

Job Class Profile: Labour Standards Officer

Pay Level: CG-38 **Point Band:** 848-881

Factor	Knowledge	Interpersonal Skills	Physical Effort	Concentration	Complexity	Accountability & Decision Making	Impact	Development and Leadership	Environmental Working Conditions	Total Points
Rating	6	6	2	3	6	5	5	1	3	
Points	280	100	13	14	180	108	103	21	32	851

JOB SUMMARY

The Labour Standards Officer provides professional assistance and ensures the protection of basic labour rights of employees and employers within the province. The Labour Standards Officer oversees compliance of the Labour Standards Act and Regulations and the Shops' Closing Act. This involves investigation, inspection, research, liaison work, mediation, and adjudication to prevent and resolve workplace disputes pertaining to labour standards matters.

Key and Periodic Activities

- Investigates complaints of noncompliance with the Labour Standards Act and Regulations. Complaints are taken, analyzed for validity, written position submissions are requested, statements taken, interviews conducted, case law and legislation reviewed, mediation and negotiation occurs, considerable written correspondence is composed and shared between parties, facts and evidence are analyzed in light of legislation and case precedence, and an investigation report is composed. If the report does not result in compliance, a Determination of Notice is composed and issued. If there is neither a compliance with the Determination Notice nor Appeal, a court formatted Determination is formatted and registered with the Supreme Court.
- Conducts education seminars for various stakeholders. Prepares content and presents to employer groups, schools and post-secondary institutions, transition-to-employment groups, etc.
- Conducts preventive intervention sessions by visiting worksites of all employment sectors to educate employers and employees on their rights and responsibilities in relation to legislation, to inform them of the services provided by Labour Standards, and to facilitate discussions on workplace issues and concerns.
- Provides consultative services. Contacted daily by various stakeholders seeking advice in resolving workplace issues and requesting clarification on provisions of the Labour Standards Act and Regulations and the Shops' Closing Act.
- Monitors and audits. Employers may request an exemption to the 24 hour per week rest provision under the Labour Standards Act. Once granted the employees' work schedule must be monitored and the employer's books audited to ensure compliance with the granted exemption.
- Mentors and teaches. Provides guidance to new Labour Standards Officers and to Information Officers who are often the initial contact for enquiries.
- Attends training courses in computer skills, conflict resolution, mediation skills, writing skills and other workshops, studies case law manuals and publications to maintain current knowledge base.

SKILL

Knowledge
<p>General and Specific Knowledge:</p> <ul style="list-style-type: none"> — Extensive knowledge of the Labour Standards Act and Regulations, business law, and employment law. — Knowledge of current negotiation, mediation and conflict resolution techniques. <p>Formal Education and/or Certification(s):</p> <ul style="list-style-type: none"> — Minimum: Undergraduate degree in Commerce with course concentration in labour relations, and additional coursework in business law and commerce. <p>Years of Experience:</p> <ul style="list-style-type: none"> — Minimum: 10 years related experience. <p>Competencies:</p> <ul style="list-style-type: none"> — Strong negotiation, mediation, communication, and analytical skills. — Ability to develop new solutions to deal with problems. — Proficiency in Microsoft Word, Excel, and Powerpoint.
Interpersonal Skills
<ul style="list-style-type: none"> — A range of interpersonal skills are to perform activities such as listening to information from other people, asking questions to get information, providing routine and complex information to others, communicating complex information and direction to others, providing care/comfort to others, conducting formal interviews, negotiating contracts or agreements, instructing/teaching/training, coaching/mentoring, facilitating sessions, making presentations, gaining the cooperation of others to complete work or to address issues and solve problems, dealing with upset or angry people, providing expert advice or counselling to others, and resolving disputes between people. — Communications occur with employees in the immediate work area and employees within the Department, supervisor/managers and clients/general public. Less frequent communications occur with employees outside the department but within the Government of Newfoundland and Labrador, professional associations and internal/external subject matter experts. — The most significant contacts are with: (1) Parties to a complaint (e.g. employers/employees/legal counsel to negotiate and mediate a settlement between parties; (2) Director of Labour Standards to discuss the merits of the position taken on a case; and (3) Lawyers from the Department of Justice to receive interpretations of the Labour Standards Act or to provide guidance on areas in which the legislation is silent; and (4) disgruntled employees or employers by telephone or written correspondence but often from individuals coming in to the office without appointments. Often these individuals have lost jobs and are traumatized and angered. Strong listening, empathy, reasoning, and oral communication skills are paramount. Employees make decisions based on the advice received which can affect lives and have significant monetary repercussions.

EFFORT

Physical Effort
<ul style="list-style-type: none"> — Works demands do not result in considerable fatigue, requiring periods of rest. — There is an occasional requirement to lift objects less than 10 lbs. When getting ready to make presentations, laptop, projection equipment, and promotional material must be carried. Also, Labour Standards Booklets and other material are distributed during preventive interventions.

- Regularly there is a requirement to sit and perform fine finger precision work when using a computer to prepare letters and reports, however there is freedom to move about.
- Occasionally there is a requirement to stand, walk, and drive to and from presentation and preventive interventions.

