

CONSOLIDATION OF PUBLIC SERVICE ACT
R.S.N.W.T. 1988,c.P-16

(Current to: September 5, 2011)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

R.S.N.W.T. 1988,c.80(Supp.)

R.S.N.W.T. 1988,c.124(Supp.)

S.N.W.T. 1994,c.28

In force January 1, 1995: SI-020-94

S.N.W.T. 1994,c.30

S.N.W.T. 1995,c.11

S.N.W.T. 1995,c.28

In force July 1, 1996: SI-003-96

S.N.W.T. 1996,c.1

Note: see s. 2,3 and 5(2) of S.N.W.T. 1996,c.1 for transitional provisions.

S.N.W.T. 1997,c.8

S.N.W.T. 1997,c.11

In force July 1, 1997: SI-005-97

S.N.W.T. 1997,c.12

In force July 1, 1998: SI-009-98

S.N.W.T. 1998,c.5

In force July 1, 1998

Note: see s. 29(2) of S.N.W.T. 1998,c.5 for coming into force provisions.

S.N.W.T. 1999,c.1

S.N.W.T. 1999,c.7

AS AMENDED BY STATUTES ENACTED UNDER SECTION 76.05 OF NUNAVUT ACT:

S.N.W.T. 1998,c.37

In force April 1, 1999

S.N.W.T. 1998,c.39

In force April 1, 1999

S.N.W.T. 1999,c.8

In force April 1, 1999

S.N.W.T. 1999,c.9

In force April 1, 1999

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2002,c.5,s.74

s.74 in force April 1, 2002

S.Nu. 2002,c.17,s.277

s.277 in force September 8, 2003: SI-005-2003

S.Nu. 2005,c.3,s.12

s.12 in force March 22, 2005

S.Nu. 2006,c.10,s.2

s.2 in force June 15, 2006

S.Nu. 2007,c.15,Sch.,s.14

s.14 in force April 1, 2008: SI-003-2008

S.Nu. 2008,c.10,s.46

s.46 NIF

(See following page for more Nunavut amending statutes)

AS AMENDED BY NUNAVUT STATUTES: (continued)

S.Nu. 2009,c.7,s.5

s.5 in force June 16, 2009

S.Nu. 2010,c.7,s.8

s.8 in force June 10, 2010

S.Nu. 2011,c.11,s.1

s.1 in force March 10, 2011

S.Nu. 2011,c.17,s.56,57

s.56,57 in force June 9, 2011

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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PUBLIC SERVICE ACT

INTERPRETATION

Definitions

1. (1) In this Act,

"demote" means a transfer of an employee to a position with a maximum rate of pay lower than that for the position he or she held immediately prior to the transfer; (*rétrogradation*)

"department" means a division of the public service continued or established by statute or designated as a department by the Commissioner in Executive Council, on the recommendation of the Premier; (*ministère*)

"deputy head" 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 this Act; (*administrateur général*)

"Deputy Minister" means the non-elected head of a department and where the position is vacant or the Deputy Minister is absent or unable to act, includes the person designated by the Minister responsible for the department to act as Deputy Minister; (*sous-ministre*)

"employee" means a person employed in the public service; (*fonctionnaire*)

"incompetence" means incompetence of an employee in the performance of his or her duties and includes negligence; (*incompétence*)

"lay-off" means a person who has been laid off under subsection 27(1) and who, in the opinion of the Minister, is suitable for continued employment in the public service; (*disponibilité*)

"Minister" means the member of the Executive Council appointed as a Minister under the *Legislative Assembly and Executive Council Act* who is responsible for this Act; (*ministre*)

"misconduct" means misconduct of an employee in the performance of his or her duties, and includes bringing the public service into disrepute; (*inconduite*)

"public service" means the several positions in or under any department or other portion of the public service specified in Schedule A and, notwithstanding any other Act and subject to subsection 1(6), does not include individuals referred to in Schedule B; (*fonction publique*)

"retiring leave" means leave of absence with pay terminating with the retirement of an employee from the public service; (*congé de préretraite*)

"Staffing Appeals Committee" means the Staffing Appeals Committee established by regulation. (*comité d'appel des nominations*)

Amendment of Schedule A

(1.1) The Commissioner, on the recommendation of the Executive Council, may, by order, amend Schedule A by adding to it or deleting from it.

(2) Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.2.

Delegation by deputy head

(3) A deputy head may authorize any person under the jurisdiction of the deputy head to exercise any of the powers or perform any of the duties or functions of a deputy head under this Act.

Acting deputy head

(4) In the absence of a deputy head, the person designated by the deputy head to act in his or her absence or, where no person has been so designated or the position of deputy head is vacant, the person designated by the Minister responsible for the portion of the public service under the jurisdiction of the deputy head or by the Commissioner in Executive Council, on the recommendation of the Premier, has all the powers, functions and duties of the deputy head.

References

- (5) Unless the context otherwise requires,
- (a) a reference in this Act to a deputy head in relation to an employee shall be construed as a reference to the deputy head of the department or the deputy head in relation to the portion of the public service, as the case may be, in which the employee is employed; and
 - (b) a reference in this Act to a deputy head in relation to a department or other portion of the public service shall be construed as a reference to the deputy head of that department or the deputy head in relation to that portion of the public service, as the case may be, to which the context extends.

Inclusion of persons in Schedule B

(6) The Minister may, by order, deem any individual referred to in Schedule B a member of the public service and such order may be given retroactive effect.

R.S.N.W.T. 1988,c.80(Supp.),s.2,3; R.S.N.W.T. 1988,c.124(Supp.),s.2;
S.N.W.T. 1994,c.30,s.3; S.N.W.T. 1995,c.11,s.45; S.Nu. 2009,c.7,s.5(2).

APPLICATION

Application

2. (1) This Act applies to all employees whether appointed before, on or after June 25, 1965.

Reference to period of employment

(2) A reference in any of the provisions of this Act to a period of employment shall be construed as including employment before as well as on and after June 25, 1965. R.S.N.W.T. 1988,c.124(Supp.),s.3.

MANAGEMENT AND DIRECTION

Powers of Minister

3. (1) The Minister has the management and direction of the public service.

Report to Legislature

(2) The Minister shall report annually to the Legislative Assembly on the management and direction of the public service. R.S.N.W.T. 1988,c.124(Supp.),s.4.

