

2018 ANNUAL REPORT  
**SHARING IN THE  
CONVERSATION**



**EMPLOYERS' COUNCIL**  
NEWFOUNDLAND & LABRADOR

## Mission Statement

### Mission

The Newfoundland and Labrador Employers' Council advocates to enhance employers' ability to contribute to the economic growth and prosperity of Newfoundland & Labrador.



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## MESSAGE FROM THE EXECUTIVE DIRECTOR AND BOARD CHAIR

### Sharing in the conversation

In 1982, a group of businesses in this province came together to create an organization that would give business a strong voice in the public policy debates of our province. The organization was structured to ensure that the association could speak freely and honestly without fear of impacts on an individual member. That organization was the Employers' Council and today your association is needed more than ever.

Many believe that public policy debates this past year went a little off the rails. We were on the receiving end of tactics designed to silence our opinion and create a one-sided debate. Some people simply didn't want us to share in the conversation. Thanks to the structure of your organization we were able to resist those tactics and continue to voice our perspective. To do otherwise would be to enable such behavior. As a society, we get better public policy when everyone is free to debate issues. Government's role is to ensure that all stakeholders, including those that disagree with government's positions, are free to engage in public consultation without fear of reprisals.

Although it may feel like the odds are stacked against business when faced with such tactics, they are not. Any public policy debate must be grounded in fact. Reason and logic must, in some way, form the basis of public policy and any position not based on evidence only lasts so long. People see through such arguments quickly. We take pride that our positions are based on research, developed with outside assistance when necessary, and clearly identify the benefits to everyone. Many of government's policy decisions this past year were influenced by Employers' Council positions and/or our willingness to offer a public position on those decisions. We have a right and a responsibility to offer our perspective and will continue to do so to the best of our ability.

With the help of you, our patrons, members, directors, and staff, we remain committed to ensuring business has a responsible voice in the public policy debate.

Thank you for your support.



A handwritten signature in black ink, appearing to read "Greg Viscount".

Greg Viscount, Board Chair



A handwritten signature in black ink, appearing to read "Richard Alexander".

Richard Alexander, Executive Director

## Board of Directors



**GREG VISCOUNT**  
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Ocean Choice International



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Metals and Mining



**CYNTHIA CROSBIE**  
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Director,  
Crosbie Group Limited and  
Member Companies



**PETER WOODWARD**  
Director at Large  
President & CEO,  
Woodward Group of  
Companies



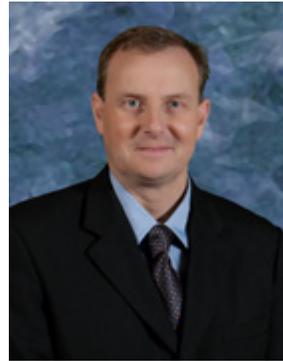
**RICHARD ALEXANDER**  
Ex-Officio  
Executive Director,  
NL Employers' Council

## Board of Directors



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**BARRY WARREN**

Director, Transportation &  
Municipalities  
President  
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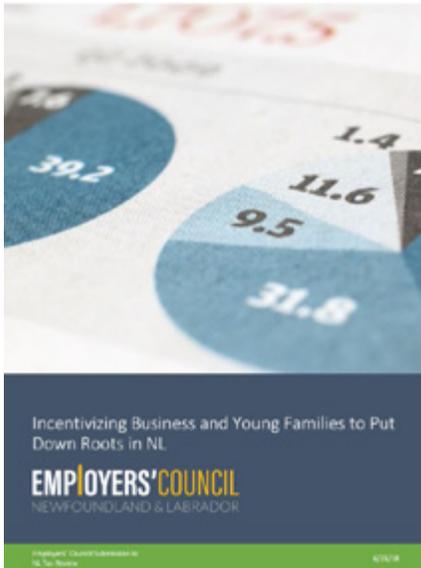
**NOLAN JENKINS**

Director at Large  
Senior Vice President, Bird  
Heavy Civil Limited

# Advocacy Priorities

# Provincial Tax Review

On August 22nd, 2017 Finance Minister Tom Osborne announced an independent review of the provincial tax code, to be completed in 2018 with the final report expected prior to Budget 2019-20.



