

Johnson, Chris M LBR:EX

From: Johnson, Chris M LBR:EX
Sent: Wednesday, April 3, 2013 9:46 AM
To: Johnson, Chris M LBR:EX
Subject: FW: Investigation results

From: Johnson, Chris M LBR:EX
Sent: Wednesday, October 31, 2012 7:06 AM
To: Watson, Andy GCPE:EX; Lansdell, Hayden GCPE:EX; Hughes, Trevor LBR:EX
Cc: Bianchini, Rod LBR:EX
Subject: Investigation results

Sounds like there's a bit of misunderstanding out there re "public release" of the results of the ESB investigation around the Chinese miner allegations (Van Sun, CFAX). The outcome of the investigation will be available to the public once the investigation is complete; however, there will NOT be any written report or formal reporting of any sort providing details on the investigation itself. ESB does not and cannot do written reports of this sort. So, while it sounds in the media like we may "hide" the results of our investigation, that is not true; the outcome will be available to the public, and without need for FOI request or anything like that.

Hope that clarifies.

Chris

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Johnson, Chris M LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Monday, November 19, 2012 5:07 PM
To: Johnson, Chris M LBR:EX
Subject: RE: messaging re investigation, as promised

Great – thanks.

From: Johnson, Chris M LBR:EX
Sent: Mon, November 19, 2012 4:41 PM
To: Hughes, Trevor LBR:EX
Subject: messaging re investigation, as promised

The Employment Standards Branch is investigating whether or not there are any contraventions of the Employment Standards Act in this case. The investigation is focussed on the allegations that employees were charged fees to work in BC; in BC, no one can charge a fee to a person to help that person find a job or provide information about prospective jobs.

The investigation by the Employment Standards Branch is not yet complete; to maintain the integrity and impartiality of the process, the Branch does not provide the specifics of an investigation while it is underway. The results of the investigation, although not the details of how it was undertaken, will be available once the file is closed.

Chris Johnson

Executive Director
Employment Standards Branch
Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour
chris.johnson@gov.bc.ca
(250) 387-3300
Employment Standards Toll Free Information Line: 1-800-663-3316
Website: www.labour.gov.bc.ca/esb/

Johnson, Chris M LBR:EX

From: Hughes, Trevor LBR:EX
Sent: Tuesday, November 20, 2012 2:36 PM
To: Johnson, Chris M LBR:EX; Lansdell, Hayden GCPE:EX
Cc: Jensen, Allison H GCPE:EX; McAndrews, Caroline GCPE:EX
Subject: RE: Chinese Miner Investigation

Great work – thank you. I will let the MO know. Then assume they will connect with GCPE about how they want to message.

T.

From: Johnson, Chris M LBR:EX
Sent: Tuesday, November 20, 2012 2:29 PM
To: Lansdell, Hayden GCPE:EX
Cc: Jensen, Allison H GCPE:EX; McAndrews, Caroline GCPE:EX; Hughes, Trevor LBR:EX
Subject: Chinese Miner Investigation

Hello Hayden:

ESB has completed its investigation into the employment standards-related allegations involving the Chinese TFW miners / HD Mining/ etc. I have prepared the following messaging for the occasion:

The Employment Standards Branch has completed its investigation, and found no evidence of contravention of the Employment Standards Act.

In particular, the Employment Standards Branch found no evidence in this case of employees being charged fees in BC or by BC-based recruiters; the Branch also found no evidence that fees were being charged in respect of employees of HD Mining. While there is some indication that fees may be charged in China by Chinese-based recruiters, the Province has no jurisdiction over such actions in China, and the Employment Standards Branch has no way of identifying the workers who were charged such fees and/or where they are working in BC if they are, in fact, doing so. If any workers come forward alleging they were charged fees while in the province, the Employment Standards Branch will investigate these complaints.

s13

s13 At any rate, there is not much more that we can say about the investigation itself; as noted previously, we can share the results but not the details of how we went about undertaking our work. Please note that we do not typically publicly announce the results of our investigations (I'm tempted to say we never do this, but ESB has been around a really long time ...); as such, it would be ideal if this were released publicly in response to a query rather than in some sort of news release or statement or whatever.

I have not informed the DMO, MO, PO or other interested parties (e.g. Immigration Policy Branch) of the completion of the investigation at this time.

Cheers,
Chris

Johnson, Chris M LBR:EX

From: Lansdell, Hayden GCPE:EX
Sent: Tuesday, November 20, 2012 2:54 PM
To: Johnson, Chris M LBR:EX
Cc: Jensen, Allison H GCPE:EX; McAndrews, Caroline GCPE:EX; Hughes, Trevor LBR:EX
Subject: RE: Chinese Miner Investigation

Thanks Chris. Will chat with Allison about how best to get the info out.

h

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Sent: Tuesday, November 20, 2012 2:29 PM
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Cc: Jensen, Allison H GCPE:EX; McAndrews, Caroline GCPE:EX; Hughes, Trevor LBR:EX
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Cheers,
Chris

INFORMATION BULLETIN

[release number]
[Date]

Ministry of Jobs, Tourism & Skills Training
and Minister Responsible for Labour

Employment Standards completes HD Mining investigation

VICTORIA – The Employment Standards Branch has finalized its investigation into the allegations Temporary Foreign Workers were charged fees for employment at HD Mining in British Columbia.

The branch found no evidence of contravention of the Employment Standards Act.

There was no evidence in this case of employees being charged fees in British Columbia or by B.C.-based recruiters, nor was there evidence that fees were being charged in respect of employees of HD Mining.

The Employment Standards Act specifically prohibits charging fees in exchange for employment in B.C. The law is enforceable only where employees are charged fees in British Columbia or by B.C.-based recruiters.

Employment standards apply to all non-unionized employees in the province, regardless of nationality or immigration status. The Employment Standards Act sets minimum standards in such areas as overtime pay, statutory holidays and holiday pay, annual vacations and vacation pay, compensation for length of service and minimum wage.

The role of the branch is to investigate complaints regarding violations of the Employment Standards Act and Regulation. The branch is neutral and ensures due process is applied to any complaint it receives.

If anyone is aware of violations of the Act, they should file a complaint with the Employment Standards Branch. Help is available in person at one of nine branch offices, online or over the phone at 1-800-663-3316.

Learn more at <http://www.labour.gov.bc.ca/esb/>

Contact:

Government Communications and Public Engagement
Ministry of Jobs, Tourism and Skills Training and Responsible for Labour
250 356-8177