Delegation of authority

4. The Minister may authorize

- (a) an employee, or
- (b) in respect of a portion of the public service other than a department, an individual who holds the position prescribed for that portion of the public service,

to exercise and perform, in the manner and subject to the terms and conditions that the Minister directs, any of the powers, functions and duties of the Minister under this Act, other than the powers, functions and duties of the Minister in relation to appeals under section 29. R.S.N.W.T. 1988,c.124(Supp.),s.5.

Powers of deputy heads

4.1. Subject to the general direction of the Minister, a deputy head shall oversee and control the conduct of work of persons under the jurisdiction of the deputy head. R.S.N.W.T. 1988,c.124(Supp.),s.6.

Administration of region

5. (1) The Minister may authorize an employee responsible for the administration of a region of Nunavut to exercise any of the powers or perform any of the duties or functions of a Deputy Minister under this Act.

(2) **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.7.**
R.S.N.W.T. 1988,c.124(Supp.),s.7; S.Nu. 2005,c.3,s.12(2).

6. Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.

7. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
8. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
9. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
10. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
11. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
12. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
13. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
14. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**
15. **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.8.**

Appointments

Power of Minister to appoint

16. Subject to subsections 16.1(1) and 17(2) and (3), the Minister has the exclusive right and authority to appoint persons to positions in the public service.
R.S.N.W.T. 1988,c.124(Supp.),s.9.

Power of Commissioner in Executive Council to appoint

16.1. (1) The Commissioner in Executive Council, on the recommendation of the Premier, has the exclusive right and authority to appoint persons to the position of Deputy Minister in the public service.

Non-application of sections 17, 18, 20

(2) Sections 17, 18 and 20 do not apply to a person appointed under subsection (1).

Excluded from definition of "employee"

(3) In sections 21, 29 and 29.1, "employee" does not include a Deputy Minister.
R.S.N.W.T. 1988,c.124(Supp.),s.9; S.N.W.T. 1994,c.30,s.3.

Appointments by competition

17. (1) The Minister may make appointments by competition to positions in the public service.

Appeal of Minister's decision

(2) Pursuant to the regulations, the Staffing Appeals Committee may hear an appeal of an appointment by competition under subsection (1).

Minister to revoke appointment

(3) Where the Staffing Appeals Committee grants an appeal, the appointment made under subsection (1) shall be revoked by the Minister.

R.S.N.W.T. 1988,c.80(Supp.),s.5.

Appointments without competition

18. Where, in the opinion of the Minister, it is necessary, the Minister may, on the recommendation of the Executive Council, make appointments without competition to positions in the public service. R.S.N.W.T. 1988,c.80(Supp.),s.6.

Qualifications

19. (1) The Minister may, in relation to a position, establish the qualifications that, in the opinion of the Minister, are necessary or desirable having regard to the nature of the duties to be performed.

Discrimination

(2) In establishing qualifications under subsection (1), the Minister shall not discriminate against any person including discrimination by reason of race, national or ethnic origin, colour, religion, sex, age or physical or mental disability unless

- (a) it is reasonable and bona fide in the circumstances; or
- (b) it is part of a program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or physical or mental disability.

R.S.N.W.T. 1988,c.124(Supp.),s.10.

Probation

20. (1) Subject to subsection (2), where an employee is not appointed from within the public service, the employee is on probation after he or she has taken up the duties of his or her position for such period as may be established by the Minister for that position.

Minimum period

(2) The period established as a probationary period under subsection (1) must not be less than six months.

Appointment from within public service

(3) Subject to subsection (4), where an employee is appointed from within the public service, the employee is on probation for six months after he or she has taken up the duties of his or her position.

Period reduced or waived

(4) The Minister may, if he or she considers it appropriate, reduce or waive the probationary period referred to in subsection (3).

Extension of probationary period

(5) The Minister may, in accordance with the regulations, extend the probationary period of an employee that is established under subsection (1) or referred to in subsection (3). R.S.N.W.T. 1988,c.124(Supp.),s.11.

Rejection

21. (1) At any time during the probationary period of an employee, the Minister, on the recommendation of the deputy head, may reject the employee but any such rejection must be made in good faith.

Effect of rejection

(2) An employee who has been rejected under subsection (1) ceases to be an employee. R.S.N.W.T. 1988,c.124(Supp.),s.12.

Special employment

22. (1) The Minister may appoint persons to manage or staff industrial and economic development projects sponsored by the Government of Nunavut on the terms and conditions of employment that the Minister considers appropriate to the project.

Deeming provision

(2) A person appointed under subsection (1) shall be deemed not to be an employee within the meaning of this Act and this Act does not apply to that person. S.Nu. 2005,c.3,s.12(3).

TERMS AND CONDITIONS OF EMPLOYMENT

Tenure

Tenure of office

23. Subject to this Act and the regulations, and unless some other period of employment is specified, the tenure of office of an employee is for an indeterminate period.

Duration of appointments

24. An employee who is appointed to a position in the public service for a specified period ceases to be employed at the expiration of that period.

Resignation

25. (1) An employee may resign his or her position in the public service by giving to the Minister two weeks notice in writing of his or her intention to resign the position.

Acceptance and withdrawal

(2) A resignation is completed when it is accepted in writing by the Minister, but it may, by an appropriate notice in writing to the Minister and with the approval of the Minister, be withdrawn at any time before its effective date if no person has been appointed or selected for appointment to the position to be vacated by the resignation.

Abandonment

26. An employee who is absent from duty without leave for a period of one week may, by an appropriate instrument in writing, be declared by the Minister to have abandoned his or her position, in which case the position becomes vacant and the employee ceases to be an employee.

Lay-offs

Laying-off employees

27. (1) Where the duties of a position held by an employee are no longer required to be performed, the Minister may lay-off the employee in accordance with the regulations.

Cessation of employment

(2) An employee ceases to be an employee when the employee is laid-off under subsection (1).

New appointment

(3) Notwithstanding any other provision in this Act, the Minister may, without competition, appoint a lay-off to any position in the public service to which he or she is qualified. R.S.N.W.T. 1988,c.124(Supp.),s.13.

28. Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.13.

Suspension and Demotion

Misconduct or incompetence

29. (1) Where an employee, in the opinion of the deputy head, is guilty of misconduct or incompetence, the deputy head may by notice in writing

- (a) suspend the employee for a period not exceeding 30 days;
- (b) reduce the employee's pay; or
- (c) demote the employee.

Notice

(2) An employee may, within 14 days after the day the employee receives a notice given under subsection (1), appeal the suspension, reduction of pay or demotion to the Minister.