Employers' Council Board Member Peter Woodward, CEO of the Woodward Group of Companies, was appointed as a member of the provincial Tax Review Committee, a five person committee that will make recommendations for reforms.

In June 2018, the Employers' Council presented to the Tax Review Committee. Our presentation emphasized the urgent need to reduce the total tax burden on both citizens and businesses, in order to grow both

the economy and our population. Currently, our personal tax burden is the second highest in the country, and our business tax burden is the second highest in Atlantic Canada. It is unrealistic to expect businesses and young families to “put down roots” in Newfoundland & Labrador while saddled with such a hefty burden.

Our submission to the tax review was guided by research commissioned from the Conference Board of Canada for “Another Way Forward” and our seminal 2015 competitiveness study “Achieving Sustainable Prosperity”, as well as accepted economic literature on the impact of different types of taxation.

## Our Tax Review Submission Recommendations:

Competitiveness on taxation should not be traded for short term increases in government revenue.

Our fiscal situation is rooted in a spending problem, not a revenue generation problem. There is room to reform how we deliver programs and services in NL to reduce costs and improve outcomes. The review committee should consider this in their recommendations.

Our suggested tax reforms:

- Eliminate the Deficit Reduction Levy before the planned timeline of 2019 year end.
- Reduce personal income tax for citizens earning \$50,000 or more to the most competitive in Atlantic Canada. This will help attract and retain skilled workers, young families, and entrepreneurs.
- Eliminate the payroll tax, HAPSET, as it is a job and wage killer.
- Maintain corporate income tax rates, or eliminate unproductive incentive programs and use revenue to broaden and reduce the overall CIT rate.
- Eliminate corporate capital tax.
- Reduce taxes on insurance.
- “Labour based incentives” are not recommended as they are not productive or efficient.

# Another Way Forward

**ANOTHER WAY FORWARD** Share this page

**WHY DO WE HAVE A TAX ON OUR FUTURE?**

"We have the highest per person government program spending in Canada"

**THERE IS ANOTHER WAY FORWARD**  
Email your MHA and cabinet now

When the current Newfoundland & Labrador government took office in 2015 they were faced with a very serious fiscal situation. Though the current government didn't create the problem, it is their job to fix it.

The 2016 budget increased taxes and fees to citizens by nearly \$100 million. At the same time spending increased by \$223 million. Government plans to keep spending at current levels and rely on revenue from tax increases and—they hope—increasing oil prices to balance the budget by 2021-22.

There are two major problems with government's plan:

- Our taxes are too high.
- Government still spends more than we can afford.

**49%** of respondents believe the government is spending too much.

**43%** of respondents believe taxes are too high.

**43%** of respondents believe the government is spending more than it can afford.

**On October 26th 2017 the Employers' Council launched Another Way Forward, a report and grassroots digital advocacy campaign calling for modifications to government's fiscal plan.**

The campaign capitalized on the public's concern about high taxes and educated them on areas where government spending is high in order to gain support for spending reductions. The plan was developed with research by the Conference Board of Canada.

The response from the public, media and the business community was overwhelmingly positive. Another Way Forward generated more than 20 media hits on October 26th & 27th. At least 20 more interviews and appearances took place in the weeks that followed including national coverage in the National Post and CTV News.

The website [AnotherWayForward.ca](http://AnotherWayForward.ca) provided citizens the opportunity to email their MHA with the entire cabinet copied, asking them to reduce spending in order to lower taxes. Hundreds of citizens sent letters in the days following the launch. A social media and digital advertising campaign began on November 2nd and ran until mid-December and reached hundreds of thousands of people in NL. Government's initial reaction to the campaign was quite defensive, however the campaign ultimately led to multiple meetings with the Finance Minister and premier's office to discuss the province's fiscal plan, and to improve communications between government and the business community.

