

MINISTRY OF LABOUR, CITIZENS' SERVICES AND OPEN GOVERNMENT (LABOUR)

TRANSITION – SEPTEMBER 2012

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POWERS OF THE MINISTER UNDER BC LABOUR LAWS

This document sets out the powers assigned to the Minister of Labour, Citizens' Services and Open Government under British Columbia's labour laws including:

- The *Ministry of Labour Act*
- The *Employment Standards Act*
- The *Workers Compensation Act*
- Labour relation legislation, including the *Labour Relations Code* and various other labour relations statutes

Minister's Powers re: the *Ministry of Labour Act*

This Act requires a ministry of the public service of British Columbia called the Ministry of Labour.

Section 1 – Ministry of Labour

The minister is required to preside over this ministry, and to manage and direct it. The ministry itself is given the power to administer the laws of B.C. affecting labour (Section 3 – Powers, duties and functions of ministry).

Section 4 – Power to obtain information

The minister, or an officer of the ministry appointed by the minister, has power to obtain information, including right of entry, on specific matters to enable the ministry to 'carry out' this Act. For this purpose, the minister or a person designated by the minister, has the powers of a commission under the *Public Inquiry Act* to compel witnesses and order disclosure, and to apply to the court in this regard.

Section 10 – Power to make regulations

The LGIC may make regulations referred to in section 41 of the *Interpretation Act* (i.e. for the purpose of carrying out the enactment according to its intent).

The minister would make the recommendation to the LGIC to approve such regulations.

Minister's Powers re: the *Employment Standards Act*

Section 71 – Adjustment committee

The minister may require an employer to establish an adjustment committee of equal number of representatives of the employer and the affected employees, and anyone else the minister deems suitable to develop an adjustment program to reduce the impact of group terminations. This discretionary power applies in the case where an employer gives notice of termination to 50 or more employees at a single location.

Section 119 – Extraprovincial Certificates

This section permits the Lieutenant Governor in Council to enter into reciprocal agreements with other jurisdictions for the purpose of enforcement of orders to recover wages under employment standards legislation. This ability requires the LGIC to be satisfied that reciprocal provisions will be made by the other jurisdiction.

The Minister would make the recommendation to the LGIC to enter into such an agreement.

Section 127 – Powers to make regulations

This section has numerous and varied powers of the LGIC to make regulations concerning conditions of employment for classes of persons including an employee covered by a collective agreement, including exclusion from all or part of the Act; establishing conditions of employment for children of less than 15 years of age; respecting licensing of employment agencies, talent agencies and farm labour contractors; prescribing contracts and information required of employers employing domestics; setting minimum wage rates; respecting time banks; establishing statutory holidays; and respecting variances, interest rates for wages owed, penalties, fees, employer records; definitions; details related to reservist job protected leave; and defining words used in the Act or regulations.

The Minister would make the recommendation to the LGIC to approve such regulations.

Minister's Powers re: the *Workers Compensation Act* (WCA)

Appointment Powers

- Minister recommends to the LGIC appointments to the WorkSafe Board of Directors (section 81)
Section 81 of the WCA provides for a seven-member Board of Directors for WorkSafeBC, which is appointed by the Lieutenant Governor in Council (LGIC). By practice the Minister of Labour recommends appointees to the LGIC.
- Minister recommends to the LGIC appointment of WCAT chair
Section 232 (2) of the WCA provides for a Chair of the Workers' Compensation Appeal Tribunal (WCAT) appointed by the LGIC. By practice the Minister of Labour recommends an appointee to the LGIC.
- Consulted about WCAT vice-chair appointments
Sections 232 (2)(b) and (c) provides that the Chair may appoint vice chairs and extraordinary members to WCAT, after consultation with the Minister.

Powers Related to Occupational Health and Safety

- Directing WorkSafeBC to Make, Repeal or Amend its Regulations
Section 229 of the WCA provides that the Minister may direct WorkSafeBC to consider whether it should make, repeal or amend its regulations in accordance with the recommendations of the Minister. If WorkSafeBC chooses not to accept the Minister's recommendation, then the LGIC may make, repeal, or amend the regulation in accordance with the Minister's recommendation.
- Minister may Direct WorkSafeBC to Inquire into any Occupational Health or Safety Matter
Part 3 of the WCA concerns occupational health and safety. Section 111 (2) (m) provides that the Minister may require WorkSafeBC to inquire into and report to the Minister on any matter referred to it by the Minister. The Minister may also specify the timeline for such a report. Section 111 (2) (o) provides that WorkSafeBC must do any other things in relation to occupational health and safety that the Minister or LGIC may direct.
- Additional Regulatory Powers of Cabinet
Section 224, within Part 3 of the WCA addressing occupational health and safety, authorizes the LGIC to make regulations in a number of areas. The Minister would provide recommendations regarding such regulations to the LGIC. Regulations may be made regarding such issues as the joint health and safety committees, educational leave for health and safety training, health professionals, among others.

Minister's Powers re: Labour Relations Legislation

Key Labour Relations Powers

With respect to labour relations matters, the statutory powers of the minister include powers to:

- Appoint mediators, special mediators, industrial inquiry commissions, industrial inquiry councils, fact finders, and special officers to help settle collective bargaining disputes.
- To order a vote on the employer's or union's last offer in a collective bargaining dispute.
- Direct the labour relations board to establish essential services orders governing disputes.
- Direct the labour relations board to consider, whether in a particular case a council of trade unions would be an appropriate bargaining agent for a unit.
- Order arbitration to settle the collective agreement negotiations for police officers and firefighters.
- Order the labour relations board to consider discontinuing a health sector bargaining certification, or order the board to add a bargaining unit or consolidate bargaining units in the health sector.
- Appoint a committee of special advisors to undertake continuing review of the Code and labour management relations.
- Establish regulations respecting the timelines for the labour relations board to issue its final decisions on complaints and applications.

For a complete list and description of minister's powers under the *Labour Relations Code*, the *Fire and Police Services Collective Bargaining Act*, the *Community Service Labour Relations Act*, the *Railway and Ferries Bargaining Assistance Act*, and the *Health Authorities Act*, see Appendix 1.

APPENDIX 1

Powers under the Labour Relations Code

Collective Bargaining/Dispute Resolution Powers:

Section 41 (certification of councils of trade unions)

The minister may direct the labour relations board to consider whether in a particular case a council of trade unions would be an appropriate bargaining agent for a unit.

Section 72 (essential services)

If the minister considers that a dispute poses a threat to the health, safety or welfare of the residents of British Columbia or a threat to the provision of educational programs to students and eligible children under the *School Act*, the minister may direct the board to designate essential services.

Section 74 (mediation officer and services)

The minister can appoint a mediator (at any time during the course of collective bargaining between an employer and a union) to confer with the parties when the minister considers that the appointment will likely "facilitate the making of a collective agreement".

Section 76 (special mediator)

The minister may appoint a special mediator, and may specify terms of reference, to assist parties having difficulties in negotiating a collective agreement.

Section 78 (last offer vote)

After a strike or lockout has started, the minister may require that a last offer vote be conducted if he considers the vote to be in the public interest. A vote of the majority of bargaining unit members in support of the last offer of the employer would result in the acceptance of that offer over-riding any opposition by the union to that position.

Section 79 (industrial inquiry commission)

The minister may appoint a commission of inquiry into a collective bargaining dispute if the minister considers it necessary to "maintain or secure labour relations stability and promote conditions favourable to settlement of disputes".

Section 80 (industrial inquiry council)

The minister may, on application or on his or her own motion, establish industry advisory councils considered appropriate to examine labour management relations in those industries and recommend to the minister and other interested persons or groups measures that may contribute to the improvement of those relations, including measures to achieve more effective collective bargaining and procedures for settling disputes.

Lesser Used Powers Related to Collective Bargaining and Dispute Resolution:

Section 50 (collective agreement for less than one year)

The minister can give consent to the termination of a collective agreement before its one year anniversary date should the parties wish to do so.

Unless explicitly stated otherwise in the collective agreement, if a collective agreement is for a term of more than one year, either party may at any time after the agreement has been in operation for 8 months apply to the minister for leave to notify the other party that the agreement will be terminated on its next anniversary date.

Section 52 (extra provincial companies)

Where an extra provincial company becomes certified for a bargaining unit of employees in British Columbia, and does not, within 5 days of the certification, appoint a person resident in BC with authority to bargain collectively, the minister may make such an appointment.

Section 146 (information confidential)

The minister may receive and hold in confidence a proposal made by a party for settlement of a dispute or difference.

Powers Related to Grievance Arbitration:

Section 85 (unworkable provision)

If in the minister's opinion a part of the arbitration provision in a collective agreement, including the method of appointing the arbitration board, is inadequate the minister may at the request of either party modify the provision.

Section 91 (delay by arbitration board)

If a difference has been submitted to arbitration and a party to the arbitration complains to the minister that the arbitration board has failed to render a decision in a reasonable time, the minister may issue an order to ensure a decision will be rendered without further undue delay.

Section 106 (special officer)

If during the term of a collective agreement there is or is a likelihood of a dispute or difference arising out of or relating to the agreement, the minister may in the interest of industrial peace appoint a special officer to investigate the dispute of difference.

Other Labour Relations Code Powers:

Section 3 (continuing review of the Code)

The minister may appoint a committee of special advisors to undertake continuing review of the Code and labour management relations.

The minister may make regulations respecting the receipt and dissemination of submissions and recommendations associated with the committee of special advisors.

Section 144 (powers of the Minister)

For the purpose of obtaining information to which the minister is entitled under the Code, the minister or a person designated by the minister has the powers, privileges and protection of a commission under sections 22 (1), 23 (a), (b) and (d) and 32 of the *Public Inquiry Act*.

Section 145 (power to enter and inspect)

The minister or a person designated by the minister may, for the purposes of the Code, enter during regular working hours any land, ship, vessel, vehicle, aircraft or other means of conveyance or transport, factory, workshop or place of any kind where

- (a) work is or has been done or commenced by employees,
- (b) an employer carries on business, or
- (c) anything is taking place or has taken place concerning a matter referred to the minister under this Code,

and may inspect any work, material, appliance, machinery, equipment or thing in it, or interrogate any person in relation to it.

Section 147 (payment of tribunal members)

A person appointed by the minister or the chair as a member of an industrial inquiry commission, committee of special advisors, industry advisory council or other tribunal established under this Code, or as a special officer, special mediator or fact finder **may be paid remuneration the minister determines** for each day's attendance in carrying out his or her duties under the Code.

Section 157 (reports)

The labour relations board may report to the minister and must report to him or her on his or her request, and the minister may authorize the board to publish its report.

Section 159.1 (Minister's Power to make regulations)

The minister has the authority to establish regulations respecting the timelines for cases before the Labour Relations Board.

Fire and Police Services Collective Bargaining Act

If a fire fighters' union or a police officers' union and an employer have bargained collectively and have failed to conclude a collective agreement or a renewal or revision of a collective agreement, the trade union or the employer may apply to the minister for a direction that the dispute be resolved by arbitration.

Community Service Labour Relations Act

Section 5 (vote for one union)

If the minister determines that

- (a) the delivery of community social services generally, or the flexibility of delivery, would be improved,
- (b) the cost effectiveness of service delivery in the community social services sector would be better served, or
- (c) the public interest would be better served

if there were only one union representing employees in the bargaining units established under the Act, the minister may direct the Labour Relations Board to conduct a vote to determine which union will represent all of the employees in the respective bargaining units.

Section 7 (labour relations matters)

The minister may withhold or reduce certain funds payable to an agency or authority delivering services on contract with the government if the operating expenses of the agency or the authority have been reduced during a strike or lockout.

The minister may direct an audit of an agency or authority to determine the amount of the reduction in operating expenses as a result of a strike or lockout.

Railway and Ferries Bargaining Assistance Act

Part 1 (Special Commissions)

The minister may, with the approval of the Lieutenant-Governor in Council, appoint Special Commissions to inquire into all matters pertaining to the relationships between an employer (i.e., BC Ferries Inc/BC Rail Ltd.) and its employees or their trade-unions and the disputes or differences arising between them, with a view to securing and maintaining industrial peace and furthering harmonious relations between them.

The minister may require the special commission to produce and publish reports and may approve the appointment and payment of individuals to assist with the work of the special commission.

Section 9 (Board of Arbitration)

Where the employer (i.e., BC Ferries Inc/BC Rail Ltd.) and any trade-union are unable to conclude a new or revised collective agreement, the minister may appoint one or more persons as a Board of Arbitration.

The Board of Arbitration shall conclude the inquiry and give its decision within 30 days after the commencement of the inquiry; but the minister may extend the inquiry for such period as he/she considers necessary or advisable.