Appeal

(3) The Minister, on appeal, shall

- (a) confirm the suspension, reduction of pay or demotion;
- (b) revoke the suspension, reduction of pay or demotion as of the day it was imposed; or
- (c) where the appeal is about a suspension, reduce the period of suspension.

(4) Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.14.

Demotion

(5) A demotion under this section may be for a fixed period.

Reinstatement

(6) The Minister may at any time reinstate a demoted employee.

Sections 16 to 21 do not apply

(7) Sections 16 to 21 do not apply to employees demoted under paragraph (1)(c).
R.S.N.W.T. 1988,c.124(Supp.),s.14.

No remuneration

29.1. Where an employee is suspended pursuant to paragraph 29(1)(a), the employee is not entitled to any remuneration in respect of the period of suspension.

R.S.N.W.T. 1988,c.124(Supp.),s.15.

Suspension where allegation of misconduct or incompetence

30. (1) In any case where it is alleged that an employee has been guilty of misconduct or incompetence and the Minister considers it desirable to investigate the allegation, the Minister may

- (a) suspend the employee by an appropriate notice in writing for a period not exceeding 30 days; and
- (b) investigate the allegation.

Extension of period of suspension

(2) Subject to subsection (3), the Minister may extend the period of suspension of an employee but each extension must not exceed a period of 30 days.

Maximum period of suspension

(3) The maximum period for which an employee may be suspended under this section is 60 days. R.S.N.W.T. 1988,c.124(Supp.),s.16.

Remuneration during suspension

31. (1) An employee is entitled to remuneration in respect of any period during which he or she is under suspension pursuant to section 30.

Termination

(2) The Minister may at any time terminate a suspension made under section 30.
R.S.N.W.T. 1988,c.124(Supp.),s.16.

Proceedings on completion of investigation or proceedings

32. (1) On completion of the investigation referred to in section 30, the Minister shall,

- (a) if as a result of the investigation the Minister is satisfied that the employee has been guilty of misconduct or incompetence,
 - (i) dismiss or demote the employee,

- (ii) suspend the employee for a period not exceeding 30 days, or
- (iii) take such other action as the Minister considers appropriate;
or
- (b) if as the result of the investigation the Minister is not satisfied that the employee has been guilty of misconduct or incompetence, terminate the suspension and reinstate the employee.

Remuneration

(2) Where an employee is suspended pursuant to subparagraph (1)(a)(ii), the employee is not entitled to any remuneration in respect of the period of suspension.
R.S.N.W.T. 1988,c.124(Supp.),s.16.

Dismissals

Notice of dismissal

33. Where the Minister dismisses an employee, the Minister shall give the employee notice in writing of the dismissal and the reasons for it.
R.S.N.W.T. 1988,c.124(Supp.),s.17.

Political Partisanship

Definitions

34. (1) In this section,

"campaign manager" means a campaign manager as defined in the *Nunavut Elections Act*; (*directeur de campagne*)

"candidate" means a candidate as defined in the *Nunavut Elections Act* or *Canada Elections Act* as applicable; (*candidat*)

"financial agent" means a financial agent as defined in the *Nunavut Elections Act*; (*agent financier*)

"official agent" means an official agent as defined in the *Canada Elections Act*; (*agent officiel*)

"policy" means a government commitment to the public to follow an action or course of action in pursuit of approved objectives; (*politique*)

"political party" means a registered party as defined in the *Canada Elections Act* or an unregistered party functioning in Nunavut to achieve political aims; (*parti politique*)

"territorial association" means the territorial association of a political party. (*association territoriale*)

Political activity

(2) Subject to this section, an employee may engage in political activity, but shall not

- (a) personally solicit funds for a territorial political party or candidate;
- (b) during working hours, engage in any political activity for or on behalf of a territorial or federal political party or a candidate;
- (c) use the premises, air charters, supplies, equipment or services belonging to or in the possession of the Government of Nunavut for the purposes of any political activity, unless the premises are leased residential premises;
- (d) display or distribute territorial or federal campaign literature or other promotional material in any office or premises belonging to or in the possession of the Government of Nunavut, unless the premises are leased residential premises;
- (e) be a candidate in a Nunavut, federal, provincial or territorial election, unless on a leave of absence granted pursuant to subsection (6);
- (f) serve as a campaign manager, financial agent or official agent for a candidate or as an executive officer of a territorial political party or territorial riding association; or
- (g) intentionally use or attempt to use his or her position to affect the political activity of any other person.

Criticism of policies

(3) Subject to this section, an employee shall not publicly criticize any policy of the Government of Nunavut

- (a) about which the employee acquired information by virtue of his or her position, or
- (b) that directly relates to the duties of the employee,

unless on a leave of absence.

Restricted employees

(4) In addition to the prohibitions contained in subsection (2), an employee who falls within the prescribed category of restricted employees shall not

- (a) speak in public or express views in writing for distribution to the public on any matter that forms part of the platform of a territorial or federal political party including any criticism of candidates, positions or policies;
- (b) attend any meeting of a territorial or federal political party as a voting delegate;
- (c) serve as executive officer of a federal political party, riding or association; or
- (d) campaign on behalf or otherwise actively work in support of a territorial or federal political party or candidate.

Acceptable activities

(5) A person does not contravene subsections (2) or (4) by reason only that the person

- (a) attends political meetings;
- (b) is a member of a political party; or
- (c) contributes money to any political candidate or party.

Leave of absence

(6) Notwithstanding any other Act, where

- (a) an employee applies in writing, and
- (b) in the case of an employee who falls within the prescribed category of restricted employees, the Minister is satisfied that the absence of the employee will not seriously interfere with the operation of the public service,

the Minister shall grant to the employee a leave of absence without pay to seek nomination as a candidate and to be a candidate for election for a period ending on the day on which the results of the election are officially declared, or on an earlier day that is requested by an employee if the employee has ceased to be a candidate.

Restriction

(7) A leave of absence granted pursuant to subsection (6) must be taken by the employee on becoming an official candidate.

Notice

(8) On granting a leave of absence under subsection (6), the Minister shall cause notice of this action to be published in the *Nunavut Gazette* and in a widely distributed newspaper available to the public in Nunavut.

Effect of election

(9) An employee who is declared elected as a member of the Legislative Assembly, the Parliament of Canada or of the legislative assembly of a province or another territory upon that declaration ceases to be an employee.

