

Alberta Employment, Immigration and Industry Outbound Call Program

Privacy Scan

Background

Alberta Employment, Immigration and Industry (AEII) is responsible for monitoring and enforcing the Employment Standards Code and Employment Standards Regulation which establish minimum standards of employment for most employers and employees working in Alberta. [Employment Standards](#) assists employees and employers to resolve differences concerning the interpretation, application and enforcement of these standards.

Standards set forth parameters for:

- payment of earnings
- deductions from earnings
- minimum wage
- payroll records
- pay stubs
- termination notice/pay
- hours of work and rest
- overtime hours and pay
- general holiday pay
- vacation pay
- maternity and parental leave
- rules concerning the employment of adolescents (employees 12-14 years old) and young persons (employees 15-17 years old)

The Employment Standards Contact Centre (ESCC) receives about 30 calls each month from former employees who want to resolve an issue with their former employer regarding the interpretation and application of the standards set out above. Most commonly the disputes centre around payment of earnings, deductions from earnings, amount for general holiday pay or information on the payment of overtime. Staff at the ESCC receiving these calls referred individuals to the Self Help Kit that was accessed through their office, sent by mail, or retrieved from the Web site.

The Self Help Kit requires clients to prepare a written complaint to submit to their former employer outlining the dispute and requesting a response within 10 days. After 10 days the former employee would then have to initiate a complaint with Employment Standards using the written complaint process.

On January 1st, 2008 the ESCC will implement, a six month pilot of the Outbound Call Program (OCP). The Program aims to improve client service, reduce complaints, and provide a less formal approach and potentially quicker resolution of conflicts between former employer and former employee. It gives the department a way to more promptly respond. Callers have been asking for this service for many years. Staff see the OCP as an opportunity to improve client service and reduce the number of complaints received that require investigation by an Employment Standards Officer.

OCP is viewed as an opportunity for the ESCC to become more proactive in reducing the number of complaints registered with Employment Standards. It involves staff providing information about employment standards legislation directly to former employers. This information exchange occurs following a request from a former employee who has telephoned indicating that their former employer owes them earnings. This is an alternative to the Self Help Kit to resolve disputes. The Self Help Kit required former employees to complete a form and send a letter. Phone contact through the Employment Standards Contact Centre will benefit some former employees when they can more promptly get a response to an issue.

Proposed Situation

The ESCC currently receives about 30 calls of this nature each month and contact centre staff advised callers to follow the formal complaint resolution process. Resolution was only through a written request by the employee. A formal complaint was launched if there was no response from the employer within a set timeframe. With OCP, the potential exists to improve client service while reducing the number of formal complaints registered with Employment Standards.

The OCP process will be followed only in situations where it is believed that ESCC involvement will likely result in the former employee receiving prompt payment of outstanding earnings. Examples of when OCP may be most effective include:

- Payment of Earnings
- Deductions from Earnings
- General Holiday Pay and Vacation Pay
- Overtime rules

ESCC staff will collect information on the issue, collect information from the caller on their identity, particularly their name and contact number. They will authenticate this information over the phone and collect their birth date to verify their identity with the former employer. ESCC staff will obtain and record the callers' verbal consent to release information to the former employer on their behalf.

If any caller does not consent to the release of information by ESCC, they will be referred to the existing Self Help Kit and the use of the Complaint by Employee form to resolve the complaint.

Measures Taken to Protect Personal Information

Client authentication and verbal consent to contact the former employer must be obtained from the former employee prior to making the call to a former employer. A guideline script has been prepared to allow each ESCC staff member to consistently collect the required information. The caller will be asked to verbally consent to having their former employer contacted. This verbal consent will be recorded and the record retained for 60 days.

ESCC staff will contact the employer upon the request of the employee. The suggested contact opener with the former employer is:

“This is _____ from the Employment Standards Contact Centre. We have received a call from _____ who has requested that we call you regarding _____. If you are interested, we would like to assist you by providing information about the Employment Standards Code and Regulations.

A complete script has been prepared to consistently collect information from callers (refer to Appendix 1)

Conclusion

The Outbound Call Program is providing to former employees an alternative to the formal approach of completing the Self Help Kit application. This Self Help Kit application would have required they prepare a written submission to their employer. This letter and form were to be responded to within 10 days. In the event there was no response the client filed a written complaint.

