



0252-20-22/588

**MEMORANDUM**

**DATE:** January 24, 2023

**TO:** Applicant  
c/o ATIPP Office  
Corporate Information Management  
Highways & Public Works (W-10)

**FROM:** Phyllis Copeland  
Records Officer/Designated Access Officer  
Economic Development (F-1)

**RE:** **ATIPP #22-588 – FINAL RESPONSE – PUBLIC BODY  
DECISION ON THE RELEASE OF THIRD PARTY RECORDS**

The Department of Economic Development has received written responses from third parties involved in the third party consultation regarding the above named ATIPP request. After considering all relevant circumstances, the Public Body has decided to withhold the business names redacted from the one page Interim Response sent to the applicant January 11, 2023.

The ATIPP Request is as follows:

*Staffing Up Program Information Request. I am looking for the following information specific to the wage subsidy portion of the program:*

*1) For the 12-month period: Name of Business Approved for Staffing Up Support, The Positions that were approved, and under which option: Option 1: You seek to offset the costs of hiring a suitable but inexperienced worker for an existing, available job: Option 2: You are providing an opportunity for a workplace assessment to determine required accommodations: Option 3: You are providing workplace experience that will strengthen an employee's transferrable skills: Option 4: You seek funding to hire new employee to address an emergent Government of Yukon priority. Please list by month for businesses/roles (I.E. Month, Business name, Position title, option approved).*

*2) I am also looking for the number of staffing-up applications received and approved for this period specific to the wage subsidy program. A total number of applications and approval % can be accrued over the 12-month period.*

*3) The methodology and adjudication criteria for wage subsidy applications. Please include any matrixes, policies, and guidelines that govern the administration of this program. No financial information is required for these requests.*

*Timeframe: September 1, 2021 - September 30, 2022*



Information pertaining to this request has been partially severed in accordance with the ATIPP Act under the following sections:

Section 74(1)(a) – Policy advice and recommendations. Records contain advice or recommendations prepared by or for a public body or a minister.

*Advice and recommendations were prepared by the public body as to who would receive funding and the funding amounts given to each applicant.*

Section 75(1)(a)(ii)(iv)(b)(i) – Disclosure harmful to economic or financial interests of public body.

*These records contain information that, if released, could reasonably be expected to harm the economic interests of the Government of Yukon and the public body's ability to manage the economy as businesses will be reluctant to apply to the program thereby negatively impacting the government's ability to manage the economy.*

Section 77(1)(a)(b)(c) – Disclosure harmful to third party business interests. Disclosure of the information could reasonably be expected to result in undue financial loss or gain to a person or entity.

*Request to disclose is refused on the grounds of discretionary non-disclosure protection of commercial, trade secrets and financial information.*

*This information provides the company with a commercial advantage over its competitors. Names of businesses who have provided written consent are being disclosed in accordance with section 77(3) of the Act. Please see the attached table for this list.*

Section 79(a)(i) - Disclosure harmful to individual or public. The head of a responsive public body may deny an applicant access to information held by the responsive public body (including the applicant's own personal information) if:

- (a) the head reasonably believes that disclosure of the information to the applicant could reasonably be expected to:
  - (i) cause serious harm to the health of, or threaten the safety of, an individual.

*The department's position is that disclosing the names of employers accessing the program (i.e. business names) could reasonably be expected to lead to an inadvertent disclosure of personal information protected by the ATIPP Act. It would not take a lot of effort for the applicant to identify specific employees at an employer who likely are working under the program.*

*Economic Development has concerns with this type of ATIPP request in that by releasing business names we inadvertently enable the identification of specific individuals. Likely not a concern in a bigger jurisdiction but a real possibility in the Yukon, which is a violation of the ATIPP Act.*



With respect to your concern that the adjudication methodology was not addressed, Staffing UP is a discretionary funding program intended to strengthen Yukon's labour market. Once an application is received, it is assigned to a program officer who reviews, assesses and analyzes the application and moves it forward for a decision. Approval decisions are based on a variety of factors including government priorities, benefits to the employer and/or their staff, availability of budget and the overall state of Yukon's labour market.

Assessments are based on the Staffing UP guidance document that can be found here:  
<https://yukon.ca/staffing-up>

Project assessment and risk assessment criteria may include the following internally generated questions used to assess the application:

#### Project Assessment Questions

- Is the applicant in good standing with Corporate Affairs?
- Does the application address identified needs within the community or Yukon labour market?
- Does the applicant have an outstanding debt to the Government of Yukon?
- Are project costs both reasonable and directly related to project activities?
- Are staff wages within an acceptable range according to labour market information?
- Are there any other factors you considered in your assessment that you wish to comment on?
- Are the objectives, activities and results clearly defined and eligible?
- Have recommendations from previous close out summaries been considered in this assessment? Describe.
- Does the project create a dependency on funding that cannot be addressed when the project is over?
- Does the project provide potential for unfair competition?
- Has a job description been submitted that contains wage rate, hrs of work, work plan (timelines)?
- Is the applicant's insurance coverage (including Yukon Workers' Compensation Health and Safety Board) appropriate for the project/participant(s) needs?
- Is there a plan for supervision for the participant? Please describe.
- Is there a possibility that the work experience will result in employment?
- Is there an Essential Skills component to this project?

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#### Financial Management

- Total Approved Budget Amount
- Anticipated Financial Management Complexity
- Risk from Previous Financial Management Performance
- Risk from Current Financial Management Capacity

#### Project Delivery

- Anticipated Complexity of Agreement Activities
- Risk from Previous Agreement Activity Performance
- Risk from Current Capacity to Deliver Agreement Activities



An officer then makes the recommendation for approval. There are no matrices for the decision-making. Decisions are made at the judgement and discretion of the funding authority.

There is no cost to the applicant.

You have the right to make a complaint in respect of this response to the Yukon Information and Privacy Commissioner under section 66 of the *ATIPP Act*, no later than 30 business days after you receive this response. To make a complaint, contact:

Yukon Information and Privacy Commissioner  
3162 - 3<sup>rd</sup> Ave.  
Whitehorse, YT Y1A 1G3  
E-mail: [intake@yukonombudsman.ca](mailto:intake@yukonombudsman.ca)  
Phone: (867) 667-8468; toll free (in Yukon) 1-800-661-0408 (ext. 8468)

Please contact the Economic Development ATIPP Coordinator at 667-5946 or the Director, Finance & Information Management at 667-5933 if you require any further information.

Thank you.

Response reviewed by:

  
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Andrew Gaule, A/Deputy Minister, Economic Development