Discipline

(10) A contravention of subsection (2), (3) or (4) shall be deemed to be sufficient cause for any disciplinary measures that the Minister considers appropriate.

Election official

(11) An employee may be appointed to serve as an election officer under the *Nunavut Elections Act* where no other suitable person is available for that position in the community and the Chief Electoral Officer is satisfied that there is no conflict with the duty of impartiality under section 207 of that Act. R.S.N.W.T. 1988,c.124(Supp.),s.18; S.Nu. 2002,c.17,s.277; S.Nu. 2005,c.3,s.12(2),(3),(4),(5); S.Nu. 2009,c.7,s.5(3); S.Nu. 2011,c.17,s.57.

Holidays

Holidays

- 35.** (1) The following days are holidays for the public service, namely,
- (a) New Year's Day,
 - (b) Good Friday,
 - (c) Easter Monday,
 - (d) the day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign,
 - (e) Canada Day,
 - (f) Labour Day,
 - (g) Remembrance Day,
 - (h) Christmas Day, and
 - (i) the day fixed by order of the Minister as a general day of Thanksgiving,

and any other day fixed by order of the Minister as a holiday for all or any part of the public service is a holiday for the public service or for that part of the public service, as the case may be.

Compensation for work on holiday

- (2) Any employee required to perform the duties of his or her position on a holiday shall be granted another day of leave with pay or paid compensation for overtime.
R.S.N.W.T. 1988,c.124(Supp.),s.19.

Leave of Absence

- 36. Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.20.**

Appointment during extended leave

- 37.** (1) Where an employee has been granted leave of absence for a period in excess of two months, the Minister may appoint another person to that employee's position and, in that event, the employee ceases to be the incumbent of that position but, during the remaining period for which the employee was granted leave of absence, the employee shall, subject to this section, be deemed to be the incumbent of an equivalent position on the establishment.

Remuneration

- (2) An employee who by subsection (1) is deemed to be the incumbent of an equivalent position is not entitled to any remuneration in respect of that position unless the employee was, in accordance with the regulations, granted leave of absence with pay.

Appointment to another position

- (3) Where an employee is on leave of absence and another person is appointed to his or her position under subsection (1), the Minister shall, during or after the expiration of leave, appoint the employee without competition to another position in the public service for which the employee is qualified.

Pay

Remuneration

38. Subject to the other provisions of this Act and the regulations, an employee is entitled to be paid, for services rendered, the remuneration applicable to the position held by him or her. R.S.N.W.T. 1988,c.124(Supp.),s.21.

Oath

39. Every employee shall, before any remuneration is paid to the employee, take and subscribe the prescribed oath.

40. Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.22.

COLLECTIVE AGREEMENTS

General

Definitions

41. (1) In this section and sections 42 to 47,

"bargaining unit" means a unit of employees established by subsection 41(1.4) for the purpose of collective bargaining; (*unité de négociation*)

"collective agreement" means an agreement in writing entered into under this section between the Minister and an employees' association respecting terms and conditions of employment and related matters and shall be deemed to include any award made by an arbitrator; (*convention collective*)

"employees' association" means an association of public service employees incorporated by an Act empowering it to bargain collectively; (*organisation syndicale*)

"essential services agreement" means an agreement referred to in subsection 41.02(2) and shall be deemed to include any award made under subsection 41.02(7) in respect of that agreement; (*entente sur les services essentiels*)

"Financial Management Board" means the committee of the Executive Council known as the Financial Management Board, established by subsection 3(1) of the *Financial Administration Act*; (*Conseil de gestion financière*)

"strike" includes a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding; (*grève*)

"teacher" means a teacher as defined in the *Education Act* who is an employee.
(*enseignant*)

References

(1.1) A reference in sections 41 to 48 to an employees' association in relation to a bargaining unit shall be construed as a reference to the employees' association for the bargaining unit.

Employee status preserved

(1.2) A person does not cease to be employed in the public service by reason only that the person ceases to work as a result of a lawful strike.

Membership in bargaining unit

(1.3) Every employee, other than an employee listed in subsection (1.7), (1.8) or (1.9) or referred to in subsection 52(1) of the *Legislative Assembly and Executive Council Act*, may be a member of a bargaining unit.

Bargaining units

(1.4) Subject to subsection (1.3), each of the following is established as a separate unit of employees for the purpose of collective bargaining under this Act:

- (a) employees other than employees of the Qulliq Energy Corporation and teachers;
- (b) employees of the Qulliq Energy Corporation;
- (c) teachers.

Employees' association

(1.5) The Nunavut Employees Union is the employees' association for the bargaining units established by paragraphs (1.4)(a) and (b).

Employees' association – teachers

(1.6) The Nunavut Teachers Association is the employees' association for the bargaining unit established by paragraph (1.4)(c).

Excluded employees – general

(1.7) An employee, other than an employee of the Qulliq Energy Corporation, is not eligible for membership in a bargaining unit where, in the opinion of the Minister, the employee is employed

- (a) as a deputy head, a head of a secretariat of the Executive Council, an assistant deputy minister, a director, a regional director, an assistant director, an area director, a regional superintendent or an auditor;
- (b) in a position in a division or section of the Financial Management Board Secretariat with duties and responsibilities that include developing and administering policies, procedures and guidelines respecting human resource management, program evaluation, financial planning and resource allocation;

- (c) in a position that provides support or advice directly to the Executive Council, a committee of the Executive Council or a member of the Executive Council;
- (d) as a legal officer or in a position that provides translation services to a legal officer on a regular basis;
- (e) in a position with duties and responsibilities that include providing advice and assistance, on a regular basis, respecting the terms and conditions of employment, including collective bargaining;
- (f) in a position with duties and responsibilities that include carrying out the following on a regular basis:
 - (i) staffing,
 - (ii) interpreting employment contracts,
 - (iii) resolving workplace disputes,
 - (iv) responding to grievances, or
 - (v) providing advice in respect of the matters referred to in subparagraphs (i) to (iv);
- (g) in a position with management responsibility that includes directly assigning work to, assessing the performance of and imposing discipline on other employees;
- (h) as a dentist or a medical practitioner; or
- (i) in a position that provides administrative or secretarial support directly
 - (i) to a person referred to in paragraphs (a), (c) or (d), or
 - (ii) to a person referred to in paragraphs (b), (e), (f) or (g) in respect of the duties and responsibilities referred to in those paragraphs.