This service aims to improve client service and offers a solution that many clients have requested. ESCC will be involved in contacting employers by phone in an attempt to resolve disputes. Phone contact will allow ESCC staff to educate both employees and employers about provisions of the Employment Standards Code and Employment Standards Regulations. The goal is to resolve disputes promptly reducing the number of complaints that require investigation by an Employment Standards Officer. We are improving client service.

The OCP is the department's response to the requests of clients for this service. Procedures and guidelines are in place to authenticate the callers' identity and to obtain verbal consent regarding the release of their information to their former

employer. These measures are undertaken to mitigate concerns about releasing information.

The use of a guideline script to obtain verbal consent and authenticate identity is critical for the success of the Program. (refer to Appendix 1)

After six months the OCP pilot program will be reviewed and assessed. As part of the initial period there will be evaluation conducted by contacting those who have accessed the program. Modifications will be made based on feedback. The evaluation will also include an analysis of any issues about privacy which will be evaluated and addressed at that time.

For additional information on the personal information used by this initiative, contact:

[Manager, Income and Community Support Office](#)

Centrally Delivered Services
Employment, Immigration, and Industry
7th Floor, Park Plaza
10611- 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-644-1912

Outbound Call Program

Employment Standards Contact Centre

Introduction

This document provides information about the Employment Standards Contact Centre (ESCC) Outbound Call Program (OCP). It is to be read in conjunction with the following documents:

- OCP - Procedures (Appendix A)
- OCP - Question and Answer Fact Sheet (Appendix B)
- OCP – Tracking log (Appendix C)

Background

On January 1st, 2008 the ESCC will implement, on a pilot basis, the OCP. This pilot will initially run for six months. The program is intended to improve client service and to reduce complaints. The program results will be reviewed at the end of the pilot and modifications made, if necessary.

OCP is viewed as an opportunity for the Employment Standards Contact Centre to become more proactive in reducing the number of complaints registered with Employment Standards. It involves contact centre staff providing information about employment standards legislation directly to employers following a request from an employee who has telephoned indicating that their former employer owes them earnings. This provides an alternative to an employee's use of the Self Help Kit to resolve their workplace dispute.

The ESCC currently receives about 30 calls of this nature each month and historically contact centre staff would only advise callers to follow the formal complaint resolution process. With OCP the potential exists to improve client service and reduce the number of complaints registered with employment standards.

The OCP process will be followed only in situations where it is believed that ESCC involvement will likely result in the former employee receiving prompt payment of outstanding earnings. Examples of when OCP may be most effective include issues relating to:

- Payment of Earnings
- Deductions from Earnings
- General Holiday Pay and Vacation Pay
- Overtime Pay

Results of this initiative will be tracked to determine if former employees received payment after former employers have been provided information through this service. The goal is to achieve payment for former employees 80% of the time. In addition, a client survey will be conducted of both former employees and former employers to gauge their satisfaction with this program.

OCP Procedures – Appendix A

The following OCP procedures are to be followed by ESCC Advisors when a caller requests this service:

1. The Employment Standards Information System (ESIS) is to be checked before the call is to be made to determine if the company is currently being investigated by Employment Standards or if there have been previous complaints filed against the employer. If there is an active investigation or if there have been previous complaints filed against the employer, the caller will be instructed to follow the normal complaint resolution process to assist in resolving the issue.
2. If there are no active or previous complaints against the employer in question, and it is determined that the caller terminated their own employment, the Advisor will obtain the caller's name, date of birth and telephone number. In addition, the Advisor will record the date and time of the call so that a recording of the call can be retrieved from the "Witness" system, if required. This information will be recorded in the Outbound Call Tracking Log (Appendix C)
3. According to FOIP requirements, client authentication and verbal consent to contact the former employer must be obtained from the former employee prior to making the call. The following script should be followed in obtaining verbal consent:
 - Based on what you have described to me and in order to take action, we need to record your verbal consent and confirm your identity as required by the Freedom of Information and Protection of Privacy Act.
 - You are aware that your former employer will know your identity?
 - You are aware that this is not a formal complaint process and that you may have to file a formal complaint with employment standards if the issue cannot be resolved?
 - In order to confirm your identity with your former employer, what is your full name and date of birth? (record this information on the tracking log)
 - Do we have your verbal consent to contact (name of former employer) to discuss your complaint in order to educate the employer, in the hopes of obtaining voluntary payment?
 - We will call you back within 5 working days to determine if the situation has been resolved.
4. The Advisor is to initiate contact with the former employer only upon the request of the employee. The suggested contact opener with the former employer is:

“This is _____ from the Employment Standards Contact Centre. We have received a call from _____ who has requested that we call you regarding _____. If you are interested, we would like to assist you by providing information about the Employment Standards Code and Regulations.