Concentration

- **Visual** concentration is regularly required to read correspondence from numerous sources, email, fax, letters, reports, etc. to provide the accurate response.
- **Auditory** concentration is required and is crucial to ensure a clear understanding and to provide an accurate response. When talking to numerous stakeholders, and the decisions and actions of the stakeholders are reliant upon the listening skills prior to providing advice.
- **Exact results and precision, and higher than normal levels of attentiveness and carefulness** are required when analyzing payroll records, often over a two year period. Employers are held liable for amounts as calculated during the analysis. Therefore knowledge of the legislation and accurate calculations are required to not place undue hardship on businesses. Court documents naming employers as debtors are also prepared.
- **Regularly subject to time pressures/deadlines/and interruptions.** Early Resolutions are required to be completed in two to four weeks. Formal complaints are required to be completed within six months. Employees who come to the Labour Standards Division are usually overdue for wages and are often traumatized by job loss and financial security and expect ongoing updates on the investigation. Frequent telephone calls from employers and employees seeking clarification on legislation provisions, while important, often provides distraction from the investigation and report writing process.

Complexity

- Work tasks are different and related and involve working within standard processes to perform tasks or may perform tasks for which a limited number of guidelines or procedures exist. Tasks may also be diverse and involve a wide range of responsibilities and situations.
- Typical challenges/problems occur during screening of complaints as improper screening at this stage could result in a backlog of unnecessary investigations and have significant legal ramifications. When employees whose employment has been terminated contact the Division, emotions are high and expectations are beyond what can be provided. Impartiality and empathy to the circumstances is required while discerning through the employee's emotional state, whether or not a Labour Standards contravention has occurred, and if not, convincing the caller that while, having their best interests at heart there is no cause to investigate. Conversely if it is determined that a contravention of the Act may have occurred, without providing any false hope or opinion asking pertinent questions to begin the process of investigation occurs.
- There is no Policy and Procedures Manual in place to guide situations. When addressing typical challenges or problems there is reliance on the provisions of the Labour Standards Act and Regulation, and the Shop's Closing Act, as well as legal opinions from the Department of Justice, review of cases appealed by the Labour Relations Board, review of case law, and consultation with other senior officers and management.

RESPONSIBILITY

Accountability and Decision-Making

- Work tasks are generally not prescribed or controlled. No two investigations are the same. The steps taken are entirely discretionary. Work is conducted independently, using initiative and sound judgement. Must be keenly aware of the consequences to all stakeholders of the actions

taken and decisions cannot be made lightly.

- Decisions without prior approval include responding to enquiries regarding the provisions of the Labour Standards Act and Regulations and the Shop's Closing Act, attending meetings, scheduling and facilitating labour standards presentations, conducting preventive interventions, conducting rest provision audits, and leaving the office for investigation purposes.
- Some activities require prior approval. Investigation Reports and Determination Notices while compiled and signed independently must be reviewed by the Director prior to submitting to the parties. Can compile Court documents but they must be signed by the Director.
- A high degree of independent discretion and judgement is exercised when contacted by employers or employees seeking professional guidance with a workplace situation. Concerns regarding where the parties stand, similar cases, and possible outcomes must be addressed. Legislation is not always clear cut. The public rely this quasi-legal counsel to offer sound advice to save them considerable time and money that an unsuccessful challenge to a complaint may cost them. Labour lawyers with their own clients contact this office for advice. There are situations where there is a requirement to assess a workplace situation, make an instant determination and provide guidance. The determinations are made through independent decisions and have a direct impact by mitigating the number of complaints in the Division.

Impact

- Impacts generally affect the department, outside the department, outside the organization, on human resources and corporate image.
- Work activities impact the information, finances, and corporate image. After conducting a thorough investigation, recommendations are made to employers, and often if necessary, against employers. These determinations may have a significant impact on the employers' payroll as they can be held liable for tens of thousands of dollars, up to two years of wages or vacation pay, and an employer's payroll accounts can be frozen. An employee's employment may be terminated as a result of the guidance provided to an employer. The information relayed goes beyond stating the provisions of the legislation.
- An error in investigations could result in an employee not getting the outstanding wages due. Conversely, an employer could undeservedly be charged with unfair amounts. At the extreme, an employee's employment could be terminated. Errors made in the information or guidance provided could result in the office receiving another complaint thus increasing workload.
- Timeframes regarding identification and resolution of errors is dependant upon the situation. Some errors can be identified and resolved within hours through a telephone call. Other errors such as new information coming to light after an investigation report has been sent out may take several weeks to analyze and produce a new report. In many cases, if decisions are made by employees/employers in response to advice given to them, it may be impossible to resolve the error as the employment relationship between the parties may have been terminated.

Development and Leadership of Others

- Not responsible for the supervision of employees.
- Required to provide on the job advice/guidance, on the job direction, feedback, orientation to new employees, on the job training to other employees, and act as a technical mentor.
- The knowledge required to perform these duties comes after several years experience in the role. Until that experience is acquired mentorship and guidance is provided by more senior employees.

WORKING CONDITIONS

Environmental Working Conditions

- Safety precautions and equipment are not required for the position.
- There is no likelihood of minor cuts, bruises, abrasions, injury, or illness.
- Regularly exposed to physical dangers or threats from clients who are traumatized by the sudden loss of employment and income. Clients can be highly emotional and do not readily accept that their expectations are higher than what can be provided. Clients become belligerent and threat of violence is a high possibility.
- Occasionally required to travel.