Excluded employees – NWTPC

(1.8) An employee of the Qulliq Energy Corporation is not eligible for membership in a bargaining unit where, in the opinion of the Minister, the employee is employed

- (a) as the president or a vice-president of the Qulliq Energy Corporation;
- (b) in a position that provides support or advice directly to the Board of Directors of the Qulliq Energy Corporation;
- (c) as a legal officer or in a position that provides translation services to a legal officer on a regular basis;
- (d) in a position with duties and responsibilities that include providing advice and assistance, on a regular basis, respecting the terms and conditions of employment, including collective bargaining;
- (e) in a position with duties and responsibilities that include carrying out the following on a regular basis:
 - (i) staffing,
 - (ii) interpreting employment contracts,
 - (iii) resolving workplace disputes,
 - (iv) responding to grievances, or

- (v) providing advice in respect of the matters referred to in subparagraphs (i) to (iv);
- (f) in a position with management responsibility that includes directly assigning work to, assessing the performance of and imposing discipline on other employees; or
- (g) in a position that provides administrative or secretarial support directly
 - (i) to a person referred to in paragraphs (a), (b) or (c), or
 - (ii) to a person referred to in paragraphs (d), (e), or (f) in respect of the duties and responsibilities referred to in those paragraphs.

Principals and Vice-principals

(1.9) Subsection (1.7) does not apply with respect to principals and vice-principals employed under the *Education Act*.

Collective agreement

(2) The Minister, on the recommendation of the Financial Management Board and on behalf of the Government of Nunavut, may enter into a collective agreement with an employees' association.

(3) **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.23.**

(4) **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.23.**

(5) **Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.23.**

Binding effect of collective agreement

(6) A collective agreement made between the Minister and an employees' association is binding on the Government of Nunavut, the employees' association and the members of the bargaining unit to which the collective agreement applies.

Exclusion

- (7) No collective agreement shall deal directly or indirectly with
- (a) the rents payable by employees or any other conditions of tenure of premises let or leased to them by, or held by them under licence from the Government of Nunavut; or
 - (b) payments to or in respect of employees relating to owner-occupied premises or premises rented or leased from persons or bodies other than the Government of Nunavut.
- R.S.N.W.T. 1988,c.124(Supp.),s.23; S.N.W.T. 1996,c.1,s.4;
 S.N.W.T. 1998,c.37,Sch.E,Pt.II,s.1;
 S.N.W.T. 1999,c.8,Sch.B,s.3(2); S.N.W.T. 1999,c.9,Sch.B,s.7;
 S.Nu. 2002,c.5,s.74; S.Nu. 2005,c.3,s.12(3); S.Nu. 2006,c.10,s.2;
 S.Nu. 2009,c.7,s.5(4); S.Nu. 2010,c.7,s.8.

Notice to Commence Bargaining

Notice to commence bargaining

41.01. (1) The Minister or an employees' association on behalf of the members of a bargaining unit may, by written notice, require the other party to commence bargaining collectively with a view to the conclusion, renewal or revision of a collective agreement.

Time to commence bargaining

(2) Where notice to bargain collectively has been given, the employees' association and the Minister's representatives shall, forthwith but in any case within 60 days after the notice has been given or within such further time as the parties may agree, meet and commence to bargain collectively in good faith. S.N.W.T. 1996,c.1,s.5.

Essential Services Agreement

Definitions

41.02. (1) In this section,

"emergency situation" means an emergency as reasonably determined by the Minister;
(*situation d'urgence*)

"essential services" means services that are necessary to ensure a continuation of minimal service

- (a) to protect the health and safety of the public,
- (b) to prevent destruction or serious deterioration of machinery, equipment or premises, or
- (c) to prevent disruption of the administration of the courts,

and includes services provided by the most senior employee at each power plant who has responsibility for the on-site operation of the plant. (*services essentiels*)

Essential services agreement

(2) Within 20 days after notice to bargain collectively has been given or within such further time as the parties may agree, the employees' association and the Minister's representatives shall bargain in good faith and make every reasonable effort to enter into a written agreement

- (a) identifying the essential services that must be provided during a strike;
- (b) setting out how many employees in the bargaining unit are necessary to enable the Minister to provide the essential services;
- (c) identifying the positions the incumbents of which are required to work during a strike to enable the Minister to provide the essential services;
- (d) setting out how many employees in the bargaining unit, in addition to those who provide the essential services, are necessary to enable the Minister to respond to an emergency situation;

- (e) identifying the positions the incumbents of which are required to work during a strike to enable the Minister to respond to an emergency situation; and
- (f) setting out a protocol to deal with unanticipated emergency situations.

Resolution of differences

(3) Where the parties have been unable to reach agreement under subsection (2) within 20 days after notice to bargain collectively has been given or within such further time as the parties may agree, a party may give notice to the other party, in writing,

- (a) setting out the issues referred to in subsection (2) that have not been agreed on;
- (b) stating that it wishes that the differences be submitted to an arbitrator; and
- (c) submitting a list of names of persons who are acceptable to it to arbitrate the differences.

Appointment of arbitrator

(4) Where the parties agree on a person to act as arbitrator, the parties shall forthwith appoint that person as arbitrator.

Appointment by Court

(5) Where the parties are unable to agree on a person to act as arbitrator within the time period referred to in subsection (3), the Nunavut Court of Justice shall, forthwith on the application of either party, appoint an arbitrator.

Duties of arbitrator

- (6) The arbitrator shall,
- (a) in a manner he or she considers fit, inquire into the differences of the parties submitted to the arbitrator and attempt to resolve them; and
 - (b) during the inquiry, hear the representations of the parties and arbitrate between the parties.

Award

(7) Within 14 days of the day an arbitrator is appointed, or such longer period as the parties may agree to, the arbitrator shall provide to the parties a report setting out his or her award in respect of each issue submitted to the arbitrators.

Costs

(8) Where an arbitrator is appointed, each party shall, subject to section 36 of the *Arbitration Act*, pay its own costs and one-half of the fees payable to and the costs incurred by the arbitrator.

Application of Arbitration Act

(9) Sections 10, 20 to 23, 31 and 32 of the *Arbitration Act* do not apply to the appointment of an arbitrator or to an arbitration under this section. S.N.W.T. 1996,c.1,s.5; S.Nu. 2005,c.3,s.12(6).

Notice to employees

41.03. (1) Once an essential services agreement is made, the Minister shall notify each employee in the bargaining unit who, under the agreement, is required to work during a strike and shall indicate in the notice whether the employee is required to work to provide essential services or to respond to an emergency situation.

