20. Each department shall report layoff statistics on an annual basis to the Legislative Assembly. Where a department has used layoff, the report shall include the following information:

- The number of positions that were affected;
- The number of employees that were affected;
- The number of employees that were laid off;
- The community or communities affected by deletion of positions and/or layoff;
- The reasons that positions were deleted or reorganized;
- The number of employees who chose to exercise a layoff option, rather than seeking retraining and/or alternative employment in the public service;
- The retraining and redeployment options that were identified; and
- Confirmation that all reasonable options that would have allowed for the employee to be retained in the public service were explored.

AUTHORITIES AND REFERENCES

Public Service Act
Section 27

Main Collective Agreement with the UNW
Articles 2, 32 and 33