# Another Way Forward

## Community Leader Roundtables

The Employers' Council followed up the Another Way Forward campaign with “community leader roundtables” across the province including Labrador City and Happy Valley-Goose Bay. The events invited MHAs, Mayors, and business people to discuss the fiscal situation and look to develop a base of support for reform to government spending. We also did speaking engagements with St. John's area rotary clubs and met with MHAs in other ridings with strong support for our Another Way Forward campaign.



Another Way Forward generated more than 40 media hits in the weeks following its launch.

## NLTA Letters

Another Way Forward pointed out the high cost of some public sector benefits, namely severance and sick leave, and took place during public sector collective bargaining. Public sector unions took strong exception to the Employers' Council commenting publicly on negotiated benefits.

In response to Another Way Forward in late 2017, the NL Teachers' Association (NLTA) sent a registered letter to the Employers' Council board and patron members threatening to publish the names of individual businesses who they characterized to “through the Employers' Council, support cutting the negotiated benefits of teachers such as severance and sick leave” unless they replied in writing to indicate they did not agree with the Employers' Council's position or were no longer members of the association.

The Executive Director and Manager of Public Relations met with NLTA leadership on December 5th to open lines of communication, develop a relationship, help them understand the NLEC's motivation, and clarify our positions with regard to the NLTA membership. The NLTA took no further action on this matter in 2018.



## NAPE Collective Agreement “No Layoff Clause”

NAPE announced a “NAPE Members Welcome Here” sticker campaign in response to concerns raised by the Employers’ Council and the St. John’s Board of Trade. They characterized the position of both organizations as a call for mass public sector layoffs – which was certainly not the case. NAPE also delivered an ultimatum to dozens of companies that do business with the union and are members of the Board of Trade.

**The Employers’ Council membership list is not public.** This decision was made a number of years ago to ensure the organization’s ability to speak publicly on issues while protecting individual members.

Public commentary from union leaders has become increasingly aggressive. Comments made by NAPE during this time were perceived by many as threatening, and attempts to bully or coerce. This campaign was an unfortunate attempt to divide and silence the business community. We will continue to respectfully voice public policy concerns.

The Employers’ Council Board met with the Finance Minister to express our concerns surrounding the NAPE agreement, and with how the disagreement on policy had publicly escalated. At that meeting an understanding was reached to have more open communication between government and the Employers’ Council.



While NAPE claimed their sticker campaign was “not a boycott”, earlier posts to the NAPE Facebook page suggested a boycott, and the St. John’s Board of Trade’s membership list was shared.

# Budget 2018

## Increase in the Payroll Tax Threshold

Removal of the payroll tax has been a longtime advocacy issue for the Employers' Council. The 2018 Provincial Budget included an announcement that the threshold of the provincial payroll tax will be increased from \$1.2 M to \$1.3 M effective January 1, 2019. Fifty companies will become exempt from the tax and the remaining 1200 companies will pay \$2000 less.

## Provincial Government Spending

The Employers' Council continued to call for action on meaningful spending reform in reaction to Budget 2018. While forecasts in 2016 and 2017 had a return to balance by 2021-22, government is now projecting a return to surplus in 2022-23. This will require more borrowing than originally forecast.

Debt servicing costs increased dramatically in the 2018 budget, from \$956 M in 2017-18 to \$1.4 B in 2018-19. They will represent more than 18% of all expenses. We already spend more on interest than we do on education. The Employers' Council has been calling for reform to change the way we deliver services like healthcare, focused on improving efficiency, better utilization of facilities, and improved outcomes to citizens. Without this, interest on debt will continue to crowd out spending on health and education and services to citizens will suffer as demands increase.

