

JOB DESCRIPTION

Working Title

Employment Standards Officer

Ministry

Jobs, Economy, Trade and Immigration

PURPOSE: Give a brief summary of the job, covering the main responsibilities, the framework within which the job has to operate and the main contribution to the organization (see Non-Management Job Description Writing Guide [Pages 7-8](#)).

Reporting to the Manager of Employment Standards Programs, the Employment Standards Officer (ESO), as part of a team, independently investigates and resolves alleged contraventions of the Employment Standards Code (Code) and Employment Standards Regulation (Regulation). This is achieved through timely and impartial investigation of complaints filed. Investigations include collecting information and evidence from the individuals involved and third parties, and conducting advanced enforcement activities, such as worksite inspections, audits and referrals to external agencies and prosecutions.

Complex issues to be addressed in an investigation include the interpretation and application of the Code regarding the payment of wages, overtime pay, general holiday pay, vacation pay, termination pay, appropriate hours of work, maintenance of employment records, and protected leaves. The ESO is required to assess any earnings owed and provide detailed explanation to all parties of the outcome. The ESO enforces provisions within employment contracts that provide benefits greater than the minimum standards.

ESO's are required to fully and appropriately exercise the authorities delegated under the Code in a fair and unbiased manner. They gather evidence and make determinations based on the investigation. These determinations can become enforceable as a judgment in the Alberta Court of King's Bench.

RESPONSIBILITIES AND ACTIVITIES: The purpose of the job can be broken down in different responsibilities and end results. Each end result shows what the job is accountable for, within what framework and what the added value is. Normally a job has 4-8 core end results. For each end result, approximately 3-6 activities should be described (see Writing Guide [Pages 9-10](#)).

1. Investigation & Resolution

- Obtains the relevant facts required to determine if a contravention of employment standards legislation has occurred and establishes if investigation falls under provincial jurisdiction.
- Officer fully utilizes authorities given under the Code to appropriately gather evidence, pertinent information, secure funds to pay earnings and prevent loss of records.
- Ability to interpret and apply legislation that impacts an Employment Standards investigation, including but not limited to, *Apprenticeship and Industry Training Act*, *Protection of Privacy Act*, *Access to Information Act*, *Bankruptcy and Insolvency Act* and *Prompt Payment and Construction Lien Act*.
- Interviews employers, employees, individuals and private or public organizations to ascertain if violations of the Code are present.
- Reviews evidence for accuracy and credibility, then evaluates evidence gathered for strength, integrity and relevance to investigation.
- Evaluates the evidence provided and makes a determination on alleged contraventions. Explains reasons for determination to both parties to facilitate a resolution.
- Completes analysis of potential Code violations and drafts written rationale to support findings with regard to legislation, policies, and case law resources.

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- Use influencing skills to encourage non-compliant employers/employees to meet obligations and comply with minimum legislated standards of the Code.
- Resolves disputes between employers and employees through mediation and negotiation processes of varying complexity, as required.
- If officer is unable to resolve complaint voluntarily, issue Order of Officer, Decision of Officer, Directions, or other enforcement instruments to establish compliance.
- If Officer believes employer is likely to fail to pay earnings, appropriately trace and seize assets to prevent loss to the employee.
- Locate parties and serve legal documents required under the Code.
- Provides expert testimony at Alberta Labour Relations Board (ALRB) Hearings, Director's Certificate Reviews, Prosecutions and Court of King's Bench proceedings.
- Advises their Manager of employer/employee concerns regarding application of legislation or policies that may result in consideration of changes to legislation or policy.
- Consults with Team Leads with respect to interpretation and application of legislation, procedure and policies
- Identify and reports sensitive issues arising from investigations.

2. Advanced Enforcement & Inspection

- Identifies employers that require advanced enforcement such as payroll inspections, audits and prosecution. Carries out resultant reviews and takes appropriate actions as required.
- Conducts payroll inspections at worksite, interview employers and employees and establish if violations exist through analysis of information and evidence to effect resolution and enforcement.
- Completes detailed written explanations of findings and actions required with regard to relevant violations of payroll and employment conditions and termination of employment.
- Demand production of payroll records and employment documents, and when appropriate seize records to secure evidence of Employment Standards violations.
- Issue directions to comply with regard to violations requiring immediate attention.
- Conduct audit of employment records to identify and enforce all unpaid earnings.
- Refer to, and liaise with, external auditors in complex investigations.
- Refer matters of non-cooperation to ES Manager for escalated enforcement action.
- Investigates corporate director involvement for consideration when assessing director's liability for wages owing.
- Recommend and prepare evidence for prosecution of non-compliant employers.