Section 17 (Special Mediator)

Where the Lieutenant-Governor in Council has made an order under section 16 (prohibiting strike or lock-out for a "cooling off period" of up to 90 days), the minister shall appoint a special mediator to confer with the parties to assist them in settling the terms of a collective agreement, and where the minister appoints more than one special mediator he/she shall designate a chairperson.

Section 18 (Fact Finding)

Where the special mediator recommends that fact-finding should be the procedure to be followed, the minister may appoint a person as the fact-finder.

The fact-finder shall submit a report to the parties within 20 days following the date of his appointment, or within such longer period of time as the minister directs. The minister may publish and distribute the report in any manner he considers advisable.

Health Authorities Act

Section 19.6 (Bargaining Units in the Health Sector)

The minister can order the Labour Relations Board to consider whether continuation of a certification to a trade union in the health sector is appropriate. The minister may also direct the labour relations board to add a bargaining unit in the health sector, or to merge two or more bargaining units into one.

EXECUTIVE MEMBER BIOGRAPHY**KIM HENDERSON****DEPUTY MINISTER
MINISTRY OF LABOUR, CITIZENS' SERVICES
AND OPEN GOVERNMENT**

Kim Henderson is the Deputy Minister, Ministry of Labour, Citizens' Services and Open Government, Province of BC. Kim leads strategic planning in the areas of employee engagement and innovation, IM/IT and open government for the Province of BC as well as having responsibility for corporate infrastructure operations (real estate and technology solutions) and most recently the Labour portfolio. Over the past several years Kim has been a change leader driving new approaches to public services including the development of the Province's first ever corporate human resource strategy, development of a Gov 2.0 vision setting an IM/IT and business transformation vision for the Province and most recently development of an open government strategy. The Province is the largest corporate employer in BC with 30,000 employees and is now recognized as one of the top employers in BC and in Canada. In July 2011 BC was the first Canadian Province to launch an open data site along with a new citizen-centric web presence.

Kim joined the BC public service in 1997 with the Ministry of Children and Family Development. Kim joined the Office of the Premier in 2006 as the Assistant Deputy Minister, Corporate Initiatives with responsibility for the public service initiative on behalf of the Office of the Premier where she led the strategy and planning for the first corporate human resource strategy for the Province.

In June 2009, Kim was appointed as Deputy Minister of Citizens' Services and added responsibility for Shared Services BC in 2010, Open Government in March 2011 and the Labour portfolio in January of 2012.

EXECUTIVE MEMBER BIOGRAPHY**TREVOR HUGHES****ADM, INDUSTRIAL RELATIONS****ACTING ADM, LABOUR PROGRAMS**

Trevor Hughes was appointed as Assistant Deputy Minister, Industrial Relations on September 24, 2010 after 2 years in the role of Chief Industrial Relations Officer, Industrial Relations Division. On May 22, 2012, Trevor assumed the role of Acting Assistant Deputy Minister, Labour Programs in addition to his Industrial Relations Role.

Prior to joining the provincial government in October of 2008, Trevor was with the Health Employers Association of B.C. for sixteen (16) years. HEABC coordinates the human resource and labour relations interests of over 300 publicly funded healthcare employers in British Columbia. Upon his departure from HEABC, he was the Director of Special Projects which included, among other things, the responsibility for planning and leading negotiations with the Facilities Bargaining Association in 2010.

Trevor was involved in essential services negotiations, mediation, and adjudication for the Health Sector in 1996 and 1998 before becoming involved in main-table negotiations in 2001, 2004, and 2006.

Commencing in the fall of 2007, Trevor was involved on the bargaining team with Government that was charged with negotiating with health sector unions a resolve to all of the issues raised by the Supreme Court of Canada's decision in the *Health Services* case. This decision resulted from the unions' challenge to the constitutionality of Bill 29-2002.

Trevor graduated from the University of B.C. with a Bachelor's degree (honours) in Commerce in 1991. In 1992, Trevor attained a Master's of Industrial Relations degree from Queen's University.

EXECUTIVE MEMBER BIOGRAPHY**JOHN BLAKELY****EXECUTIVE DIRECTOR, LABOUR POLICY AND
LEGISLATION**

John Blakely has held the position of Executive Director, Labour Policy and Legislation within the Ministry of Labour since May 2004. In this position, he is responsible for the development, direction and coordination of all labour policy, legislation and research for the ministry, with a particular emphasis on industrial relations, employment standards, workers' compensation and occupational health and safety.

John joined the public service in 1995 as a Senior Pay Equity Advisor at the Public Sector Employers' Council (PSEC) Secretariat. Over the next nine years, he advanced through several positions within PSEC Secretariat, including the position of Executive Director of Compensation and Labour Relations Policy which he held from January 2000 until he left in May 2004 to join the Ministry of Labour and Citizens' Services. Prior to joining the public service, John held positions in strategic policy, compensation and human resources with Ontario's Workplace Safety and Insurance Board, and the City of Toronto.

John attended the University of Toronto, where he received a Bachelor of Arts degree (specializing in History), and a Masters' of Industrial Relations degree (specializing in Collective Bargaining, Labour Market Policy, and Human Resources Management). He continued his studies in the doctoral program in Industrial and Labour Relations at Cornell University in Ithaca New York, where he completed all requirements except the dissertation. He has a long history of service and a keen interest in public policy, especially in the areas of labour and employment, and in serving the public interest.

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EXECUTIVE MEMBER BIOGRAPHY**SARF AHMED****ASSISTANT DEPUTY MINISTER AND EXECUTIVE
FINANCIAL OFFICER
INTEGRATED WORKPLACE SOLUTIONS, SHARED
SERVICES BC**

Sarf Ahmed is Assistant Deputy Minister (ADM) for Integrated Workplace Solutions in Shared Service BC (SSBC). He is responsible for managing the real estate portfolio for the Province and providing turnkey accommodation and provisioning services to ministries and broader public sector clients of SSBC. He is also responsible for the client services function for all lines of business of SSBC. SSBC owns over 600 properties in British Columbia comprised of office buildings, jails, courthouses, hospitals, strategic land holdings, etc. It has over 21 million square feet of space in its portfolio and is the sole service provider for all ministries for accommodation and real estate services.

In addition, he took on added responsibilities as the Executive Financial Officer for the Ministry in April 2012, including Labour.

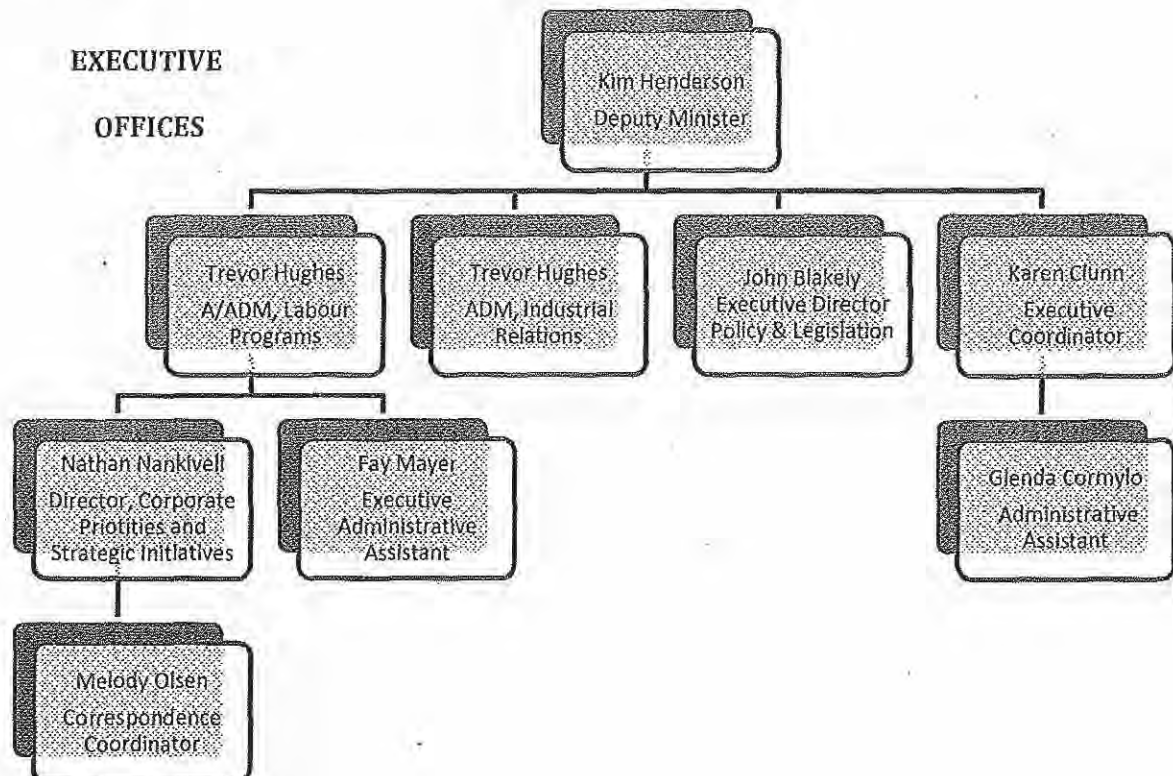
Sarf is the lead ADM responsible for developing and implementing Leading Workplace Strategies across BC Public Service. This strategy was released in February 2012. He is also leading a cross government project to dispose surplus real estate assets for economic generation in B.C. on behalf of the Province and the broader public sector.

Sarf joined SSBC in May 2010 from the Ministry of Children and Family Development (MCFD). He had been an ADM and Executive Financial Officer of MCFD since 2006, where he was responsible for Finance, Information Management/Information Technology, Facilities and Procurement. In addition, he oversaw the delivery of Child Care Services and Provincial Services for Children and Youth with Special Needs.

Sarf joined the BC Public Service in 1992. He is a Chartered Accountant who has also worked in the accounting profession, construction and manufacturing sectors in the early part of his career. He takes pride in being part of the BC Public Service, believes in a healthy work place and strives to make it an enjoyable experience for himself and his colleagues.

**MINISTRY OF LABOUR, CITIZENS' SERVICES AND OPEN
GOVERNMENT****EXECUTIVE OFFICES****Deputy Minister: Kim Henderson****Major Responsibilities:**

- Overall responsibility for policy, legislation and program development for all labour and employment law matters.
- On behalf of government, promote stable labour relations in key sectors, and, at the direction of government, provide mediation, negotiation and facilitation services.
- On behalf of government, develop ongoing communication with employers and trade unions in the labour relations community.
- Assist the independent tribunals to focus on fulfilling their duties and responsibilities. The Tribunals are independent bodies that are the responsibility of the Ministry and include: the Labour Relations Board, Employment Standards Tribunal, and the Workers' Compensation Appeal Tribunal.
- Provide advice and assistance to the Minister on any issue requiring the direct involvement of the Minister with respect to managing and improving industrial relations in the province.

Organizational Chart:

MINISTRY OF LABOUR, CITIZENS' SERVICES AND OPEN GOVERNMENT

INDUSTRIAL RELATIONS DIVISION

ADM Responsible: Trevor Hughes

The Industrial Relations Division is responsible for proactively building relationships and fact finding in advance of and during collective bargaining. The Division monitors and offers assistance in collective bargaining disputes that have an impact on the public interest. The Division also monitors and assesses industrial relations issues and opportunities for enhancing labour stability, and offers advice on strategic issues related to labour relations.

Major Responsibilities:

- On behalf of government, promote stable labour relations in key sectors, and, at the direction of government, provide formal and informal assistance to the parties in a collective bargaining dispute.
- On behalf of government, develop ongoing communication and build positive relationships with employers and trade unions in the labour relations community.
- Work closely with the Labour Relations Board to ensure that government is apprised of matters of relevance and to ensure continual liaising and dialogue on an on-going basis.
- Provide advice and assistance to the Ministry on any issue requiring the direct involvement of the Minister with respect to managing and improving labour relations and labour stability in the province, particularly in collective bargaining relationships that impact the public interest.