5. If a call is to be made to a former employer by an Advisor, the Advisor is to inform the ESCC Supervisor before the call is made, for monitoring purposes. All of the calls that are made to a former employer on behalf of the caller will be recorded, and then stored in a specified file for 60 days so that the call can be retrieved and reviewed for quality assurance.
6. If the former employer agrees to the assistance, the Advisor will provide information pertaining to the Code and Regulations. Information may be in the form of fact sheets, Code excerpts, publications, self-help information, website material and/or existing policy interpretations as outlined in our on-line policy manual.

NOTE: Advisors are not to advise the former employers that they are to comply with ES legislation or regulation. If the former employer does not wish to discuss the matter with the Advisor, or the former employer advises that he or she will not comply – the call will be terminated at that point, making no reference to employer compliance.

7. Additional information will be provided to the former employer about Employment Standards Wages at Work seminars.
8. Following an interaction with the former employer, the Advisor will contact the former employee with the results.
9. For each of the calls made to former employers, the Supervisor will be provided with an email outlining the details of the call, and the expected results based on the former employer’s reaction and comments. In addition, the recorded call will be maintained for 60 days and the “Outbound Call Tracking Log” Appendix C will be maintained for 2 years from the date of the call.
10. Upon notification from the Supervisor (five working days after the initial call) contact is to be made with the former employee to determine the results of our initiative. This information will be used for tracking purposes. In addition to this, a follow up call will be made to the former employer to obtain their reaction/feedback on this initiative. This contact with the former employee and former employer will be used to obtain information on the value of the Outbound Call Program.

11. If a former employer indicates that they are not interested in obtaining information, and that the former employer is not going to make payment, then the caller is to be instructed to file a complaint which will by-pass the Self-Help Kit process.

OCP Questions and Answers – Appendix B

- 1. What is the purpose of this program?**

- *To provide information and education to former employers.*
- *To improve client service by providing an alternative to a former employee's use of the Self Help Kit to resolve their workplace dispute.*
- *To reduce registered complaints.*

- 2. If a request is made from a caller to contact his/her former employer for educational purposes, what is the first step to be taken by the Advisor?**

The staff will complete an ESIS check on the former employer to determine any activity. If there are complaints under active investigation, or if there have been previous complaints made against the former employer/company, the call will not be made and the caller will be instructed to follow the normal complaint resolution process.

- 3. What if the caller has been terminated, or fired by his employer. Will a call be made?**

No, there are too many variables in situations like this to be considered. The caller would be directed to the self-help kit and the complaint process.

- 4. Why do we have to authenticate and obtain verbal consent from the caller?**

An amendment to the FOIP Act allows for individuals to provide their consent orally, but the regulations require that a common standard for consent be established. It is critical that the department be able to identify the individual and to authenticate their identity.

- 5. What steps will be taken next, in the event that a call is to be made to a former employer?**

The Advisor will complete an email, addressed to the supervisor, which will include; the caller's name and contact number, the company name of the former employer, the name and contact number of the employer, indicating that an ESIS check was made, full details of the issue, and the expected result of such a call.

6. What will the Supervisor do while the call is being made?

The Supervisor will monitor the call to ensure that procedures are being followed, and that the theme of the call remains in the information/education category.

7. What will be the next step in the program?

Upon completion of the call, the Advisor will provide an updated version of the original email to the supervisor, which will include details of the call, and how receptive the former employer was in receiving such a call. The email will be logged, and flagged for follow up. After 5 working days, the caller will be contacted by the Advisor to determine results, and the former employer will be contacted to determine satisfaction with the Outbound Call Program. Once these calls have been made, the original email will be updated again to include this additional information, including any publications, fact sheets, etc. that were provided. The email will be logged, and kept for reporting/tracking purposes.

8. What if the former employer is not interested in accepting information from the Contact Centre?

The call will be terminated, and the caller will be advised of the results. The original email will be documented accordingly; the caller will be advised to file a complaint.

