



Employment Standards Act

Making a Complaint

Updated October 2021



Complaint Application Process

We encourage employees and employers to resolve their issues between themselves. If this is not possible, you have two options. You may contact the Employment Standards Office for help. Or, you may file a complaint under the *Employment Standards Act* (the “Act”).

A complaint can be filed by:

- A current employee
- A former employee
- A “third party”

You must file your complaint within six months after the last day of your employment.

The Employment Standards Office will investigate the last 12 months of records relating to your employment.

You can keep your complaint confidential to protect your relationship with your employer.

(Sections 62, 74, and subsections 73(1) and (3) of the Act)

A complaint can be for:

- Regular wages
- Overtime pay
- Vacation pay
- General Holiday pay
- Termination pay
- Unauthorized deductions
- Reporting pay
- Minimum wage
- Fair Wage Schedule
- Entitlement related to job-protected leaves
- Entitlement to other compensation as outlined in an employment contract

The steps to filing a complaint

Talk to someone at the Employment Standards Office

- find out if the Act applies to you
- get advice and information about your situation
- find solutions for issues related to the Act
- learn about how to file a complaint and what to expect

File a complaint

You can file a complaint by completing the Complaint Information Form. A complaint can be submitted:

By email to eso@yukon.ca

By fax to 867-393-6317

By mail to Employment Standards

Government of Yukon

Box 2703, C-7

Whitehorse, YT Y1A 2C6

In person to 307 Black Street, Whitehorse

The Employment Standards Office will review and investigate the complaint in the order in which it is received.

Gather supporting documents

It is helpful to support your complaint by providing relevant information, such as:

- paystub(s)
- employment contract
- timesheets and records of hours worked
- overtime banking agreement
- written communication with the employer
- Record of Employment (ROE)

Take part in a resolution

Your complaint may be settled by one or more of the following:

- Voluntary resolution

Any time during the formal complaint process, the parties can settle the dispute before investigation. They can ask an Employment Standards Officer to help them reach an agreement.

- Investigative hearing meeting

An Employment Standards Officer may hold a meeting to give the parties a chance to express their needs, concerns and priorities through this process. The meeting is usually by telephone conference call.

It is important to prepare for and to attend the meeting. An Employment Standards Office may mediate between the parties to help them reach a fair settlement, on terms they agree to without further investigation.

If the dispute is resolved, the officer will write a settlement agreement that sets out what the parties agreed on. Both parties sign the agreement and receive a copy. It is a legal, binding agreement.

- Investigation

If an early settlement is not reached, the process will move to a formal investigation. It includes a full examination of evidence and payroll records.

When the investigation is complete, the Employment Standards Office will make a written decision. If an employer is found in violation of the Act, the employer will be ordered to pay wages owed.

Note: The investigation process does not guarantee an employee will receive a monetary award.

Appeal

A person may appeal a decision and/or a certificate to the Employment Standards Board within 21 days of the decision being issued and served.

(See subsection 82(1) of the Act)

An employer must pay a deposit of \$250.00 to file an appeal.

(See subsection 82(2) of the Act)

Enforcement

The Employment Standards Office will enforce an order if:

- the order is not appealed within 21 days
- the order has not been complied with and the 21-day appeal period has expired
- the Employment Standards Board upheld an order by the Employment Standards Office
- the order is filed as a judgement of the Court

If an employer does not pay the wages owed, the Employment Standards Office will take other action to collect money owed, such as:

- register the order in the land titles office against the property of the employer
- issue a demand for payment to a third party (like a bank) for payment
- seize the employer's assets

(Sections 89 91, and 92 of the Act)

The Act does not have the jurisdiction to deal with every work issue, workplace or type of work, such as:

- workplace health and safety issues
- workplace harassment and conflicts
- unionized workplaces
- federally regulated workplaces
- recruitment practices
- employment insurance issues
- income tax issues

For more information

This fact sheet is for general information purposes. The *Employment Standards Act* has precedence.

For more information, contact an Employment Standards Officer at 667-5944 or by email at eso@yukon.ca.