Related Legislation:

- | | |
|---|---|
| • <i>Labour Relations Code</i> | • <i>Fire and Police Services Collective Bargaining Act</i> |
| • <i>Coastal Forest Industry Dispute Settlement Act</i> | • <i>Fishing Collective Bargaining Act</i> |
| • <i>Community Services Labour Relations Act</i> | • <i>Railway and Ferries Bargaining Assistance Act</i> |
| | • <i>Education Services Collective Agreement Act</i> |

MINISTRY OF LABOUR, CITIZENS' SERVICES AND OPEN GOVERNMENT

POLICY AND LEGISLATION DIVISION

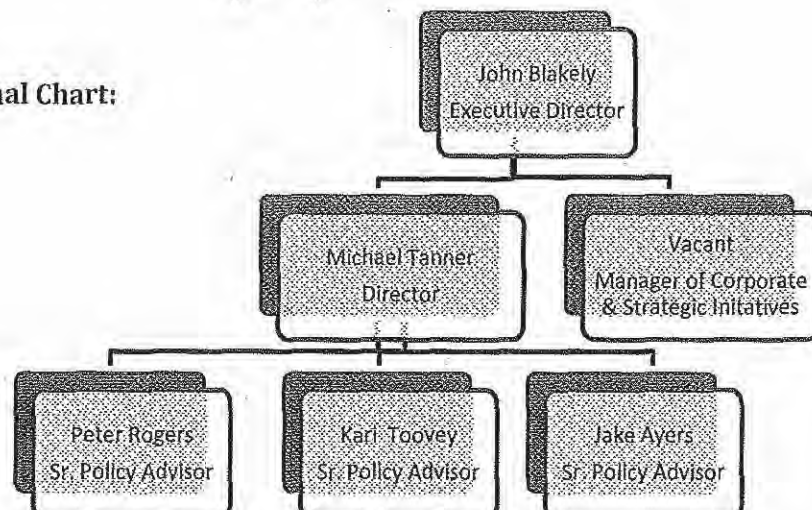
Executive Director Responsible: John Blakely

The Labour Policy and Legislation Division provide labour and employment related information, research, analysis and expertise to the Minister, Ministry Executive, senior officials and associated boards and tribunals. The Division also develops the ministry's legislation, regulations and service plan, and provides labour information to internal and external stakeholders and the general public.

Major Responsibilities:

- To provide labour and employment information, research, analysis and expertise to the Minister, Ministry Executive, senior officials and associated boards, committees and commissions.
- To develop legislation and legislative amendments, including all Labour Relations Code and *Employment Standards Act*, and some *Workers' Compensation Act* regulatory changes.
- To provide labour relations information to internal and external stakeholders and the general public.
- To provide corporate services to the Ministry including:
 - Coordination and development of corporate materials such as Estimates materials, service plan, Canadian Association of Administrators of Labour Legislation (CAALL) materials and briefing binder;
 - Development of reports to Ministry Executive, Treasury Board and other Cabinet Committees on policy implications of proposed legislative changes.
 - Development of legislation and regulations.
 - Development of service plans and appropriate performance measures for the Ministry.
 - Stakeholder consultation on regulatory review.

Organizational Chart:



**MINISTRY OF LABOUR, CITIZENS' SERVICES
AND OPEN GOVERNMENT**

LABOUR PROGRAMS DIVISION

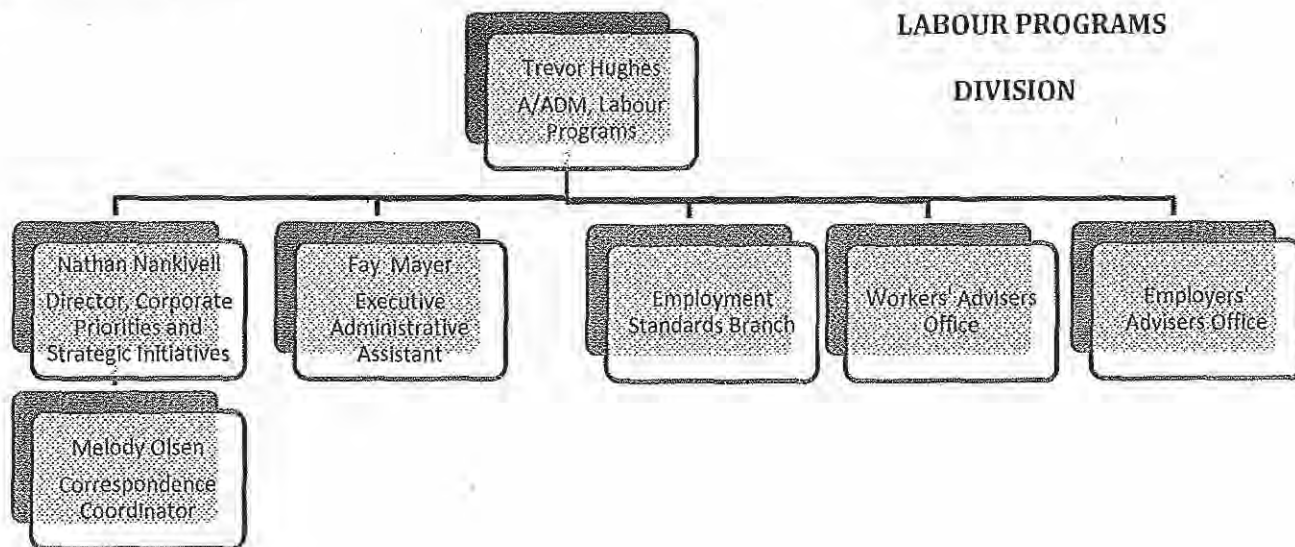
ADM Responsible: Trevor Hughes (Acting)

The Labour Programs Division is responsible for administering the *Employment Standards Act*, including receiving, investigation/mediating and adjudicating complaints of contraventions and ordering appropriate remedies, conducting certification and decertification votes on behalf of the Labour Relations Board; providing employers with advice, assistance, representation and training regarding the interpretation and administration of the *Workers' Compensation Act* and responding to employer concerns regarding worker claims, employer assessments, accident prevention for worker/employer issues; providing advice, assistance, representation and education to injured workers on complex appeals, claims and discriminatory action issues at WorkSafeBC and the Workers' Compensation Appeal Tribunal.

This work is accomplished through three Branches: Employment Standards Branch, Employers' Advisers Office, and the Workers' Advisers Office, with regional and district offices located throughout the province. The Division is also responsible for the ministry's Correspondence Unit and Internal Communications.

Related Legislation:

- *Employment Standards Act*
- *Workers' Compensation Act*

Organizational Chart:

**MINISTRY OF LABOUR, CITIZENS' SERVICES
AND OPEN GOVERNMENT**

EMPLOYMENT STANDARDS BRANCH

ADM Responsible: Trevor Hughes (Acting)

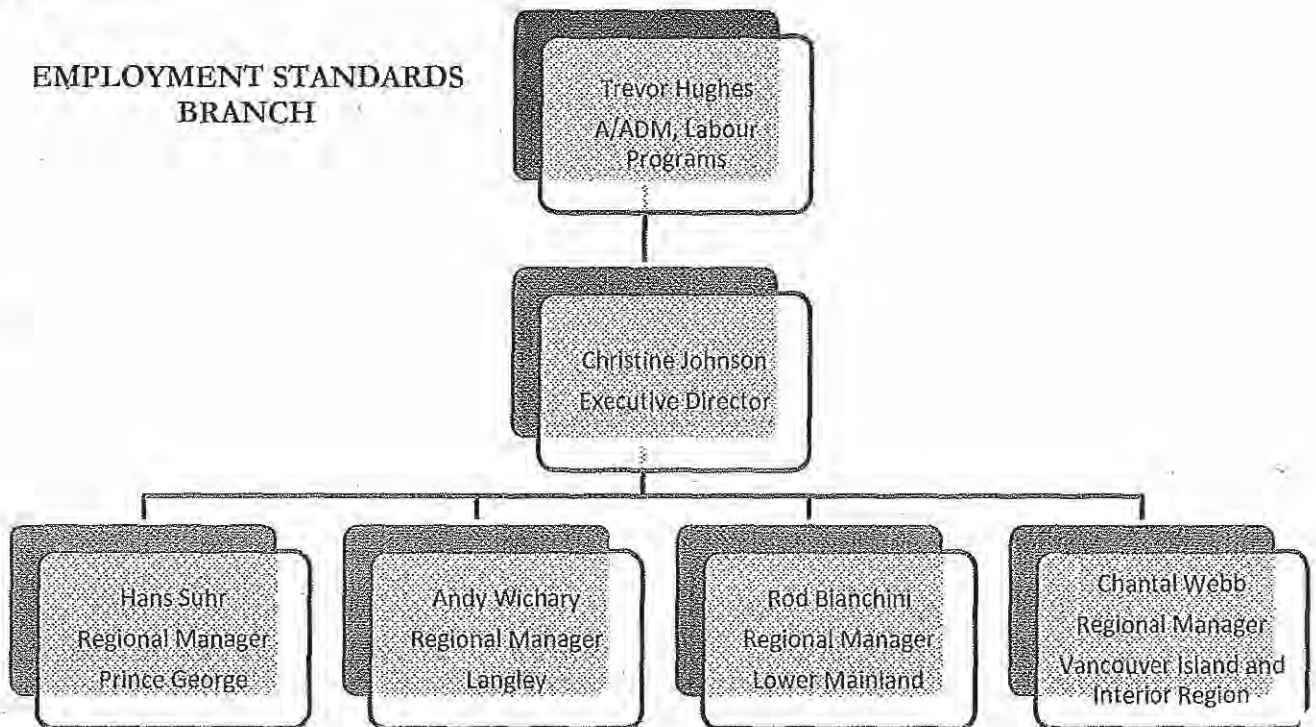
The **Employment Standards Branch**, under the *Employment Standards Act*, promotes compliance through education and enforcement by working with stakeholders, workers, and employers. The Branch assesses complaints, educates parties on their rights and responsibilities, mediates disputes, and conducts investigations and adjudication hearings; which result in determinations concerning compliance.

Major Responsibilities:

- Administering the *Employment Standards Act*, which sets minimum standards for wage payments, overtime, vacation, statutory holidays, leaves, compensation for length of service and hours of work for employees not covered by union agreements; the employment of children; and the licensing of employers or employees in specific sectors;
- Answering employee or employer inquiries and educating employers and employees about rights and responsibilities;
- Receiving, investigating or mediating and adjudicating complaints concerning alleged contraventions, and ordering appropriate remedies;
- On behalf of the Labour Relations Board, undertaking and supervising votes for application for certification and decertifications and other matters under the Labour Relations Code.

Related Legislation:

- *Employment Standards Act*
- *Labour Relations Code*

Organizational Chart:**EMPLOYMENT STANDARDS
BRANCH**

**MINISTRY OF LABOUR, CITIZENS' SERVICES
AND OPEN GOVERNMENT****WORKERS' ADVISERS OFFICE**

ADM Responsible: Trevor Hughes (Acting)

The **Workers' Advisers Office** provides workers' compensation advice, assistance and representation to workers and their families. The Branch also provides training, mentoring and coaching of the labour community and stakeholders with regard to workers' compensation issues, in order to create safe, more effective workplaces and protect vulnerable workers.

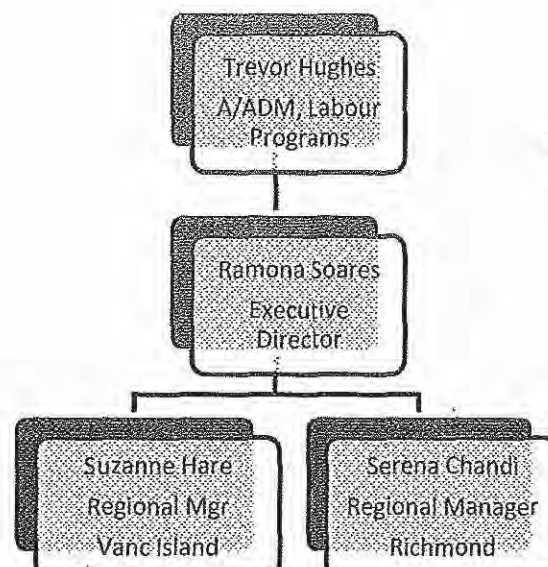
Major Responsibilities:

- Provide advice, assistance, representation and education to injured workers and their dependents on complex appeals, claims and discriminatory action issues at WorkSafeBC (WSBC) and Workers' Compensation Appeal Tribunal (WCAT).
- Provide education, training and mentoring to government agencies, public groups, professional associations and unions.
- Provide input to senior WSBC management and the Board of Directors on policy and practice issues.
- Provide expert advice to the Ministry and government on workers' compensation public policy and appeal system issues.

Related Legislation:

- *Workers' Compensation Act* – section 94

Organizational Chart:



WORKERS' ADVISERS OFFICE

**MINISTRY OF LABOUR, CITIZENS' SERVICES
AND OPEN GOVERNMENT****EMPLOYERS' ADVISERS OFFICE**

ADM Responsible: Trevor Hughes (Acting)

The Employers' Advisers Office (EAO) provides advice, assistance and representation to employers at both the WorkSafeBC and appellate level, with respect to any WorkSafeBC decision where there is merit. The Branch also educates and advises employers regarding compliance with the *Workers Compensation Act* and the Occupational Health and Safety Regulation.