9. What would be a typical situation that would generate an information/education call to a former employer?

The caller quit his job, and his/her final pay has not been received in the time that is identified in the Code. Other examples would be the proper payment of general holiday pay, or vacation pay, deductions, and overtime pay.

Outbound Call Tracking Log – Appendix C

Date and Time of Call	Name of Caller, date of birth, phone No.	Former Employers name and phone no.	Verbal consent recorded (yes)	Reason for Call (Payment of Earnings, Deductions)	Action Taken (ESIS check, call made, no call made)	Follow-up Call and Outcome	Date of Follow-up call
-----------------------	--	-------------------------------------	-------------------------------	---	--	----------------------------	------------------------

1. The Log will be kept in an electronic format (emails – see Q&A)
2. The log will contain the following information:
 - Date and time of the call
 - Name of the caller, caller’s date of birth, and phone number
 - Former employer’s name and phone number
 - Verification that the verbal consent has been recorded
 - Reason for call (payment of earning, deductions, etc)
 - Action taken (ESIS check, call made, no call made)
 - Follow up call and action
 - Date of follow-up call
3. The log will be kept in an electronic file system for reporting and tracking purposes.

Alberta Employment, Immigration and Industry Outbound Call Program

Rules for Verbal Consent and Authentication

Introduction

The Outbound Call Program (OCP) is an opportunity for Delivery Services, Employment Standards Contact Centre (ESCC) to improve service delivery. Contact centre staff provide information about employment standards legislation directly to former employers following a request from a former employee. This Program is an alternative to the use of the Self Help Kit to resolve disputes.

The ESCC currently receives about 30 calls of this nature each month and historically contact centre staff would advise callers to follow the formal complaint resolution process. The goal of the OCP is to improve client service and reduce the number of complaints registered with Employment Standards.

The OCP process will be followed only in situations where it is believed that ESCC involvement will likely result in the former employee receiving prompt payment of outstanding earnings. Examples of when OCP may be most effective include:

- Payment of Earnings
- Deductions from Earnings
- General Holiday Pay and Vacation Pay
- Overtime pay

Purpose of the Rules

The Outbound Call Program Rules provide direction to Alberta Employment, Immigration and Industry, ESCC staff for accepting verbal consent and the collection of personal information to authenticate a former employee with their former employer.

Application of the Rules

It is expected that the Rules will be applied using sound judgment and professional competence.

Implementation

These rules shall be in effect January 1, 2008 or as directed otherwise by the Assistant Deputy Minister.

Rules

- Callers must provide their name and birth date to identify themselves, and for authentication purposes with their former employer.
- Callers must provide their former employer's name and phone number.
- Callers must provide verbal consent for their name and birth date to be released to their former employer in order to bring forward their dispute for resolution.
- Verbal consent will only be accepted directly from the former employee.
- Callers will be informed that their verbal consent is being recorded.
- ESCC staff will confirm the identity of a former employee with a former employer with birth date information
- Any questions about staff authority to collect information, or about privacy concerns, are referred to the ESCC Supervisor.
- If a former employer is unable to validate the identity of a former employee, the matter will be brought to the attention of the ECSS Supervisor.
- Should a caller choose not to participate, they will be advised to follow the complaint resolution process.

Alberta Employment, Immigration and Industry Outbound Call Program

Background to Rules for Verbal Consent and Authentication

Background

The Employment Standards Contact Centre (ESCC) receives about 30 calls each month from former employees who want to resolve an issue with their former employer regarding the interpretation and application of the Employment Standards Code or Regulations. Disputes commonly centre around payment of earnings, deductions from earnings, amount for general holiday pay or information on the payment of overtime. Staff at the ESCC receiving these calls referred individuals to the Self Help Kit which required individuals to send a written request for resolution to their former employer.

On January 1st, 2008 the Employment Standards Contact Centre will implement a six month pilot of the Outbound Call Program (OCP). Contact Centre staff will provide information about employment standards legislation and bring forward a complaint for possible resolution to a former employer through phone contact. This information exchange occurs following a request from a former employee who contacts the ESCC for assistance.

The OCP process will be followed only in situations where it is believed that ESCC involvement will likely result in the former employee receiving prompt payment of outstanding earnings. Examples of when OCP may be most effective include:

- Payment of Earnings
- Deductions from Earnings
- General Holiday Pay and Vacation Pay
- Overtime pay

In order to provide this service, callers to the OCP must provide personal information so that ESCC staff can contact their former employer and attempt a resolution of the issue. This requires that ESCC staff obtain the information over the phone to proceed.