Essential services, emergency during strike

(2) During a strike, the Minister is entitled to require the following employees in the bargaining unit to work:

- (a) incumbents of positions identified in the essential services agreement who are necessary to enable the Minister to provide essential services;
- (b) incumbents of positions identified in the essential services agreement who are necessary to enable the Minister to respond to an emergency situation.

When employee may not strike – essential services

(3) An employee who has been notified that the Minister is entitled to require him or her to work during a strike to provide essential services may not strike.

When employee may not strike – emergency situation

(4) Where the Minister has determined that there is an emergency situation, an employee who has been notified that the Minister is entitled to require him or her to work during a strike to respond to an emergency situation, and who has been notified that the Minister requires him or her to work, may not strike during the emergency situation. S.N.W.T. 1996,c.1,s.5.

Change to Terms and Conditions of Employment

Terms and conditions continue in force

41.04. (1) Where notice to bargain collectively has been given, any term or condition of employment applicable to the employees in the bargaining unit in respect of which the notice was given that may be embodied in a collective agreement and that was in force on the day the notice was given shall remain in force, whether or not the collective agreement is still in effect, and shall be observed by the Minister, the employees' association and the members of the bargaining unit, except as otherwise provided by any agreement that may be entered into by the Minister and the employees' association, until

- (a) a new collective agreement that applies to the bargaining unit has been concluded by the parties; or
- (b) the following conditions have been met:

- (i) 21 days have elapsed since a mediator was appointed under section 41.1,
- (ii) an essential services agreement is in effect, and
- (iii) there is no longer a collective agreement applying to the bargaining unit in effect.

When Minister may change terms and conditions

(2) The Minister may change any term and condition of employment applicable to the employees in a bargaining unit

- (a) by concluding a new collective agreement that applies to the bargaining unit; or
 - (b) where notice to bargain collectively has been given,
 - (i) 21 days have elapsed since a mediator was appointed under section 41.1,
 - (ii) an essential services agreement is in effect, and
 - (iii) there is no longer a collective agreement in effect that applies to the bargaining unit.
- S.N.W.T. 1996,c.1,s.5.

Resolution of Differences

Resolution of differences

41.1. (1) Where the parties to collective bargaining have bargained collectively in good faith with a view to concluding a collective agreement but have been unable to reach agreement on any term or condition of employment, a party may give notice to the other party, in writing,

- (a) setting out the terms and conditions of employment on which the parties have been unable to agree;
- (b) stating that it wishes that the differences be submitted to a mediator; and
- (c) submitting a list of names of persons who are acceptable to it to mediate the differences.

Response to notice

(2) On receipt of a notice given under subsection (1), the other party shall, within seven days, either agree to appoint a person whose name was submitted as mediator or give notice to the initiating party, in writing, submitting a list of names of persons who are acceptable to it to mediate the differences.

Appointment

(3) Where the parties agree on a person to act as mediator, the parties shall forthwith appoint that person as mediator.

Appointment by Court

(4) Where the parties are unable to agree on a person to act as mediator or a party has not responded as required under subsection (2), the Nunavut Court of Justice shall, forthwith on the application of either party, appoint a mediator.
R.S.N.W.T. 1988,c.124(Supp.),s.24; S.N.W.T. 1996,c.1,s.6; S.Nu. 2005,c.3,s.12(6).

Mediation

41.2. (1) The mediator shall, in a manner he or she considers fit, inquire into the differences of the parties and attempt to resolve them and shall, during the inquiry,

- (a) hear the representations of the parties;
- (b) mediate between the parties; and
- (c) encourage the parties to resolve their differences.

Mediator's report

(2) Within 14 days of the day a mediator is appointed or within such further time as the parties may agree to, the mediator shall provide to the parties a report

- (a) recommending a resolution of their differences; or
- (b) stating that he or she will not make a recommendation and the reasons why he or she will not do so.

Terms and conditions in notice

(3) A recommendation made under paragraph (2)(a) must deal only with the terms and conditions of employment that are set out in the notice given under subsection 41.1(1). R.S.N.W.T. 1988,c.124(Supp.),s.24; S.N.W.T. 1996,c.1,s.7.

Acceptance or rejection

41.3. Where a recommendation is made under paragraph 41.2(2)(a), the parties shall

- (a) accept the recommendation; or
- (b) reject the recommendation.

R.S.N.W.T. 1988,c.124(Supp.),s.24.

Costs

41.4. Where a mediator is appointed, each party shall pay its own costs and one-half of the fees payable to and the costs incurred by the mediator. S.N.W.T. 1996,c.1,s.8.

41.5. Repealed, S.N.W.T. 1996,c.1,s.8.

Rights and Prohibitions Relating to Strikes

Participation in strike

42. (1) No employee who is not a member of a bargaining unit shall participate in a strike.

Process

(2) No employee who is a member of a bargaining unit shall participate in a strike where

- (a) there is no essential services agreement in effect;
 - (b) under subsection 41.03(3) or (4), the employee is not entitled to strike;
 - (c) a collective agreement applying to the bargaining unit of which the employee is a member is in effect; or
 - (d) no collective agreement applying to the bargaining unit of which the employee is a member is in effect, unless
 - (i) 21 days have elapsed since a mediator was appointed under section 41.1, and
 - (ii) the employees' association has delivered to the Minister, not less than 48 hours before a strike, a notice of intention to strike setting out the date, time and initial location at which the strike will commence.
- S.N.W.T. 1996,c.1,s.9.

Declaration or authorization of strike

42.1. (1) No employees' association shall declare or authorize a strike of employees, and no officer or representative of an employees' association shall counsel or procure the declaration or authorization of a strike of employees or the participation of employees in a strike, the effect of which is or would be to involve the participation of an employee in a strike in contravention of section 42.

Threat to strike

(2) No employees' association shall threaten a strike of employees, and no officer or representative of an employees' association shall counsel or procure the threat of strike of employees, that would involve the participation of an employee in a strike in contravention of section 42. S.N.W.T. 1996,c.1,s.9.

Application for declaration of Nunavut Court of Justice

42.2. (1) The Minister may apply to the Nunavut Court of Justice for an order listed in subsection (2) where the Minister alleges that

- (a) an employees' association has declared or authorized a strike, or that employees are participating or are likely to participate in a strike, the effect of which is or would be to involve the participation of an employee in a strike in contravention of section 42; or
- (b) an employees' association has threatened a strike of employees that would involve the participation of an employee in a strike in contravention of section 42.