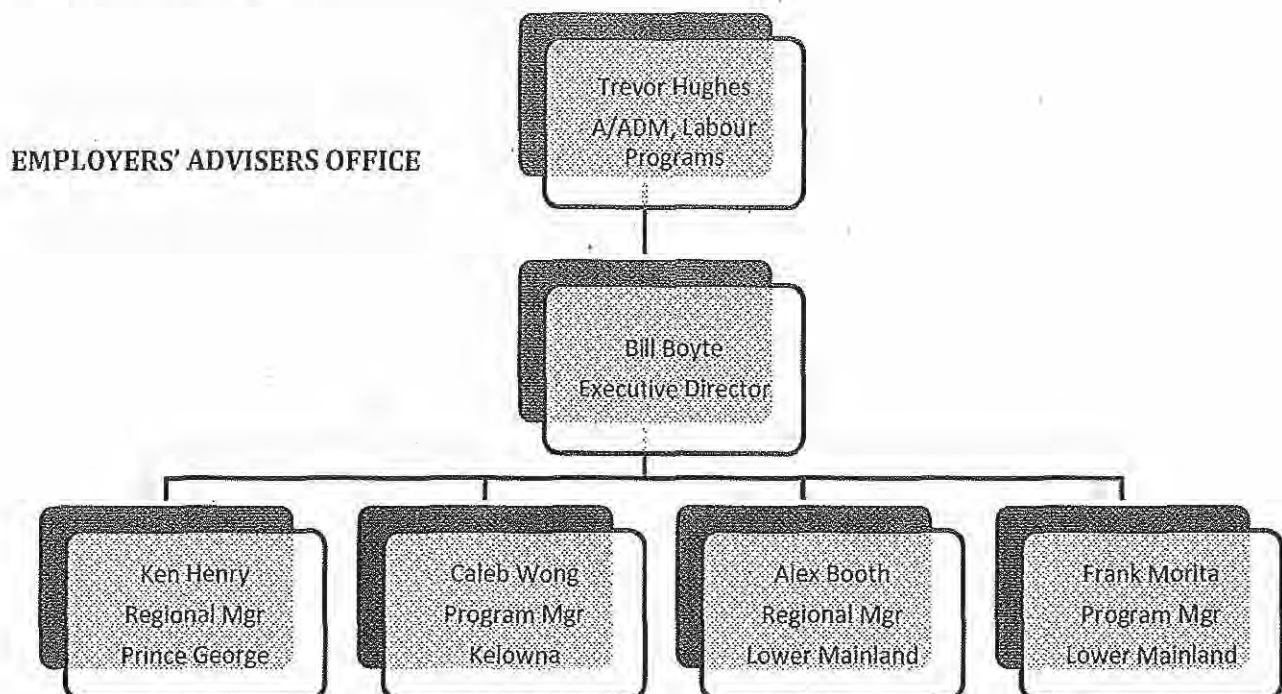
Major Responsibilities:

- To provide employers with advice, assistance, representation and training regarding the interpretation and administration of the Workers Compensation Act or any regulation or decisions made under it.
- To respond to any employer concerns regarding worker claims, employer assessments, accident prevention for worker/employer issues.

Related Legislation:

- *Workers' Compensation Act* – section 94

Organizational Chart:



**MINISTRY OF LABOUR, CITIZENS' SERVICES
AND OPEN GOVERNMENT****EMPLOYMENTS STANDARDS TRIBUNAL**

Chair Responsible: Brent Mullin

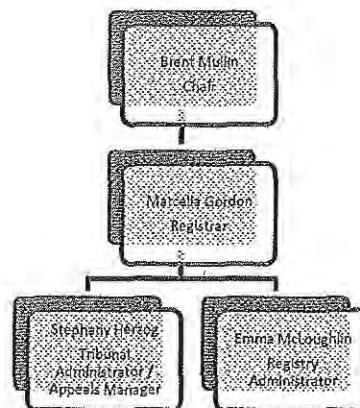
Major Responsibilities:

- To hear and decide appeals of determinations made by the Director of Employment Standards
- To hear and decide requests for reconsiderations of Tribunal decisions

Related Legislation:

- *Employment Standards Act and Regulation*

Organizational Chart:



**EMPLOYMENT
STANDARDS
TRIBUNAL**

Tribunal Members:



**MINISTRY OF LABOUR, CITIZENS SERVICES
AND OPEN GOVERNMENT****WORKSAFEBC****Chair Responsible: George Morfitt**

WorkSafeBC is an independent agency governed by a Board of Directors appointed by government. In administering the *Workers Compensation Act*, WorkSafeBC remains separate and distinct from government; however, WorkSafeBC is accountable to the public through the Minister. The provincial government is responsible for protecting and maintaining the overall well-being of the workers' compensation system.

It is WorkSafeBC's mandate to work with workers and employers to:

- Promote the prevention of workplace injury, illness, and disease
- Rehabilitate those who are injured and assist with timely return to work
- Provide fair compensation to replace lost wages for injured workers during their recovery
- Ensure sound financial management for a viable workers' compensation system

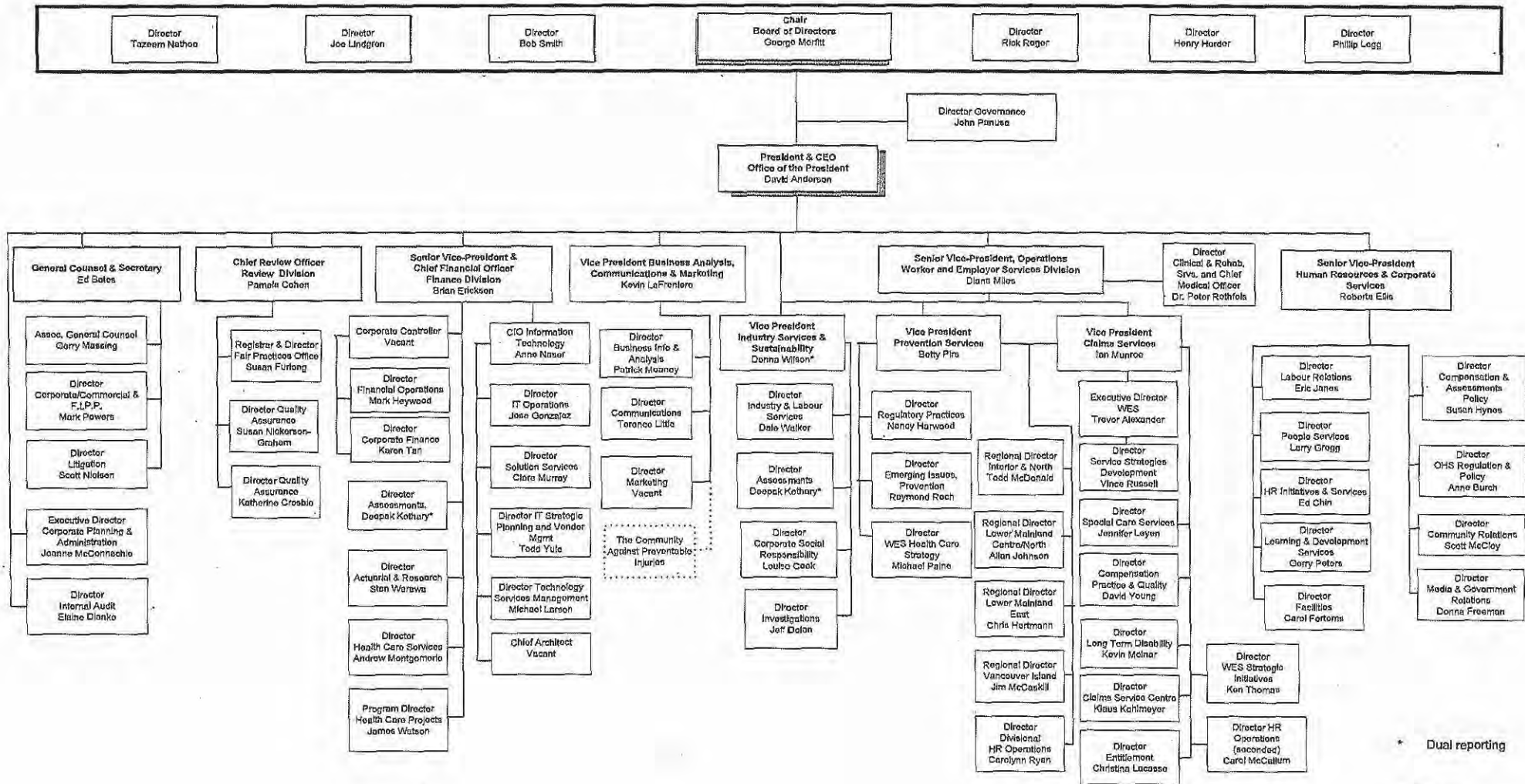
Major Responsibilities:

- As an independent statutory agency, to provide compensation services including income replacement and vocational rehabilitation to workers suffering occupational injury or disease.
- To create and enforce workplace health and safety regulations in the province.

Related Legislation:

- *Workers Compensation Act*

WorkSafeBC Organizational Chart



August 2012

**MINISTRY OF LABOUR, CITIZENS' SERVICES
AND OPEN GOVERNMENT**

WORKERS' COMPENSATION APPEAL TRIBUNAL

Chair Responsible: Caroline Berkey

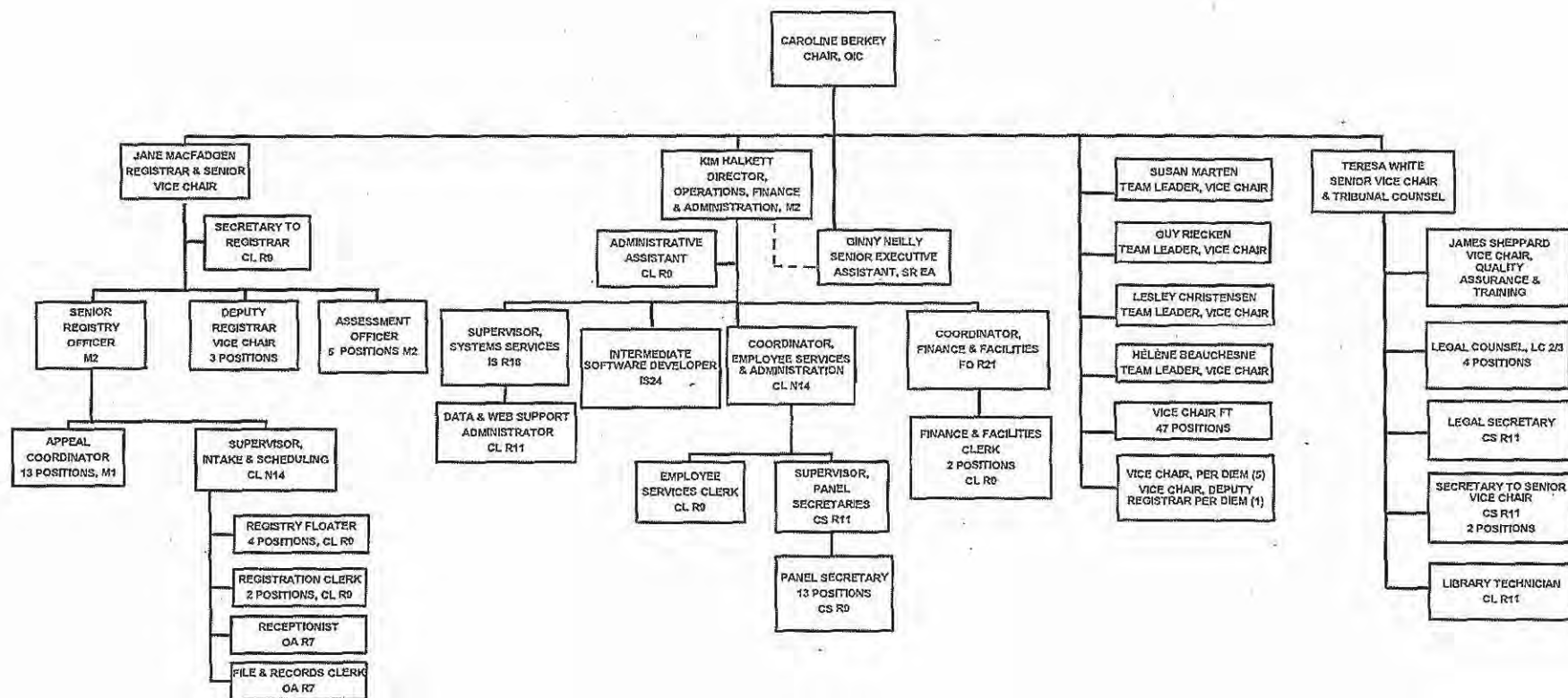
Major Responsibilities:

- Workers' Compensation Appeal Tribunal (WCAT) is an independent, quasi-judicial tribunal established and operated under part 4 of the *Workers' Compensation Act* to decide appeals arising from decisions of review officers of the Board's Review Division with respect to workers' and employers in the areas of claims, prevention, and assessments.
- WCAT hears appeals directly from decisions of Board officers with respect to discriminatory action complaints and applications for reopening. It also issues certificates to the Supreme Court of British Columbia on the status of parties to legal actions.
- To create and enforce workplace health and safety regulations in the province.
- WCAT commenced its operations on March 3, 2003. It replaced the former Workers' Compensation Review Board and the former Appeal Division of the Board.
- WCAT decides appeals following an oral hearing or on the basis of written submissions.

