

# Labour

## Complaint Labour Standards

### Canada Labour Code, Part III Labour Standards

Here is how a complaint will be handled by the Labour Program.

Please note that Part III of the *Canada Labour Code* provides for a procedure to recover wages or other amounts owed under the Code.

### Responding to a complaint

Once a written complaint has been filed, the complainant will receive an acknowledgement letter which provides the name and telephone number of the inspector assigned to the file.

### Complaint and investigation

The inspector will review the complaint in order to determine its admissibility, i.e., whether the employer's operations are covered by the Code and whether the nature of the complaint is related to the Code. Where appropriate, the inspector will inform the employer of the complaint and will conduct an investigation accordingly.

### Letter of determination

Once the investigation is completed, the inspector will issue a preliminary letter of determination, advising the parties on whether or not a violation of the Code exists. At this point, either party who disagrees with the inspector should inform the inspector, with reasons. The inspector will review these reasons, make a final determination, and inform the parties in writing.

### Notice of unfounded complaint

If the employer has complied with the Code, the inspector will issue a Notice of Unfounded Complaint to the parties.

### Recovery of wages

If the inspector concludes that the employer owes an amount provided for by the Code, the inspector will obtain payment from the employer, forward it to the complainant and close the file. If the employer refuses to pay or to provide supplementary reasons disputing the inspector's decision, the inspector will issue a Payment Order to the employer.

If the employer does not pay the amount stated in the Payment Order or does not file an appeal, the regional director may issue a subsequent Payment Order to the employer's debtors.

When recovery of the amount from the employer appears impossible or unlikely, the inspector may then issue a Payment Order to the directors of the company.

### Appeal

The parties affected by the Payment Order or Notice of Unfounded Complaint may appeal the findings. The appeal must be made in writing to

the Minister of Labour within fifteen days of receiving the Order or Notice. The Minister will then appoint a Referee to hear the parties. The Referee will adjudicate the appeal and make a final decision.

If no payment or appeal is made against a Payment Order, the complainant may request, in writing to the Minister, that the Order be registered in the Federal Court. The Payment Order is then considered a Federal Court judgment.

Once the Order is registered in the Federal Court, the Labour Program can take no further action and the complainant is then responsible for taking the necessary steps to enforce the judgment.

See also "Referee Hearings" and "Filing of Orders in Federal Court"

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