Declaration of Nunavut Court of Justice

(2) On an application under subsection (1), the Nunavut Court of Justice may make an order

- (a) declaring that the strike is or would be unlawful;
- (b) requiring the employees' association to revoke the declaration or authorization to strike and to give notice of the revocation forthwith to the employees to whom it was directed;
- (c) enjoining any employee from participation in the strike;
- (d) requiring any employee who is participating in the strike to perform the duties of his or her employment;
- (e) requiring the employees' association, and any officer or representative of the employees' association, forthwith to give notice of any order made under paragraph (a) or (b) to its members; and
- (f) requiring the employees' association of which an employee referred to in paragraph (c) or (d) is a member, and any officer or representative of the employees' association, forthwith to give notice of any order made under paragraph (c) or (d) to the employee to whom it applies.

Terms of order

- (3) An order made under subsection (2)
- (a) shall be on such terms as the Nunavut Court of Justice considers necessary and sufficient in the circumstances; and
 - (b) subject to subsection (4), shall have effect for such time as is specified in the order.

Revocation, variance of order

(4) Where the Nunavut Court of Justice makes an order under subsection (2), it may, on application by the Minister or the employees' association subject to the order,

- (a) vary the order and specify the time for which the order is to continue to have effect; or
 - (b) revoke the order.
- S.N.W.T. 1996,c.1,s.9; S.Nu. 2005,c.3,s.12(6).

Offence and punishment – employee

42.3. (1) Every employee who contravenes section 42 is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.

Offence and punishment – officer or representative

(2) Every officer or representative of an employees' association who contravenes section 42.1 is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

Offence and punishment – employees' association

(3) Every employees' association that contravenes subsection 42.1(1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 for each day that the strike declared or authorized by it in contravention of that section is in effect.

Offence and punishment – employees' association

(4) Every employees' association that contravenes subsection 42.1(2) is guilty of an offence and liable on summary conviction to a fine not exceeding \$5,000.

S.N.W.T. 1996,c.1,s.9.

Prosecution of employees' association

42.4. A prosecution for an offence under section 42.1 may be brought against an employees' association and in the name of that employees' association, and for the purposes of any such prosecution an employees' association shall be deemed to be a person, and any act or thing done or omitted by an officer or representative of an employees' association within the scope of the authority of the officer or representative to act on behalf of the employees' association shall be deemed to be an act or thing done or omitted by the employees' association. S.N.W.T. 1996,c.1,s.9.

Mediator, arbitrator not required to give evidence

42.5. A mediator appointed under section 41.1, or an arbitrator appointed under section 41.02, may not be required to give evidence in any civil action or other civil proceeding respecting information obtained in the discharge of duties under this Act. S.N.W.T. 1996,c.1,s.9.

Miscellaneous

Arbitration

43. Where a collective agreement fails to provide for the determination of disputes arising out of the collective agreement during the term of the agreement without stoppage of work, those disputes shall be determined by means of arbitration pursuant to the *Arbitration Act*.

Limitation

44. No collective agreement shall provide, directly or indirectly, for the alteration or elimination of any existing term or condition of employment, the alteration or elimination of which or the establishment of which, as the case may be, would require or have the effect of requiring the enactment or amendment of any legislation by the Legislature except for the purpose of appropriations.

Check off

45. A collective agreement may provide for the deduction of

- (a) membership fees of an employees' association that is a party to the agreement in respect of employees to whom the agreement applies who are members of the employees' association, and

- (b) amounts equal to those membership fees, in respect of employees to whom the agreement applies who are not members of the employees' association,

from the salaries of those employees for payment to the employees' association.

Religious objection to check off

46. Where the Minister is satisfied that an employee, because of his or her religious convictions or beliefs, objects to the payment of membership fees or amounts equal to those membership fees to an employees' association under the terms of a collective agreement, the Minister may, notwithstanding the collective agreement, direct that

- (a) the membership fees or amounts equal to membership fees that are deducted from the salary of the employee under section 45 are not to be paid to the employees' association; and
- (b) those membership fees or amounts deducted from the salary of the employee must be paid to a charitable organization selected by the Minister in consultation with the employee and the employees' association.

Political parties and candidates

47. (1) No money deducted from an employee's salary for payment to an employees' association or paid to an employees' association by an employee shall be used directly or indirectly on behalf of any political party or on behalf of any candidate for political office.

Proof of compliance

(2) The Minister shall not allow any deduction to be made from the salaries of employees for payment to an employees' association unless the employees' association delivers to the Minister a statutory declaration made by an officer, duly authorized by the employee's association to make the statutory declaration, that the employees' association is complying and will continue to comply with subsection (1).

R.S.N.W.T. 1988,c.124(Supp.),s.25.

Saving provision regarding health and safety

48. Nothing in section 41, 41.02, 41.03, 41.1, 41.2 or 42 shall be construed to require the Minister to do or refrain from doing anything contrary to any instruction, direction, regulation or directive in the interest of the health, safety or security of the people.

R.S.N.W.T. 1988,c.124(Supp.),s.26; S.N.W.T. 1996,c.1,s.10.

GENERAL

Regulations

Regulations

49. (1) The Commissioner, on the recommendation of the Minister, may make regulations for carrying the purposes and provisions of this Act into effect and, without restricting the generality of the foregoing, may make regulations

- (a) prescribing the positions in portions of the public service other than departments in respect of which the Minister may authorize the person holding the position to exercise and perform the Minister's powers, functions and duties under paragraph 4(b);
- (b) respecting procedures or policies to evaluate positions in the public service and to establish groups of positions;
- (c) respecting a procedure to determine, or considerations to be followed in determining, rates of pay and other remuneration that is in addition to pay for positions in the public service;
- (d) respecting the payment of acting pay where an employee is required to perform for a temporary period the duties of a person occupying a higher position, the amount of or method of determining the amount of acting pay and the circumstances and conditions under which it may be paid;
- (e) respecting procedures for establishment and approval of
 - (i) positions in a department or other portion of the public service, and
 - (ii) the addition of positions to or the deletion of positions from a department or other portion of the public service;
- (f) establishing the Staffing Appeals Committee;
- (g) respecting extensions of the probationary periods of employees;
- (h) prescribing a method for determining the effective date of an appointment to the public service;
- (i) respecting resignations of employees;
- (j) respecting the lay-off of employees and the appointment of a person laid off to a position in the public service;
- (k) prescribing the category of restricted employees for the purposes of section 34;
- (l) concerning any other matters relating to section 34 not referred to in paragraph (k);
- (m) respecting leaves of absence;
- (n) respecting when employees, by reason of special circumstances or the nature of their duties, must perform the duties of their position on a holiday;
- (o) respecting retirement from positions in the public service;
- (p) prescribing the oath referred to in section 39;
- (q) respecting hours of work, attendance and other matters relating to the performance of duties;
- (r) respecting the selection, appointment and conditions of employment of employees and the pay and other remuneration in addition to pay payable to employees;
- (s) respecting the holding of offices or positions outside the public service by persons employed in the public service;
- (t) providing for the resolution of disputes arising out of any matter governed by this Act or the regulations, whether by way of grievance, appeal or otherwise; and

- (u) for any purpose for which regulations are authorized to be made.