Related Legislation:

- *Workers' Compensation Act*

WORKERS' COMPENSATION APPEAL TRIBUNAL ORGANIZATIONAL CHART
August 29, 2012



MINISTRY OF LABOUR, CITIZENS' SERVICES AND OPEN GOVERNMENT**LABOUR RELATIONS BOARD**

Chair Responsible: Brent Mullin

The *Labour Relations Code* (Code) establishes the Labour Relations Board. The statute grants the Board exclusive jurisdiction to hear and determine applications and complaints under the Code and to make orders under the Code that it deems appropriate.

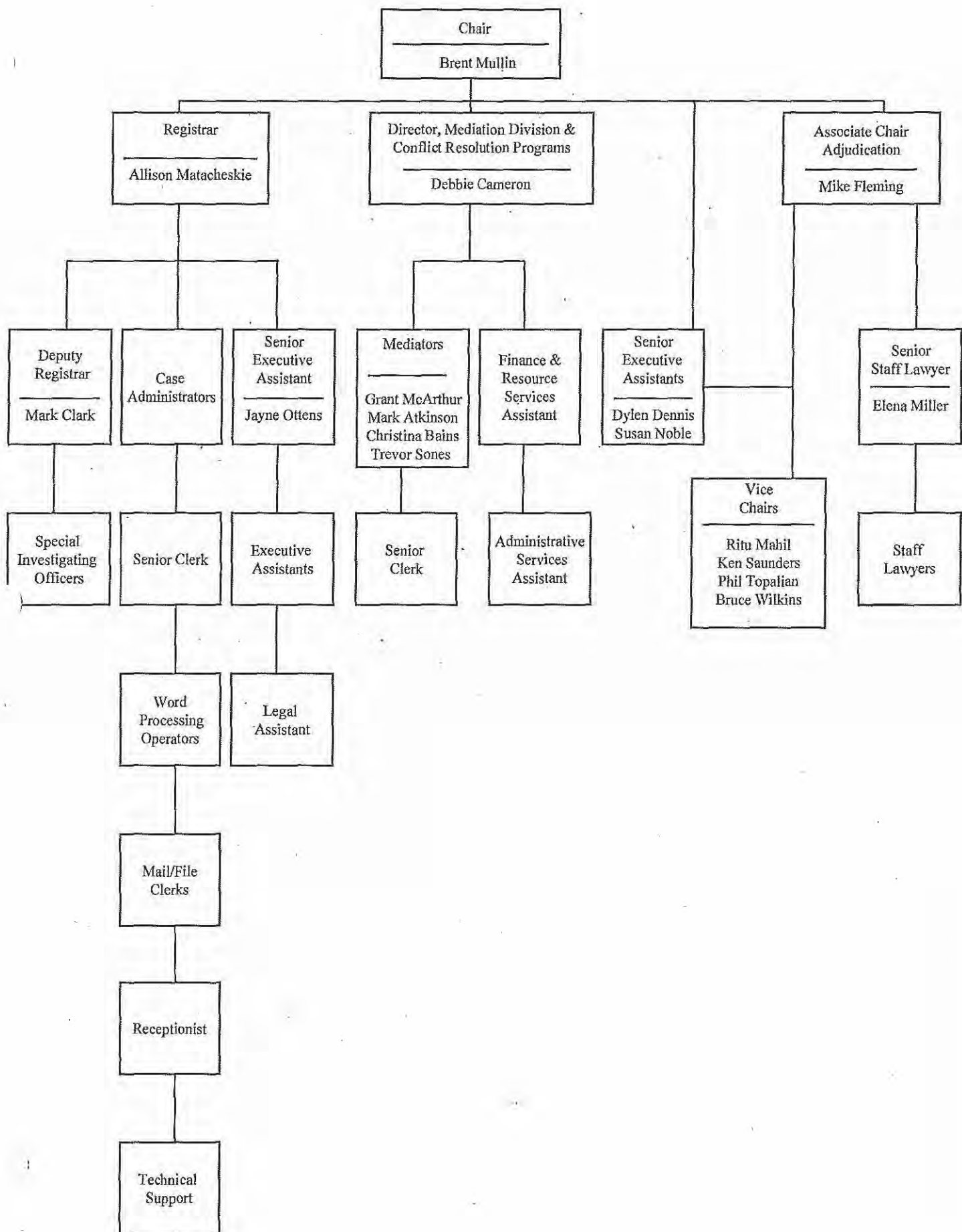
The Code governs all aspects of collective bargaining amongst the provincially-regulated employers and employees to whom the Code applies. This includes the acquisition of collective bargaining rights, the process of collective bargaining, the settlement and regulation of disputes in both the public and private sectors, and the regulation of the representation of persons by their bargaining agents. In addition to administering and enforcing the Code, the Board is charged with responsibility for labour relations matters under several other statutes.

Major Responsibilities:

- The Labour Relations Board is a quasi-judicial administrative tribunal established under the *Labour Relations Code*.
- The adjudication Division is primarily responsible for adjudication of disputes arising under the Code.
- The Mediation Division is responsible for providing services related to collective bargaining, grievance settlement and conflict resolution.

Related Legislation:

- *Labour Relations Code*



**FY 2011/12 Fiscal Year End Position - Public Accounts
Labour Programs**

(\$000s)

	Estimates 11/12	Public Accounts 11/12	Variance	Note	Estimates 12/13
Labour Programs					
Employment Standards	\$7,833	\$7,671	\$162	1	\$7,833
Labour Relations Board	\$4,630	\$4,427	\$203	1	\$4,630
WorkSafe Funded Services	\$1	\$0	\$1		\$1
Corporate Services	\$3,249	\$2,911	\$338	1	\$3,249
Vote Total	\$15,713	\$15,009	\$704		\$15,713

Notes

1. All programs finished the year with small surpluses in salaries due to recruitment lag and matching surpluses in the operating STOBs as well. In Corporate Services the salary savings were driven in part by the elimination of the separate deputy minister position for Labour.

**Tracking Estimates FY 11/12 to 12/13
Labour Programs**

(\$000s)

	Estimates 11/12	Adjustments	Estimates 12/13	
Labour Programs				
Employment Standards	\$7,833	\$0	\$7,833	1
Labour Relations Board	\$4,630	\$0	\$4,630	1
WorkSafe Funded Services	\$1	\$0	\$1	1
Corporate Services	\$3,249	\$0	\$3,249	1
Vote Total	\$15,713	\$0	\$15,713	

Note

1. There were no changes to program budgets between fiscal 11/12 to 12/13.

Ministry 1st Quarter Financial Position
Labour Programs
(\$000s)

	Estimates 12/13	June 30/12 Forecast	Variance	
Labour Programs				
Employment Standards	\$7,833	\$7,833	\$0	
Labour Relations Board	\$4,630	\$4,630	\$0	
WorkSafe Funded Services	\$1	\$1	\$0	
Corporate Services	\$3,249	\$3,049	\$200	1
Vote Total	\$15,713	\$15,513	\$200	

Note

1. Corporate Services forecast a salary surplus as of the end of the First Quarter as a result of the vacant Assistant Deputy Minister position and the eliminated Deputy Minister position.

September 5, 2012

ISSUE NOTE

Issue:

- Preparation of an Order in Council Regulation (OIC) pertaining to resource roads.

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ISSUE NOTE

Issue:

- Response to the BC Federation of Labour – Criminal Code prosecutions of employers.

Background:

- Bill C-45, also known as the "Westray Bill", was created as a result of the 1992 Westray coal mining disaster in Nova Scotia where 26 miners were killed after methane gas ignited causing an explosion. Despite serious safety concerns raised by employees, union officials and government inspectors at the time, the company had instituted few changes.
- In 1998, a Royal Commission made 74 recommendations which led to Bill C-45.
- Bill C-45 amended the Canadian Criminal Code and became law on March 31, 2004. The Bill established new legal duties for workplace health and safety, and imposed serious penalties for violations that result in injuries or death. Bill C-45 provided new rules for attributing criminal liability to organizations, including corporations, and their representatives.
- This has become a high profile issue because the BC Federation of Labour (BC Fed) is drawing attention to the lack of prosecutions under the provisions of Bill C-45.
- The BC Fed and family members of several workers who were killed on the job in British Columbia met with the Minister of Labour and the Minister of Justice on August 28, 2012 to discuss why the new Criminal Code provisions have not been used in BC.

Significant Issues:

- In the past, labour stakeholders in British Columbia, including the BC Fed, have sought to have the provisions of Bill C-45 used to prosecute some employers whose violations of occupational health and safety regulations have resulted in serious injury or death.
- There has been considerable speculation as to why relatively few charges and convictions have been achieved as a result of Bill C-45.

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- The BC Fed has highlighted several workplace accidents in British Columbia that have resulted in the death or serious injury to workers, but that have not led to the laying of charges or convictions under Bill C-45.
- British Columbia is not unique in this regard. Other Canadian jurisdictions have rarely used these provisions to prosecute employers who have not taken reasonable steps to prevent death and serious injury to their workers, and there have been very few convictions.

Decision required:

- No decision is required at this time. The laying of criminal charges for safety violations that result in death or serious injury and the approval of those charges are the responsibility of the police and Crown prosecutors under the Minister of Justice.
- Following the August 28, 2012 meeting with the BC Federation of Labour, it was agreed that: the Ministry of Justice will look at specific cases; the Deputy Attorney General will review the issue with the head of Crown prosecutors; and the Minister of Justice will take the issue to the national stage and discuss the matter with the RCMP.

ISSUE NOTE

Issue:

- **Federal-Provincial-Territorial Meeting of Ministers Responsible for Labour, September 9-10, 2012, in Toronto**

Background:

- Federal, Provincial and Territorial (FPT) ministers with responsibilities for labour typically meet annually to discuss issues of common concern and to provide an opportunity to develop strong and cooperative working relationships.
- The 2012 FPT meeting of ministers responsible for labour is scheduled to be held in Toronto on September 9-10th, 2012.
- Preparation, logistics and agenda-development for the 2012 meeting has been undertaken through the Canadian Association of Administrators of Labour Legislation (CAALL), which is a national committee that is comprised of deputy ministers of labour from Canada's 14 FPT jurisdictions.
- CAALL is funded by a contribution from the federal government and by membership dues from each province and territory, and is supported by a small secretariat located in Ottawa/Gatineau. It provides an FPT forum for reviewing and exchanging information on labour, employment, and occupational health and safety issues of national or international significance. It also serves as the vehicle for the development of the agenda, background papers and logistics for FPT meetings of ministers with responsibilities for labour, as well as on the follow-up required on issues as directed by ministers.
- The agenda for the 2012 meeting is attached.

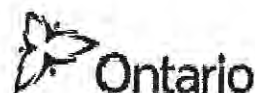
Decision Required:

- A decision is required as to whether the Minister wishes to attend the FPT meeting of ministers responsible for labour in Toronto on September 9-10th, 2012. If the Minister decides to attend, a briefing binder will be provided, and a briefing can be arranged.