**“If government says take a hundred million out of healthcare and everybody keep doing exactly the same thing they’ve always been doing, that’s not going to be successful. What we need is to look at the way we deliver health and try to make the best utilization of those resources.**

**If we wait to act on that...dramatic action will have to be taken and that will impact every citizen in this province.”**

Richard Alexander, NL Employers' Council  
Executive Director to NTV Evening News



Our comments on Budget 2018 generated significant media coverage, including national coverage in the Financial Post, BNN, CityNews, and more.

# Minimum Wage

On February 20th, Minister of Advanced Education, Skills and Labour, Al Hawkins, announced that minimum wage would be increased by 15 cents to \$11.15 and that all future increases will be based on the percentage change in the national Consumer Price Index (CPI). Annual increases will take place in April each year. The Employers' Council has long advocated that minimum wage be tied to an economic indicator. This change will remove the politics from minimum wage setting and provide more certainty to employers. Hawkins also stated that the NL government will not be taking steps to move towards a \$15 minimum wage at this time, as has been lobbied for by some groups.

The Employers' Council publicly supported this announcement. A jump to a \$15 minimum wage, when government has already significantly raised costs to business through tax increases, would have been extremely impactful to some employers in already challenging economic times.



# Worker's Compensation

The Employers' Council did significant work on issues related to our worker's compensation system in 2017-18.

## Increase in Benefits

In February Minister Sherry Gambin-Walsh introduced a bill to amend the Workplace Health, Safety and Compensation Act to move the existing income replacement rate (IRR) – used in calculating the worker benefits – from 80 per cent to 85 per cent of net income. Maximum Compensable Assessable Earnings will be capped at \$64,375 for 2018, as announced previously. This change came into force on April 1, 2018.

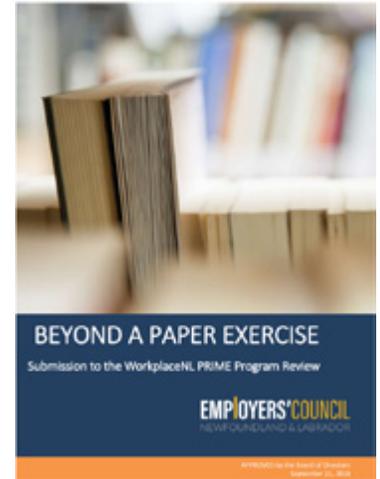
The Employers' Council raised concerns in the media, cautioning government on making changes like this at a time of economic decline. Employers in NL paid the highest worker's compensation premiums in Canada for more than 20 years. In a study commissioned by the NLEC in 2012, Dr. Morley Gunderson concluded that high workers' compensation rates have negatively impacted NL's economic growth, job creation, wages, unemployment, productivity, and overall competitiveness. NL still has the third-highest worker compensation insurance premiums of any province in the country.

## PRIME program review

WorkplaceNL conducted a review of the Prevention and Return-to-Work Insurance Management for Employers'/ Employees (PRIME) program in summer 2018.

While the PRIME program has value, through our evaluation of WorkplaceNL data and consultation with members it became clear that the current PRIME model is not working for all employers and industries, and requires modifications. NL is the only province in Canada that requires an employer “pass” a safety “practice” incentive to receive an experience rating refund, inhibiting employers from benefiting from the financial incentive of experience refunds. Participation through completion of the PRIME questionnaire on the Employer Payroll Statement is low, particularly in small firms. The program is viewed by many employers as punitive, prescriptive, and a “paper exercise”.

The Employers' Council suggests that it is time for a new, more encouraging approach. The Employers' Council submission to this consultation was approved by the Board on September 21st, 2018 and includes 19 recommendations to revamp and improve the PRIME program.



# Worker's Compensation

## WorkplaceNL overfunded

In June, the Employers' Council was in the media reacting to an announcement by WorkplaceNL that their funded position has reached 131%. The Employers' Council called on WorkplaceNL to drop assessment rates in 2019 to bring the funded position to 110%, in keeping with the funding target in their own policy. This is the fourth year that WorkplaceNL has collected more money than is necessary, at a time when the economy is contracting and employers in the province are struggling. Employers have made significant investments in safety in order to reduce the workplace injury rate. To continue to collect more money than is necessary to run this system is unjustified and unfair, particularly in light of current economic conditions.

