

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: CONTRACT EMPLOYEES

EFFECTIVE: March 19, 2013

1.0 SCOPE

1.1 Authority

1.1.1 This policy was issued under authority of Cabinet Minute No. 94-40, dated October 27, 1994, and amended under the authority of the Deputy Ministers Review Committee on March 19, 2013 (Minute #13-04).

1.2 Application

1.2.1 This policy applies to individuals engaged by Yukon government on contract pursuant to section 164 of the *Public Service Act*.

1.3 Purpose and Principles

1.3.1 The purpose of this policy is to provide general guidance on the utilization of contracts of employment pursuant to section 164 of the *Public Service Act*.

1.3.2 Persons engaged under a contract of employment with Yukon government are employees for the purposes of Revenue Canada (i.e., they are in an employer-employee relationship) and as such the Yukon government is responsible for deducting Canada Pension Plan contributions, Employment Insurance premiums and income tax from any remuneration paid to them.

1.3.2 Persons engaged under a contract of employment are not employees of Yukon government as defined in the *Public Service Act* and therefore are not eligible for or entitled to any benefits or provisions applicable to regular employees under this legislation.

1.3.3 Contracts of employment may be utilized where the nature of the program, position or work can be demonstrated to be substantively different from that of the regular public service (e.g., training or job experience programs, work performed under a contribution agreement where the pay, benefits and selection of the contract employee is determined by another organisation).

1.3.4 The terms and conditions of a contract of employment should correspond to the unique situation giving rise to the contract. It should not mirror the terms and conditions of employment for regular public sector employees.

1.4 Definitions

Contract Employee means a person who has entered into a contract of employment with the Government of Yukon pursuant to the *Public Service Act*.

2.0 CONTRACT TERMS AND CONDITIONS

2.1 Contract Details

2.1.1 A contract of employment should be written to address the specific circumstances for which it is being utilised but, at a minimum, should include the following information:

- a description of the work to be performed;
- the remuneration to be paid to the person;
- the scheduled hours of work per day and per week;
- the start and end date of the contract; and
- the conditions under which either party may terminate the contract, and the required notice.

2.2 Pay and Benefits

2.2.1 The determination of the amount of remuneration and/or benefits to be provided to a contract employee should be made in consideration of the unique nature of the program, position or work giving rise to the contract. There is no requirement to provide the contract employee with the same or a similar level of remuneration or benefits as would be provided to a regular employee of the public service.

2.2.2 As a general rule, terms and conditions of the contract should not be less than those set out in the Yukon's *Employment Standards Act*.

2.2.3 The contractor shall be paid on a bi-weekly basis in the same manner as established employees.

3.0 ROLES AND RESPONSIBILITIES

3.1 Contract employees are responsible for:

- providing to the hiring department any documents required to complete an employee personal file or payroll file; and
- satisfactorily completing the work for which they have been contracted.

3.2 Departmental human resource staff are responsible for:

- communicating and explaining this policy to department managers/supervisors;
- drafting the contract and forwarding a copy to the Public Service Commission for review and approval prior to entering into a contract with an individual; and
- implementing and administering the approved contract.

3.3 Managers and Supervisors are responsible for:

- managing the contract employee in accordance with the terms of their contract; and
- reporting any concerns with the contract or the performance of the contract employee to their human resource branch in a timely manner.

3.4 The Public Service Commission is responsible for:

- providing guidance to departments concerning the implementation and application of this policy;
- reviewing and advising on the appropriate use and construction of contracts of employment; and
- authorizing contracts of employment.

4.0 RELATED DOCUMENTS

- General Administration Manual, Volume 3 – Policy 3.39 Conflict of Interest
- *Public Service Act*