Government
of Canada

Gouvernement
du Canada



Updated 2012/08/10

PROPOSED AGENDA

Meeting of Federal-Provincial-Territorial Ministers responsible for Labour

September 9 and 10, 2012

The Frontenac Room
The Westin Harbour Castle
Toronto, Ontario

Sunday, September 9, 2012

19:00 – 21:00

Dinner – La Toula Ristorante
(Ministers and Deputy Ministers)

Monday, September 10, 2012

07:00 – 08:30

Registration (Frontenac Foyer)

07:00 – 08:40

Breakfast

- For ministers and deputy ministers – plated breakfast in Bay room
- For other attendees - buffet Frontenac Foyer

08:40 – 08:45
5 min

Review of administrative details by Conference Secretariat

08:45 – 08:55
10 min

Tab 1

Opening Remarks by the Co-Chairs and Introductions

The Honourable Linda Jeffrey, Minister of Labour
Government of Ontario
The Honourable Lisa Raitt, Minister of Labour
Government of Canada

08:55 – 09:00
5 min

Approval of Agenda

09:00 – 09:30
30 min

Tab 2

Labour Policy Environmental Scan

Introduction by the Honourable David Hancock, Alberta Minister of Human Services

Presenter: Mr. Tim Thompson, Executive Director, Workplace Policy, Legislation and Program Development, Human Services, Government of Alberta

09:30 – 10:15
45 min

Health Break and Photo Session for Ministers
Frontenac Foyer

10:15 – 11:00
45 min

Tab 3 Mental Health in the Workplace

Introduction by the Honourable Lisa Raitt, Minister of Labour,
Government of Canada

Guest Speaker: Ms. Louise Bradley, President and CEO, Mental
Health Commission of Canada

11:00 – 11:45
45 min

Tab 4 Young Workers Social Media Initiative

Introduction by the Honourable Linda Jeffrey, Minister of Labour,
Government of Ontario

Presenter: Mr. Tom Zach, Director, Communications and
Marketing Branch, Labour, Government of Ontario

11:45 – 12:15
30 min

Tab 5 Worker Protection

Presenter: The Honourable Lise Thériault, Minister of Labour,
Government of Québec

12:15 – 13:45
90 min

Luncheon In camera session

- For ministers and deputy ministers – plated lunch served in
Frontenac Ballroom
- For other attendees - buffet lunch in Bay room

13:45 – 14:15
30 min

Tab 6 ILO Convention 138 on Minimum Age of Employment

Introduction by the Honourable Lisa Raitt, Minister of Labour,
Government of Canada

Presenter: Marie-Geneviève Mounier, Assistant Deputy Minister,
Policy, Dispute Resolution and International Affairs, Government of
Canada

14:15 – 15:00
45 min

Tab 7 Diversity of the Workforce—impact on the workplace

Introduction by the Honourable Linda Jeffrey, Minister of Labour,
Government of Ontario

Guest Speaker: Laraine Kaminsky, President, GlobalLK

15:00 – 15:30
30 min

Tab 8 Health Break and Approval of News Release by Ministers
Frontenac Foyer

15:30 – 15:40
10 min

Tab 9 Closing Remarks

15:40 – 16:00
20 min

Tab 10 Media Session Frontenac Ballroom



ISSUE NOTE

Issue:

- Status of Sawmill Explosions Investigations

Background:

- On January 20, 2012, an explosion and fire occurred at the Babine Forest Products mill in Burns Lake. Two workers were killed and 44 people were injured.
- On April 24, 2012, a second explosion occurred at the Lakeland Mill in Prince George. Two workers were killed and 38 people were injured.
- Considerable public speculation has attributed the explosions to an accumulation of wood dust (possibly associated with the abnormally dry pine beetle wood being processed at the mills). However, WorkSafeBC continues to investigate the explosions and has not yet released reports which conclude a definitive cause. Given the complexity of the incidents, it is expected the investigations will take many months to complete.
- The inspection history of both operations indicated that exposure levels of wood dust were recorded but were considered too low to cause harm to workers. The Occupational Health and Safety regulation cites requirements for safe levels of dust – the historic focus has been on respiratory safety due to known risks such as cedar dust, rather than fire concerns.
- On April 26, 2012, out of an abundance of caution, WorkSafeBC issued a directive order to all sawmill employers to reduce dust to a level of 1/8" over no more than 5 per cent of all surfaces in the operation. The directive order gave authority for WorkSafeBC to inspect and review the operations within 90 days.
- Starting in May 2012, the Minister of Labour chaired meetings of a working group established to identify issues and priorities related to mill safety in light of the two explosions. The working group included representatives from WorkSafeBC, the BC Safety Authority, as well as Unions representing mill workers.
- On May 2, 2012, a joint communiqué was released by B.C.'s major forest companies and associations regarding mill safety. The companies established a task force to investigate combustion risks and create an industry-wide standard to provide independent assurance of mill safety.
- On May 8, 2012, the BC Safety Authority (BCSA) issued a safety order relating to regulated electrical equipment ordering sawmills to verify that they have valid operating permits in place, that proper maintenance procedures are being carried out, and that incidents are being reported as per existing BCSA directives.

Significant Issues:

- In light of the two recent high profile mill explosions, and in anticipation of the upcoming WorkSafeBC investigation reports associated with those incidents, the ministry has



September 5, 2012

undertaken preliminary examination of the various agencies and authorities in BC which have a significant impact on safety at workplaces. As has been the case in previous high profile workplace tragedies (e.g., mushroom farm accident, farm worker van accident), it is

S13

- The primary jurisdiction for fire safety in the province is the BC Fire Commissioner's Office. The Office is the senior authority having jurisdiction over fire safety and prevention in B.C. The Office administers the *Fire Services Act* and its regulations, and appoints and trains local assistants to the Fire Commissioner. Recent media reports have indicated that there may have been incidents where local fire departments have been warning saw mills about fire safety issues (including high levels of dust accumulation) but that information was not passed on to WorkSafeBC.
- WorkSafeBC officials have recently advised that WorkSafeBC does not have an MOU regarding information sharing with individual fire departments or the Office of the Fire Commissioner (OFC), but the OFC and WorkSafeBC are working to develop a framework for unified information sharing on inspections and investigations. Their first meeting in this regard is expected to take place in Sept. 2012.

Decision required:

- No decision is required at this time. Further briefings will be arranged as steps are taken to improve the sharing of information across agencies, and when WorkSafeBC's investigation reports are released. The Minister of Labour may have an opportunity to become involved (or lead) a high level working group to ensure appropriate coordinated action among agencies.

ISSUE NOTE

Issue:

- Response to Coroner jury inquest recommendations into the fatal 2008 mushroom farm accident.

Background:

- On September 5, 2008, three workers died and two others were seriously injured at a mushroom farm in Langley due to exposure to a hazardous atmosphere in a confined space.
- In May 2012, a Coroner's jury reached its verdict into the death of the three workers and made recommendations to a number of organizations including WorkSafeBC.
- As a result of the evidence provided to the Coroner's jury, the media attention given to the proceedings, and steps that are currently being taken to implement the Coroner's recommendations, this issue continues to have a high profile. This is one of the workplace accidents that the BC Federation of Labour has drawn attention to regarding the lack of prosecutions under the provisions of Bill C-45 (see D-2).
- There were 15 recommendations addressed to the Ministry of Environment, BC Ambulance Service and WorkSafeBC -11 of the recommendations were addressed to WorkSafeBC.

Significant Issues:

- WorkSafeBC has indicated that it is working on all of the 11 recommendations directed to it.
- WorkSafeBC has developed a dedicated webpage on its website to providing up to date information on the actions being taken as a result of the Coroner's jury's recommendations.
- Of the 11 recommendations, four involve changes to the Occupational Health and Safety Regulation. The WorkSafeBC Board of Directors has approved that all four of these recommendations be placed on its 2013-14 regulatory workplan.
- Of the other seven recommendations, the following provides examples of actions taken:
 - The Coroner's jury recommended an increase in the number of WorkSafeBC Agricultural Inspectors. WorkSafeBC has undertaken to increase the overall complement of agricultural inspectors in 2012.
 - The Coroner's jury recommended an increase in the number of Prevention Officers. The WorkSafeBC President and CEO directed a comprehensive review of occupational health and safety activity to assess the benefits of additional resources.
 - Work has begun on recommendations aimed at ensuring that all confined spaces and hazardous areas are labelled with appropriate signage in various languages.
 - Work has also begun on recommendations that WorkSafeBC: work with the Farm and Ranch Safety and Health Association (FARSHA) to co-ordinate and enhance education and enforcement activity regarding confined spaces and other hazards in the agricultural sector; and set up a confined space centre of excellence.

Decision required:

- No decision is required at this time. WorkSafeBC has taken action to address and implement the recommendations of the Coroner's jury. WorkSafeBC has committed to continue working on these recommendations to ensure effective compliance.



ISSUE NOTE

Issue:

- *Employment Standards Act* consultation and public engagement

Background:

- The last major reviews of the *Employment Standards Act* were done in 1993 by consultant Mark Thompson and in 2002 as part of government's core review. While these reviews resulted in a number of legislative changes, some issues remained.
- There are a number of trends and developments in the world of work creating pressures and demands for a more flexible and responsive employment standards system. Some of the important trends and developments include the following:
 - the provincial economy was once primarily resource based but is now more diversified and includes new service and information based industries;
 - a decline in the portion of the workforce that is unionized, resulting in more members of the workforce being covered by the *Employment Standards Act*, as opposed to collective agreements;
 - the makeup of the workforce is changing to include more women and more foreign-born workers;
 - globalization, changes in technology and the shift from a resource and manufacturing-based to a service-based economy, resulting in non-traditional work models, such as alternate work locations, extended customer service hours and more part-time, temporary and contract workers, and
 - work-life conflict for workers and their families, and related stress and social implications.
- The *Employment Standards Act* was originally based on an industrial model of employment with full-time employees working an 8 hour shift, five days a week, at the employer's premises. However, many workplaces no longer operate on the standard industrial model.
- While there has been some updating of the Act, an opportunity remains to consider further changes – all in the context of the modern workplace:
 - to respond to the diverse needs of employers and employees,
 - to support job creation and economic development,
 - to support families;
 - to respond to changes in technology, and
 - to provide appropriate protections for employees, particularly vulnerable workers such as low-wage earners, "lower-skilled" workers, farm workers, domestic employees, and foreign-born workers, among others.

September 5, 2012

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Significant Issues:

S13

Decision required:

S13

ISSUE NOTE

Issue:

- Implementation of Bill 14-2011 – mental disorders; bullying and harassment.

Background:

- In November, 2011 Government introduced Bill 14, *Workers Compensation Amendment Act, 2011*. The primary reason for this legislation was to amend the mental stress provisions of the *Workers Compensation Act*, which compensated acute reactions to sudden and traumatic events, but excluded chronic stress conditions arising from the workplace. The exclusion of chronic stress was the subject of legal challenges of discrimination under the *Human Rights Code*.
- In bringing this legislation forward, Government recognized that work-related mental disorders have a significant impact on workers. This legislation extends compensation to mental disorders that arise out of the course of work.
- In response to concerns raised by the employer stakeholder community, Government introduced amendments to Bill 14 in May 2012. These amendments ensured:
 - Compensation will only be considered when a recognized disorder is diagnosed by a physician or psychologist.
 - The mental disorder must be predominantly caused by significant work-related stressors.
 - An explicit recognition that bullying or harassment could be a significant work-related stressor.
 - Mental stress claims that result from an employment decision such as discipline or other decisions related to the worker's employment will continue to be excluded.

Significant Issues:

- On July 1 2012, Bill 14 coverage for mental disorders came into effect.
- The implementation of Bill 14 has presented challenges to WorkSafeBC. For example, employers have expressed concern about overlapping investigations that involve workers' compensation, human rights issues and grievances.
- To address these challenges, WorkSafeBC is taking the necessary steps to ensure the smooth implementation of Bill 14. These include:
 - Creation of a centralized Mental Health Claims Unit to adjudicate these claims.
 - Communication of the new provisions to employer and worker stakeholders.
 - Expansion of its psychology provider network.
- WorkSafeBC is receiving approximately 40 claims a week, which is on-target for their forecast of roughly 2000 claims a year.
- WorkSafeBC has also released for consultation a discussion paper and proposed new Occupational Health and Safety policies regarding workplace bullying and harassment. Stakeholders have been invited to provide their feedback by September 28, 2012.

Decision required:

- No decision is required at this time. WorkSafeBC is taking the necessary steps to ensure the smooth implementation of the provisions of Bill 14.

ISSUE NOTE

Issue:

- Status of Labour's Legislative Calendar

Background:

- The Ministry's "legislative calendar" which is designed to assist Cabinet Operations with its medium and long term legislative planning includes the following possible legislative items, all anticipated for fall 2013 or later:

S12

ISSUE NOTE

Issue:

- Timelines for decisions at the B.C. Labour Relations Board.