**“If there was ever a time when workplaces need a break it is now. They are not considering the impact their decision to keep premiums higher than required is having on workplaces who are struggling to keep people employed. Instead they are choosing to run huge surpluses, and that’s insulting to employers.”**

Richard Alexander, NL Employers' Council  
Executive Director

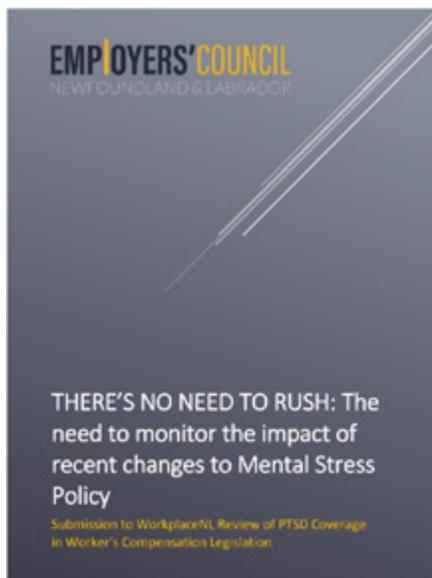


# Worker's Compensation

## Changes to mental stress coverage

Early in the new year, WorkplaceNL, under the direction of government, initiated two consultations, one on mental stress policy EN-18 and another on presumptive PTSD coverage. The Employers' Council consulted with a committee of members on the topic, and conducted significant research including an interjurisdictional review and outreach to counterparts in other jurisdictions to develop our positions on these proposed policy changes.

Workplace mental health is exceedingly important to employers. The Employers' Council supported the majority of improvements that were made to the mental stress policy in March. Changes that significantly increase access to worker's compensation for all workers diagnosed with



a mental health injury/illness due to traumatic event(s) in the workplace, including first responders whose condition develops due to the cumulative impact of multiple traumatic events.

While the NL Employers' Council supports improvements to coverage for work related mental health claims, we oppose presumptive coverage, which accepts claims without information to establish work relatedness. Workers compensation is a workplace insurance system. Injuries and illnesses that do not arise out of the course of employment are not legally compensable. Deviations from this principle jeopardize the integrity of the system and all worker benefits.

Multiple meetings were held with WorkplaceNL senior management as well as Minister Gambin-Walsh, Minister responsible for Workplace NL on this topic. All were receptive to our position.

More information on our position can be found at [nlec.nf.ca](http://nlec.nf.ca).

In fall 2018 NAPE launched an advertising campaign "Let's Get It Right", calling for presumptive "workplace mental health legislation". On October 15th the Employers' Council sent a letter to all MHAs, raising concern with inaccuracies and misleading information presented by NAPE.

# Worker's Compensation

**NAPE's campaign used outdated and inaccurate information to push for presumptive legislation for all mental health claims for all workers, highlighting issues that have already been addressed through the March policy changes.**

The Employers' Council asked government and/or WorkplaceNL to address these inaccuracies by explaining current policy. Neither has done so.

NAPE obtained a copy of the letter and issued a press release calling the Employers' Council's opposition to "presumptive mental health legislation" "cold, callous, and dangerous", but did not address any of our policy concerns or the inaccuracies in their campaign. Other unions followed suit with public attacks and mischaracterizations of the Employers' Council position, which we publicly clarified and defended. We subsequently met again with Minister Gambin-Walsh and with Chair of the Economic Policy Committee of Cabinet, Minister Coady to ask for their support.

Legislation on this issue will be implemented in the fall sitting of the House of Assembly.