Freedom of Information and Protection of Privacy Act (FOIP) legislation was amended to allow for verbal consent but requires that a number of criteria be met by the public body.

The Outbound Call Program and ESCC staff will follow these policies to ensure that their actions meet the requirements of FOIP legislation. In particular, the following requirements will be met:

The individual giving the consent must identify the personal information that is to be used or disclosed, and must specify how the information may be used and to whom the information may be disclosed

When an ESCC Advisor receives a verbal request from a caller to contact their former employer, the Advisor will be required to collect the callers' personal information and, in particular, their name and address, a contact phone number, and their birth date.

The caller will need to provide the former employer's name and phone number.

The caller will identify the nature of the dispute providing information to the ESCC in order for them to take action.

The Advisor will inform the caller that as part of accessing this service the caller's personal information as outlined above will be disclosed to their former employer. It will be explained to the caller that this information is required in order to resolve their complaint using the OCP.

The information collected from the former employee is entered into a tracking log kept in electronic format and retained for 2 years.

There must be a record of the consent over which the public body has control

The ESCC Advisor will identify that they are recording the callers' verbal consent to use the services of the OCP. The collection of verbal consent by callers will be consistently collected through the use of a script by staff of the ESCC.

The consent will be recorded using an automated system and retained for 60 days.

The identity of the person giving consent must be authenticated

ESCC Advisor will collect and record the date of birth for callers requesting the use of the OCP to resolve a dispute. This piece of information will be confirmed with the former employer for the individual making the complaint.

There must be a reliable link between the person giving the consent and the consent itself

Consent will be obtained directly from an individual making a complaint.

The level of authentication should be appropriate to the nature of the use or disclosure and sensitivity of the personal information involved

A limited number of personal information is required to be collected in order to resolve a complaint including the name, address and contact information for the former employee. Birth date is also collected to allow for an authentication of the individual. The purpose behind the collection will be explained by ESCC staff to callers.

If collecting new information for the purposes of authentication, the individual must be advised of the authority for, and purpose of, the collection, and be provided with the name of an official that they can discuss the collection with

The ESCC Advisor will collect the birth date to verify the identity of the caller with the former employer. Authority for collecting this information is from the Government Organization Act. Callers who want information on who to contact to discuss the collection of information will be referred to the Supervisor, Employment Services Contact Centre.

An individual acting on behalf of another individual and providing verbal consent must also be authenticated

The individual with a complaint needs to call on their own behalf with no capacity at this time to designate another individual.

The ESCC will need to expressly communicate to callers the purposes for which it will accept oral consent

ESCC Advisors will provide callers information on the OCP and information about accepting verbal consent following the guideline script.

Oral consent will be valid if a record can be made of the consent and the public body has access to and control over the record for future use

The OCP is being offered as ESCC will record the verbal consent through an automated system that records all calls received. These records will be retained for a period of 60 days. The consent provided by an individual can be accessed as a separate record.

An appropriate method of recording the consent is chosen such as an audio recording of the oral consent

Audio recording of the consent has been selected as the approach to be followed by ESCC. They will identify for a caller that their verbal consent is being recorded. Staff will record that they have obtained verbal consent on the tracking log kept in electronic format and retained for 2 years.

The identity of the individual giving consent has been validated

The identity of the individual will be validated by confirming their identity with the former employer.

The method of authentication must be valid for verifying the identity of the individual and for associating the consent with the individual.

Birth date is a unique identifier and will be collected to authenticate the identity of the individual with the former employer. If the birth date can not be verified, ESCC staff will refer the matter to the ESCC Supervisor.

Alternatives to Participation

If any caller does not consent to the release of information by ESCC, they will be referred to the existing Self Help Kit and the use of the Complaint by Employee form to resolve the complaint.

Review of Policies

After six months the OCP pilot program will be reviewed and assessed. The evaluation will include an analysis of any issues about privacy which will be evaluated and addressed at that time. These policies will be reviewed as part of the analysis and program review.

For additional information on the personal information used by this initiative, contact:

Supervisor, Employment Standards Contact Centre
Centrally Delivered Services
Employment, Immigration, and Industry
7th Floor, Park Plaza
10611- 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-644-1940