Application to Deputy Ministers

(2) Regulations made under subsection (1) do not apply to Deputy Ministers, unless the regulations expressly so provide. R.S.N.W.T. 1988,c.124(Supp.),s.27.

Saving and Transitional

Employee located in Nunavut

50. (1) An employee in the public service of the Northwest Territories whose employment ceases upon the expiry of March 31, 1999 in accordance with section 50 of the *Public Service Act* (Northwest Territories), is an employee in the public service of Nunavut, and is subject to the same terms and conditions of employment as had previously applied.

Employment continuous

(2) For greater certainty, the employment of an employee referred in subsection (1) is continuous, and any period of employment under the *Public Service Act* (Northwest Territories) is deemed to have occurred under this Act.

Application

(3) This section applies notwithstanding anything to the contrary in this Act or in any collective agreement or memorandum of understanding or agreement between an employees' association and the Government of Nunavut, as substituted for the Government of the Northwest Territories pursuant to section 76.08 of the *Nunavut Act*. R.S.N.W.T. 1988,c.124(Supp.),s.28; S.N.W.T. 1999,c.1,Sch.D,s.1; S.N.W.T. 1999,c.9,Sch.A,s.1.

51. Repealed, R.S.N.W.T. 1988,c.124(Supp.),s.28.

Prior acts

52. Every act done by the Commissioner, or a person authorized to exercise or perform the powers, functions or duties of the Commissioner, pursuant to this Act before June 26, 1986, shall be deemed to have been done by the Minister, or a person authorized to exercise or perform the powers, functions or duties of the Minister, as the case may be.

SCHEDULE A (*Subsection 1(1)*)

The following are declared to be portions of the public service:

- (a) a public college, established under the *Public Colleges Act*, except with respect to individuals employed under subsection 23(1) of that Act;
- (b) **repealed, S.N.W.T. 1995,c.28,s.159(2)(a);**
- (c) **repealed, S.Nu. 2009,c.7,s.5(5);**
- (d) **repealed, S.Nu. 2009,c.7,s.5(5);**
- (e) Nunavut Housing Corporation continued by the *Nunavut Housing Corporation Act*, except with respect to the President appointed under that Act;
- (f) Qulliq Energy Corporation established by the *Qulliq Energy Corporation Act* and its subsidiaries.
- (g) **repealed, S.N.W.T. 1998,c.39,Sch.B,s.1(b).**
R.S.N.W.T. 1988,c.124(Supp.),s.29; S.N.W.T. 1994,c.28,s.34.2;
S.N.W.T. 1995,c.28,s.159(2); S.N.W.T. 1997,c.11,s.4(2);
S.N.W.T. 1997,c.12,s.18; S.N.W.T. 1998,c.39,Sch.B,s.1;
S.N.W.T. 1999,c.7,s.6; S.N.W.T. 1999,c.8,Sch.B,s.3(3);
S.Nu. 2005,c.3,s.12(7); S.Nu. 2009,c.7,s.5(5).

Note: On a day to be fixed by order of the Commissioner,

Schedule A is amended by:

- (a) **striking out the period at the end of subclause (g) and substituting a semicolon;**
- (b) **adding the following after subclause (g):**
- (h) the staff referred to in section 20.1 of the *Official Languages Act*.

See S.Nu. 2008,c.10,s.46(2).

SCHEDULE B (*Subsection 1(1)*)

Individuals declared for greater certainty to not be included in the public service are those individuals who are hired by, retained by or working for or under the direct or indirect control and supervision of the following:

- (a) a public college, established under the *Public Colleges Act*, where such individuals are employed under subsection 23(1) of that Act;
- (b) **repealed, S.N.W.T. 1995,c.28,s.159(3);**
- (c) **repealed, S.N.W.T. 1995,c.28,s.159(3);**
- (d) **repealed, S.N.W.T. 1995,c.28,s.159(3);**
- (e) **repealed, S.N.W.T. 1995,c.28,s.159(3);**
- (f) the Forest Supervisor or any forest officer, judge or justice of the peace under subsection 14(1) of the *Forest Protection Act*;
- (g) a housing association or a housing authority as defined in the *Nunavut Housing Corporation Act*;
- (h) settlements and settlement corporations as defined in the *Settlements Act*;
- (i) **repealed, S.Nu. 2005,c.3,s.12(8);**
- (j) **repealed, S.Nu. 2009,c.7,s.5(6);**
- (k) the Workers' Safety and Compensation Commission continued under the *Workers' Compensation Act*;
- (l) the Northwest Territories Power Corporation, established by the *Northwest Territories Power Corporation Act* (Northwest Territories).
R.S.N.W.T. 1988,c.124(Supp.),s.29; S.N.W.T. 1994,c.28,s.34.2;
S.N.W.T. 1995,c.28,s.159(3); S.N.W.T. 1997,c.11,s.4(3);
S.N.W.T. 1998,c.5,s.29(1); S.N.W.T. 1998,c.39,Sch.B,s.2;
S.N.W.T. 1999,c.8,Sch.B,s.3(4); S.Nu. 2005,c.3,s.12(8);
S.Nu. 2007,c.15,Sch.,s.14; S.Nu. 2009,c.7,s.5(6).

Note: On a day to be fixed by order of the Commissioner,

Schedule B is amended by:

- (a) **striking out the period at the end of subclause (l) and substituting a semicolon;**
- (b) **adding the following after subclause (l):**
- (m) the Languages Commissioner appointed under subsection 16(1) of the *Official Languages Act*.

See S.Nu. 2008,c.10,s.46(3).