## HLABOUR NAPE, employer's council face off over presumptive mental health legislation



## Other Priorities & Accomplishments

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## A busy year

The Employers' Council consulted with and/or made representation on a number of other issues this year, including:

- Domestic Violence Leave in Labour Standards
- Immigration
- Interprovincial trade
- Partnerships, including long term care facilities and ferry services
- Comprehensive Human Resources Plan
- Adult Literacy Action Plan
- WorkplaceNL Prevention Plan

## Advisor Services

Employers' Council advisors Michael Young & Jeff Butt provide confidential, one-on-one information, assistance and advice to employers on a variety of employment related matters. Advice on Worker's Compensation and Occupational Health & Safety issues are available to all employers in the province, free of charge. In an effort to increase employer advisor calls the Employers' Council attended five trade shows to promote the service. These efforts helped contribute to a 27% increase in call volume.

## Patron Member Program

The Employers' Council continued to grow our Patron Member program to support the development of a Business Advocacy Fund. Patron membership includes the opportunity to influence the advocacy priorities of the NL Employers' Council. The Employers' Council works hard to develop responsible and well researched positions on issues of importance to the business community, and to the economic success and prosperity of Newfoundland & Labrador. This fund enables our high profile campaigns and well respected, independently researched reports and studies.

This year, Patron Members met to review and give feedback on Another Way Forward's tax and spending analysis, creative and messaging prior to the launch of the campaign.

Becoming a patron member demonstrates a commitment to this province and support for competitive policy and economic growth. We now have approximately 20 Patron Members and are hoping to grow this group further. For more information, visit [nlec.nf.ca](http://nlec.nf.ca).

## Other Priorities & Accomplishments

### Weed in the Workplace

The Employers' Council held a workshop on May 8th, 2018 on the legalization of marijuana at Glendenning Golf Course in St. John's.



The major takeaway was impairment from marijuana should be treated like impairment from any other substance in the workplace. Upon legalization in October, the Employers' Council was in the media publicly reminding people just because marijuana is now legal, that doesn't mean it is okay to be impaired at work.

### Safety Sector

Since 2007, The NLEC has worked in partnership with WorkplaceNL and the NL Federation of Labour to establish industry specific safety sector councils, designed to improve Occupational Health & Safety and Return to Work outcomes.

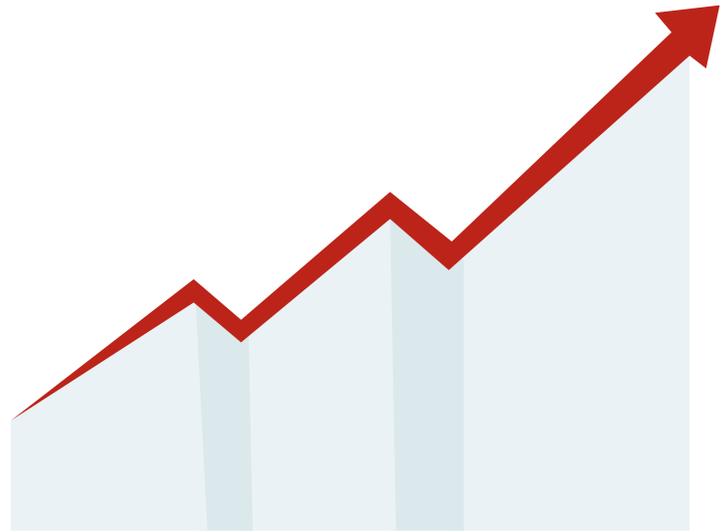
Employers' Council's Safety Sector Advisor, Andrew Pike, continues to provide significant support to the established safety sector associations in forestry, municipalities, and fish harvesting by maintaining an active presence on all sector council committees and boards. The councils have spent much of this year establishing new agreements with WorkplaceNL that increase transparency, facilitate further progress within the sectors, and expand their reach. A Safety Sector Forum (SSF) was created in 2018, co-chaired by Employers' Council Executive Director, Richard Alexander and NL Federation of Labour President, Mary Shortall. The SSF is designed to discuss synergies, share best practices and explore opportunities for collaboration.