3. Client Services and Education

- During complaint investigations and targeted inspections, provides guidance and education to clients regarding the interpretation and application of employment standards legislation.
- Through contacts established with employers during complaint investigation, offer employers opportunity to discuss future employment issues and ensure compliance.
- Refers employers to services provided by Employment Standards Education, Outreach and Partnership program area.
- Identifies potential concerns and violations with regard to the protection of vulnerable workers (i.e, Temporary Foreign Workers, young workers) and provides referrals to other agencies as needed.

SCOPE: List specific information that illustrates the challenges, problem solving and creativity requirements and decision making capacity of the position. Also identify the internal or external areas the job impacts (see Writing Guide [Pages 11-12](#)).

- Investigations are conducted province wide and often involve national and international clients.
- Decisions and directions made by an ESO impact payroll procedures, employer policies, and financial obligations, employment contracts and workplace relationships.
- In the absence of an appeal, officer decisions are enforceable as judgments of the Court of King's Bench.

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- Client groups consist of employees, employers, agents, lawyers, accountants, union representatives, associations, Employment Standards staff and government agencies. In general, any employee/employer relationship is impacted by the application and enforcement of the *Employment Standards Code*.
- The ESO is responsible to ensure consistent interpretation, application and enforcement of employment standards legislation that results in a fair and equitable labour environment in Alberta.
- Decisions affect how employers run their day-to-day businesses and often have significant financial impact on the employer's costs.
- Decisions made in this quasi-judicial environment impact other jurisdictions and organizations.

KNOWLEDGE, SKILLS & ABILITIES: Include information on required diplomas and degrees along with identifying the most important knowledge factors, including knowledge about practical procedures, administrative, technical or professional techniques, technical, scientific or program related processes, etc. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (see Writing Guide [Pages 12-14](#)).

Requirements:

Successfully completed degree in a related field, combined with experience that includes mediation, enforcement, investigations, interviewing witnesses, resolving complaints, conflict resolution and negotiations.

Knowledge

- In-depth knowledge of the Code and Regulation, policy and procedures.
- Current knowledge of natural justice, case law, common law principles, ALRB decisions, Justice legal opinions and their impact on enforcement of the Code and Regulation.
- Comprehensive knowledge of business principles, industry customs and practices.
- Ability to interpret and apply related provincial and federal legislation and policies that impact the enforcement of the Code and Regulation.
- Experience with courtroom procedures and rules of court.
- Knowledge of payroll systems, accounting procedures and principles.
- Working knowledge of computer programs and applications for preparing documents, correspondence and reports.
- Knowledge of various electronic payroll programs and ability to apply knowledge to complaint investigations.
- Commissioner for Oaths required.
- DASH (Data and Statistics Hub) expertise.

Skills and Abilities

- Highly developed mediation, negotiation, consultation, facilitation and alternative dispute resolution skills are required to formulate resolutions to disputes between employees and employers who may be uncooperative.
- Analytical and logical problem-solving skills.
- Effective listening, reasoning, observing and deductive skills.
- Ability to diffuse hostility and manage conflict.
- Highly developed investigative skills, balancing the needs for quality solutions within a reasonable time frame.
- Excellent interviewing skills.
- Excellent written and verbal communications skills.
- Interpret and apply legislation, regulations, codes, policy, case law and standards.

CONTACTS: Identify the main contacts the position communicates with and the purpose of the communication (See Writing Guide [Pages 14-15](#)).

- Employer and employer representatives including owners, CEOs, bookkeepers, lawyers, accountants, employer associations, and other management staff to obtain information to resolve complaints.
- Trustees, receivers, monitors appointed by the courts to administer bankruptcies, receiverships and creditor protection who are in control of the employers' business. Officers ensure employee claims receive appropriate priority under different pieces of legislation.

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- Employees or their representatives including community organizations representing immigrants and TFWs to gather information needed to resolve complaint.
- Government departments (provincial and federal) to obtain information necessary to resolve complaint and appropriately refer clients. Frequent contacts include EI, Revenue Canada, CIC, Service Canada, Service Alberta, Alberta Human Rights Commission and Workplace Health & Safety.
- Third Parties to determine if monies are owed to employers and issue demand to secure funds for employees when appropriate. This includes all banks and financial institutions.

SUPERVISION EXERCISED: List position numbers, class titles, and working titles of positions directly supervised (see Writing Guide Page 15)

None