Background:

- The timeliness of B.C. Labour Relations Board (LRB) decisions has been an on-going concern for some LRB stakeholders. It was the subject of a 2004 report (by consultant and lawyer Maria Giardini) and a further review by former Deputy Minister Lee Doney in 2005, which recommended legislation that would enable the Minister to set timelines by regulation.
- In 2008, amendments to the *Labour Relations Code* introduced a requirement for the LRB to issue its decisions on applications and complaints within time periods to be prescribed by ministerial regulation (note that formal Cabinet approval is not required).
- Ministry staff consulted with stakeholders to obtain input on the timelines proposed by Doney – a six month timeframe only on non-expedited matters before the LRB, beginning on the date the LRB receives the application.
- With input received from the B.C. Federation of Labour (BC Fed) and the LRB in June 2010, the Ministry worked with legislative counsel to draft a ministerial regulation that would establish timelines for all LRB decisions (i.e., not just for non-expedited matters). Ministry staff followed up with further stakeholder meetings, including meeting with some members of the legal community, on a revised draft in October 2010.
- The LRB chair is very supportive of the timelines initiative. The BCFed and the Business Council of B.C. also support timelines. Some stakeholders in the legal community are not supportive of timelines, primarily due to the pressure it will put on their calendars.
- A ministerial regulation setting out the details of timelines and the types of decisions governed by those timelines was established in May of 2012. The timelines regulation is effective on September 1, 2012 and will apply to all outstanding matters and all new applications received after this date.

Decision required:

- No decision is required.
- Ministry staff will work with the LRB and the labour relations community to assess the effectiveness of the ministerial regulation sometime in 2013.

ISSUE NOTE

Issue:

- Minimum Wage and Agriculture Piece Rate Review

Background:

- On March 16, 2011, Government announced a series of three increases to the general minimum wage, the elimination of the "first job rate" (training wage), and the creation of a separate minimum wage for liquor servers.
- The liquor server rate is modelled on the approach taken in Ontario and responds to concerns flowing from the Ministry's stakeholder consultations where employers in the restaurant and bar industry stressed that bringing in an alcohol server rate would help to protect jobs and businesses in the food and beverage sector.
- On May 1, 2012, the final of the three increases to the minimum wage took effect. At \$10.25/hour, BC's minimum wage is now tied with Ontario for the highest among provinces (Nunavut is \$11/hour). The current minimum wage for liquor servers is \$9.00/hr.
- Historically, when the hourly minimum wage is increased the minimum piece rates for hand harvesters of specific fruits and vegetables generally receive increases in proportion to the hourly minimum wage increase. Accordingly, the piece rates received an increase on May 1, 2011, of the same proportion as the first increase in the general minimum wage (i.e., 9.375%). However, further increases to the piece rates, corresponding to the second and third minimum wage increases, did not occur. The decision to maintain the piece rates at the May 1, 2011 rate was based on the results of a formal review of the piece rate system which utilized the expertise of an industry consultant and also involved consultations with employer and labour stakeholders.
- Since the announced changes to the minimum wage, the ministry has received correspondence highlighting a variety of issues both positive and negative. Two common issues have been concerns about the fairness of the lower rate for liquor servers and concerns about the impact of higher costs associated with employing live-in care givers (or "domestics"). Those concerned about increased costs for live-in care givers have advocated for a change to the employment standards regulation

S13

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Significant Issues:

- Questions have been raised about how and when future increases will occur. Based on statements made by government in 2011,

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Decision required:

- A decision about the nature and timing of a minimum wage review will be required. The ministry has continued to monitor and collect information and statistics regarding the minimum wage in BC. Ministry staff can provide options with respect to the exact timing and process for a formal minimum wage review upon direction from government.

ISSUE NOTE**Issue:**

- The protection of temporary foreign workers in British Columbia.

Background:

- BC employers are increasingly relying on the use of temporary foreign workers (TFWs), with substantial increases expected over the next several years. BC has over 67,000 TFWs currently working in the province, more than any other Canadian jurisdiction except Ontario.
- The Ministry of Jobs, Tourism and Innovation (JTI) is making concerted efforts to attract TFWs to the province to ease labour shortages.
- TFWs can be vulnerable to unscrupulous employers. Often, TFWs are unfamiliar with their rights and entitlements under BC laws, do not speak or read English well, or may be reluctant to report violations to the enforcement agencies for fear of losing their job. Accordingly, the influx of TFWs creates compliance and enforcement issues for the Ministry of Labour.
- The Seasonal Agricultural Workers Program (SAWP) is a partnership between the Canadian and Mexico governments which brings TFWs into BC to work in the agriculture sector. Approximately 3,000 workers are employed in BC under the program on an annual basis.
- TFWs are entitled to the same statutory protections as any other workers in the province under the *Employment Standards Act*, *Workers Compensation Act*, and *Labour Relations Code*.

Employment Standards:

- The Employment Standards Branch assists TFWs in a variety of ways, including:
 - Making fact sheets available, in multiple languages.
 - Partnering with community agencies working with foreign workers to deliver education seminars on basic employment standards.
 - Participating in a Canada /BC temporary foreign worker working group, along with other British Columbia ministries and federal government entities, to address labour market, employment standards, and other regulatory and enforcement issues.
 - Being a signatory to a formal information sharing agreement with the federal government to identify employers who have contravened provincial employment standards legislation or the terms of the federal Labour Market Opinion process.
 - Regular participation in radio and television broadcasts on employment standards in Cantonese, Mandarin and Punjabi.
 - Allowing workers with English comprehension difficulties to file complaints directly with the branch rather than having to use the Self-Help Kit like most other workers.
 - Ongoing work by an enforcement team devoted specifically to the farm sector.

Workers' Compensation/Occupational Health and Safety:

- WorkSafeBC has undertaken various initiatives with respect to foreign workers. These include:
 - Communicating with consulates and agencies that deal with foreign workers.
 - Developing a worker orientation specifically for these workers.
 - Translating documents into various languages and providing contracted translation services to enable telephone claim reporting in 170 languages.
 - Ongoing liaison and consultation with stakeholders in the construction and agriculture sectors, where significant numbers of temporary foreign workers are employed.

- Initiatives undertaken by the Workers' Advisers Office (WAO) include:
 - Translation of fact sheets into various languages to provide information on rights and responsibilities related to workers' compensation.
 - Providing interpretation services to assist workers when they contact the WAO.
 - Information sessions on workers' compensation at various multicultural agencies, the Domestic Workers Association, and the BC Federation of Labour
 - On behalf of workers, raising policy issues with WorkSafeBC, such as the calculation of average earnings for temporary foreign workers.
 - Providing a language line which enables instant connection with an interpreter for injured workers.
 - Creation of a specific temporary foreign worker fact sheet.

Labour Relations:

- TFWs have the right to join a union while working in British Columbia.
- The United Food and Commercial Workers union (UFCW) has been working to organize BC farm workers, with a particular focus on Seasonal Agricultural Workers (SAWP) from Mexico. Since 2008 the UFCW has certified workers at three B.C. farms. A collective agreement establishing provisions specific to SAWP workers has been established at one of these farms.

Significant Issues:

- Recently concerns have been raised by officials in various jurisdictions, including British Columbia, regarding consultation and information sharing between provincial ministries and the federal government with respect to the TFW program. In some cases, provinces are concerned that employers with poor employment standards compliance histories are being granted access to TFWs (due to delays and/or problems with information sharing agreements between the province the federal government). In response to these concerns the federal government has

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Decision required:

- No decision is required. Stakeholders can be expected to continue to raise issues related to temporary foreign workers with the minister and government.

ISSUE NOTE

Issue:

- **Workers' Compensation Coverage in the Film and TV Industry**

Background:

- An actress sustained an injury while filming in Vancouver. The film production company had been paying workers' compensation premiums for its cast and crew. Instead of filing a claim with WorkSafeBC (WSBC), the actress launched a personal injury action in court. The production company filed an application with the Workers' Compensation Appeal Tribunal (WCAT) for a determination the actress was a "worker" for the purposes of the *Workers Compensation Act* which would have resulted in the discontinuation of legal action.
- WCAT determined the actress was not a "worker" because she was an employee of a separate corporate entity that she created and of which she was the sole officer, principal, and shareholder. It is that company that should have been registered as an employer and paying premiums to WSBC. Because the company was not registered, she was not covered by WSBC and can proceed with her court action for damages.
- The decision has caused significant concern and uncertainty for both employers and unions in the industry in B.C. The common perception has been that if a production company is paying WSBC premiums, then the workers must be covered and the company cannot then be sued in the event of an injury. The problem is that many performers have created corporate entities similar to that established by the injured actress for reasons related to pension, taxation, protection from being sued personally, and privacy.
- Since the WCAT decision, the industry is concerned that mitigating efforts undertaken by WSBC are not timely enough and do not provide certainty to the industry. Representatives of the industry jointly requested a meeting with the Ministry to discuss the issue and a meeting was held on June 13, 2012. A further meeting was held with industry representatives and senior WSBC representatives and 4 executives from the studios (NBC, ABC, Universal, and Warner Brothers) based in California on August 7, 2012.
- The industry representatives requested WSBC consider whether, under Section 2 of the *Workers Compensation Act*, it would be possible to draft a policy that the WSBC Board of Directors would approve (following an appropriate period of consultation) that would provide the required coverage to the industry. WSBC committed to working with the industry to develop a draft policy for the consideration of its Board of Directors.
- Ministry staff is of the view that a policy developed by WSBC in conjunction with the industry has a high possibility of addressing the joint concerns of the industry stakeholders and would not necessitate an amendment to the *Workers Compensation Act*.
- On August 23, 2012, Minister MacDiarmid met with the WSBC Board Chair (George Morfitt) and the Senior Vice-President of Human Resources and Corporate Services (Roberta Ellis) and mentioned her support for the efforts of WSBC to address this issue as

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soon as possible given the concerns raised by employers and unions about ensuring the continued viability of the industry in the province.

Significant Issues:

- WSBC is working with representatives of the industry to try to address the issues raised regarding coverage. Studio executives have indicated the need for certainty on the issue as a consideration in deciding whether to continue filming in B.C. (an industry generating approximately \$1.5 billion in economic benefits to the province). WSBC is aiming to take a draft policy to its Board of Directors in October 2012.

Decision required:

- No decision is required at this time. Further briefings will be arranged if necessary as WSBC develops and releases its draft policy for consultation.

ISSUE NOTE

Issue:

- Status of WorkSafeBC's 2013 premium rate consultations.

Background:

- The *Workers Compensation Act* requires WorkSafeBC to set premium rates for employers every year to pay for the workers' compensation system.
- The system is funded entirely by employer insurance premiums and investment returns. There are no tax payer dollars involved and government neither subsidizes the costs, nor takes any funds, income or "profits" from the accident fund.
- Premium rates are based on injury rates, claim costs, and the estimated future costs of today's claims.

Significant Issues:

- WorkSafeBC's Board of Directors has approved a consultation process with employers on proposed 2013 premium rates.
- After nearly a decade with no increase to the provincial average base rate – S13, S17
S13, S17
- S13, S17
- The premium increase is not due to increases in the average cost rate, which remains relatively flat at \$1.66 as compared to \$1.65 in the previous year (and which has reduced from \$1.76 in 2010). S13, S17
- Surplus investment returns are shared with employers through a 5 year smoothing mechanism that provides a price "subsidy or discount". That 5 year period now is significantly impacted by the weak financial markets that have existed world-wide since 2008.
- Increases are never welcome and there may be negative reaction from some employers. However, the increase under consultation represents S13, S17 employer's total payroll.
- As an example, for a small business employer with a payroll S13, S17 this increase represents S13, S17
- S13, S17
- WorkSafeBC briefed the previous Minister about the increase to the premium rate and its plan for consultations on July 30, 2012.

Decision required:

- No decision is required at this time. Since the public release of the proposed 2013 premium rates on the WorkSafeBC website on August 1st, the general response has been muted. To date, WorkSafeBC has received no enquiries or complaints specific to the rates.
- The WorkSafeBC Board of Directors is expected to approve these proposed premium rates later in 2012.