## Other Priorities & Accomplishments

Throughout this year, significant efforts have been made toward the organization of a new Manufacturing Safety Sector Council. While initial interest was established in 2015, it has been a significant and ongoing effort since that time to develop a way forward. To ensure fiscal responsibility and economies of scale, it is the Employers' Council's position that sector council's should be as broad and all-inclusive as possible. Significant efforts were made to include the fish processing sector in this council. The involvement of the FFAW, and their desire to have their own standalone sector council, has presented a major obstacle in establishing this council. The NLEC has met with WorkplaceNL senior management, the Federation of Labour, and the Minister responsible to ensure resolution and improve safety in both the manufacturing and processing sectors.

### Occupational Health & Safety

This year the Employers' Council ran 26 Occupational Health & Safety training courses. Revenue from OHS training more than doubled from \$24,308 in 2016-17 to \$59,596 in 2017-18. This increase can be partially attributed to a new recertification requirement, and the Employers' Council becoming the provider of choice for a number of large employers, who value our employer focus.



**HEALTH & SAFETY TRAINING COURSES. REVENUE FROM OHS TRAINING MORE THAN DOUBLED FROM \$24,308 IN 2016-17 TO \$59,596 IN 2017-18**

## Other Priorities & Accomplishments

### CEO ROUNDTABLE ON BUSINESS PRIORITIES

Employers' Council CEO Roundtables provide senior business leaders the opportunity to meet in a closed-door environment with their peers to discuss public policy issues.

On Monday, May 28th 2018 the Employers' Council held a CEO Roundtable dinner with Dr. Janice MacKinnon, Former Finance Minister of Saskatchewan and Senior Fellow, University of Calgary School of Public Policy.

Based on her experience as Finance Minister when Saskatchewan experienced a debt crisis in the 1990s, Dr. MacKinnon spoke frankly on the challenge facing our province's political leaders, and the role the business community can play.

MacKinnon raised concern with NLs fiscal position, and the drastic impact an increase in interest rates, or a drop in the price of oil would have. She encouraged strategic reductions in spending combined with efforts to boost



the economy, including competitive tax rates.

Instead of a public media event, the Employers' Council attempted to open a more productive dialogue by arranging private meetings. MacKinnon met with Minister Osborne, ADM of Finance and representatives from the Premier's office; Ches Crosbie and the PC caucus; and the Federation of Labour and Gerry Rogers, leader of the NDP. Stakeholders were interested and generally receptive to her message.



**“Do not let government sleep walk into a crisis,” MacKinnon told stakeholders. “The result will be more dramatic public sector cuts.”**

On Thursday, August 2nd 2018 the Employers' Council held a CEO Roundtable lunch with Andrew Scheer, Leader of the Official Opposition (Canada).

This lunch provided Employers' Council CEO members an opportunity to discuss federal issues. Discussion touched on taxation, government procurement, trade, government spending, equalization, the fishery, environmental regulations and more.

## Other Priorities & Accomplishments



Congratulations to the 2017 Employers of Distinction Commissionaires and Ocean Choice International!

The Employer of Distinction Award recognizes successful employers in Newfoundland Labrador who demonstrate leadership in the community, productivity and innovation, and a fundamental belief in the value of a healthy, safe, and motivated workforce.

The award is sponsored by the law firm McInnes Cooper.



Ocean Choice International were awarded with an Employer of Distinction Award at a company luncheon at the Fluvarium in Pippy Park. In photo L-R: Richard Alexander, Employers' Council Executive Director, Ocean Choice International owners/operators Martin Sullivan and Blaine Sullivan, and Chris King, Partner, McInnes Cooper.



Joe Browne, Chair of the Board of Governors (center left) and Jim Lynch, CEO (center right) of the NL Division of the Canadian Corps of Commissionaires (CCC-NL) accepted an Employer of Distinction Award at their Annual General Meeting at the Murray's Pond Country Club in Portugal Cove on September 13th, 2018.

## NL Employers' Council Staff



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