ISSUE NOTE

Issue:

- **Publication of Employment Standards data sets on DataBC.**

Background:

- In an effort to be a leader in Canada in publishing government data, the province established DataBC in 2011 following a commitment by the Premier. DataBC is designed as the place to find data, services, applications and tools to help the public make informed decisions, inspire change, or develop ideas to improve government policies.
- The information sharing is governed by legislation and policy that provides for the release of public information.
- One of the directions contained in the Premier's commitment was that Ministries will take steps to expand public access to government data. As a result, the Ministry of Labour, Citizens' Services and Open Government has engaged in efforts to identify data sets that meet the principles behind the open data initiative.
- The Employment Standards Branch identified two data sets for publication on DataBC. The first data set would include all closed/resolved employment standards complaints from January 2003 onward. The second data set would include all contraventions from January 2003 onward. Both data sets would be updated on a quarterly basis. Complaints received but not yet resolved/closed would not be included nor would data prior to January 2003.
- One of the Ministry's objectives in intending to publish the data sets is to encourage employers to comply with the *Employment Standards Act*.
- At the end of July 2012, Ministry staff advised employer groups, unions, and other interested stakeholders of the intention to publish these two data sets. Immediately several employer groups contacted Ministry staff and the Minister to express concern about the publication of the complaints data set. Despite the publication of complaints data on a case-by-case request in the past (e.g., due to a specific media request), the employer groups expressed several concerns about the complaints data set. These complaints included concerns that: disclosure is not authorized by law; disclosure is unbalanced if employers are identified while complainants (individuals) are not; assumptions will be made about whether employers complied with the Act even where the data set shows a complaint was withdrawn/abandoned/resolved.
- Ministry staff provided the Minister with advice about the merits of the concerns raised by the employer groups. The advice was developed in consultation with both the Chief Information Officer and Ministry of Attorney General and confirmed that both the *Employment Standards Act* and the *Freedom of Information and Protection of Privacy Act* authorize and legitimize disclosure.
- In early August 2012, the Minister met with eight employer groups to hear their concerns. As a result of this meeting, the Minister advised them that the Ministry would not proceed



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with the publication of either data set at this time. The Minister advised she would reflect on their feedback and suggestions before considering any further action (perhaps in concert with a proposed review of and consultation on the *Employment Standards Act*).

Decision required:

- No decision is required at this time. If the Minister wishes to consider any further action, ministry staff will develop options for the Minister's consideration.

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ISSUE NOTE

S12

ISSUE NOTE

Issue:

- Public Sector collective bargaining update and report on current disputes

Background:

- The Industrial Relations Division of the Ministry monitors all collective bargaining disputes in the public and private sectors but pays particular attention to disputes that could have a negative impact on the public interest. In such cases, the Ministry is in touch with the parties to offer assistance, where possible, and to stay informed about developments in the dispute.
- The parties have the ability to proceed to mediation on their own initiative at the B.C. Labour Relations Board. The *Labour Relations Code* also provides mechanisms for the Minister of Labour to assist in disputes if requested by the parties or if the Minister determines it to be in the public interest, such as appointing a special mediator or an industrial inquiry commission.
- The table below identifies collective bargaining relationships with an impact on the public.

Employer	Union	Events/Status	Issues/ Comments
Province of B.C.	B.C. Government and Service Employees' Union (26,125 employees).	<u>September 5, 2012:</u> The union will engage in a one-day walkout in all government offices (subject only to maintenance of essential services).	Union has rejected the employer's offer which includes a 2% wage increase July 1, 2012 and a 1.5% wage increase July 1, 2013.
Health Authorities and Affiliates represented by the Health Employers Association of B.C. (HEABC).	Nurses' Bargaining Association (33,300 employees)	<u>August 27, 2012:</u> Collective bargaining to continue to September 5.	
Health Authorities and Affiliates represented by HEABC.	Facilities Bargaining Association (50,000 employees).	<u>August 27, 2012:</u> Collective bargaining to continue in September.	Parties are bargaining while the LRB adjudicates BCNU's application to represent over 7,000 Licensed Practical Nurses currently represented by HEU.



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Employer	Union	Events/Status	Issues/ Comments
Health Authorities and Affiliates represented by HEABC.	Community Subsector Bargaining Association (16,400 employees).	<u>August 27, 2012:</u> Union bargaining association announces its intention to take a strike vote with completion in September.	
Community Social Services Employers' Association.	Community Social Services Bargaining Association (9,300 employees).	<u>July 23, 2012:</u> Members in General Services voted 85 per cent in favour of strike action. Members in Community Living Services voted 90 per cent in favour.	The union bargaining association is in a legal strike position but has not issued notice to strike.
Insurance Corporation of B.C.	Canadian Office and Professional Employees (4,200 employees).	<u>July 6, 2012:</u> Union commenced legal strike in the form of an overtime ban.	The LRB has ruled that the employer's failure to negotiate monetary items pending government's review of ICBC is a breach of the Code.

Significant Issues:

- No collective agreements have been negotiated under the current 2012-2014 "co-operative gains" mandate despite several months of collective bargaining, including in the public service and the health sector.
- Collective bargaining under the 2012 mandate is continuing into September. In some sectors, there have been short, targeted strikes (e.g., the B.C. Government and Service Employees' Union has engaged in three 24-hour work stoppages). In other cases, unions are moving ahead with strike votes so as to be in position to strike and/or force a change of the mandate at the bargaining table.
- The Ministry has not been directly involved in collective bargaining under the 2012 mandate although several parties have appeared for mediation at the B.C. Labour Relations Board.
- For the purposes of the Public Sector Employers' Council Secretariat (PSEC), WorkSafeBC is considered a Crown Agency. This means that the Minister must approve the savings and bargaining plans for WorkSafeBC under the 2012 mandate. Ministry staff are working with WorkSafeBC and PSEC to develop the necessary materials for the Minister's approval before WorkSafeBC continues collective bargaining in October 2012.

Decision Required:

- Ministry staff will present WorkSafeBC's savings and bargaining plan for the Minister's approval prior to further collective bargaining in October 2012.

MAJOR STAKEHOLDER LIST

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
AGRICULTURE SECTOR					
United Food & Commercial Workers' Intl. Union (UFCW) [Union]	Nancy Quiring, Regional Director Western Provinces	PO Box 21056 RPO Westwood Plateau Coquitlam BC V3E 3P9	P: 604 269-3511 F: 604 909-1701	nquiring@ufcw.ca	http://www.ufcw.ca/
Canadian Farmworkers' Union [Union]	Charan Gill Secretary	203-12725 80 th Ave Surrey BC V8W 3A6	P: 604-596-4242		
B.C. Agriculture Council	Reg Ens, Exec. Director	230-32160 South Fraser Way Abbotsford BC V2T 1W5	P: 604-854-4454 F: 604-854-4485	reg@bcac.bc.ca	http://www.bcac.bc.ca/
FOREST SECTOR					
Council on Northern Interior Forest Employment Relations (CONIFER) [Employer Association]	Mike Bryce, Exec. Director	400-299 Victoria St. Prince George BC V2L 5B8	P: 250 564-5166 F: 250 563-3124	mike@conifer.ca	http://www.conifer.ca/site
Forest Industrial Relations Ltd. (FIR) [Employer Association]	Tom Getzie Vice President	Suite 709 – 510 Burrard St. Vancouver, BC V6C 3A8	P: 604 683-4273 F: 604 683-4259	rstryvok@forestindrel.com	
Interior Forest Labour Relations Association (IFLRA) [Employer Association]	Vern Carter, President	320-1855 Kirschner Rd. Kelowna BC V1Y 4N7	P: 250 860-3592 F: 250 868-2977	vcarter@iflra.com	
United Steelworkers (formerly IWA) [Union]	Steve Hunt, District Director	300-3920 Norland Ave. Burnaby BC V5G 4K7	P: 604 683-1117 F: 604 688-6416	shunt@usw.ca	http://www.usw.ca/districts/3
Communications, Energy & Paperworkers Union of Canada (CEP) [Union]	Jim Britton VP, Western Region	540-1199 W. Pender Vancouver BC V6E 2R1	P: 604 682-6501 Ext. 224 F: 604 685-5078	jbritton@cep.ca	http://www.cep.ca

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
Pulp, Paper and Woodworkers of Canada (PPWC) [Union]	Chris Elias, President	201-1184 West Sixth Ave. Vancouver BC V6H 1A4	P: 604 731-1909 F: 604 731-6448	celias@ppwc.ca	http://www.ppwc.ca
Coast Forest Products Association	Rick Jeffery, President / CEO	1200-1090 W. Pender St. Vancouver BC V6E 2N7	P: 604 891-1238 F: 604 682-8641	jeffery@coastforest.org	http://www.coastforest.org/
Council of Forest Industries (COFI)	John Allan, President / CEO	1501-700 W. Pender St. Pender Place I Business Building Vancouver BC V6C 1G8	P: 604 684-0211 F: 604-687-4930 D: 604-891-1205	allan@cofi.org	http://www.cofi.org
Interior Lumber Manufacturers Association (ILMA)	Jim Hackett, President	440 Sealion Place Nanaimo BC V9V 1B3	P: 250 756-3665 F: 250 756-3621	ilma@shaw.ca	http://www.ilma.com/
Western Silvicultural Contractors Association	John Betts, Exec. Director	720-999 West Broadway Vancouver BC V5Z 1K5	P: 604 736-8660 F: 604 738-4080 D: 250-229-4380 DF: 250-229-4366	info@wsca.ca	http://www.wsca.ca/
HEALTH SECTOR					
College of Psychologists of British Columbia	John Carter, Board Vice Chair Michael Elterman, Board Chair	404-1755 West Broadway Vancouver, BC V6J 4S5	P: 604 736-6164 F: 604 736-6133		www.collegeofpsychologists.bc.ca
B.C. Psychological Association	Dr. Joti Samra, President	204-1909 W. Broadway Vancouver, BC V6J 1Z3	P: 604 730-0501 F: 604 730-0502	bcpa@telus.net	www.psychologists.bc.ca
College of Registered Nurses	Laurel Brunke Registrar/CEO	2855 Arbutus Street, Vancouver, BC, V6J 3Y8	P: 604 736-7331 F: 604.738.2272	info@crnbc.ca	https://www.crnbc.ca/CRNBC/Pages/Default.aspx
BC Medical Association	Dr. Nasir Jetha President Allan Seckel, CEO	115-1665 W Broadway, Vancouver, BC V6J 5A4	P: 604 736-5551	president@bcma.bc.ca	https://www.bcma.org/

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
Health Employers Association of B.C. (HEABC) [Employer Association]	Michael Marchbank President / CEO	200-1333 West Broadway Vancouver BC V6H 4C6	P: 604 736-5909 F: 604 736-2715	contact@heabc.bc.ca	http://www.heabc.bc.ca/site4.aspx
Hospital Employees' Union (HEU) [Union]	Bonnie Pearson Secretary Business Mgr	5000 North Fraser Way Burnaby, BC V5J 5M3	P: 604-456-7001	bpearson@heu.org	http://www.heu.org/
B.C. Nurses' Union (BCNU) [Union]	Debra McPherson, President	4060 Regent Street, Burnaby BC V5C 6P5	P: 604 433-2268 F: 604 433-7945	Dmcperson@bcnu.org	http://www.bcnu.org/
Health Sciences Association of B.C. (HSA) [Union]	Reid Johnson, President Maureen Headley, Executive Director	300-5118 Joyce St. Vancouver BC V5R 4H1	P: 604 439-0994 F: 604 439-0976	webpres@hsabc.org	http://www.hsabc.org/
EDUCATION SECTOR (K to 12)					
Public Schools Employers Association (BCPSEA) [Employer Association]	Hugh Finlayson, CEO Melanie Joy, Chair	400-1333 W. Broadway Vancouver BC V6H 4C1	P: 604 730-4515 F: 604 730-0787 P: 604 730-0739 (General)	hughf@bcpsea.bc.ca mjoy@sd8.bc.ca	http://www.bcpsea.bc.ca
B.C. Teachers' Federation (BCTF) [Union]	Susan Lambert, President	100-550 West 6th Avenue Vancouver BC V5Z 4P2	P: 604 871-2152 F: 604 871-2290	slambert@bctf.ca	http://bctf.ca/
EDUCATION SECTOR (Post-Secondary)					
Post Secondary Employers' Association [Employer Association]	Anita Bleick, CEO	422-1333 W. Broadway Vancouver BC V6H 4C1	P: 604 895-5050 F: 604 895-5069	psea@psea.bc.ca	http://www.psea.bc.ca
Federation of Post Secondary Educators [Union]	Cindy Oliver, President	400-550 West 6th Ave. Vancouver BC V5Z 1A1	P: 604 873-8988 F: 604 873-8865	coliver@fpse.ca	http://www.fpse.ca/

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
Confederation of University Faculty Association of B.C.	David Mirhady, President	315-207 W. Hastings St. Vancouver BC V6B 1H7	P: 604 646-4677 F: 604 646-4676 D: 778-782-3906		http://www.cufa.bc.ca/
FOOD/RETAIL SECTOR					
B.C. Restaurant & Foodservices Association	Ian Tostenson, President / CEO	439 Helmcken Street Vancouver BC V6B 2E6	P: 604 669-2239 F: 604 669-6175	itostenson@bcrcfa.com Fax preferred	www.bcrfa.com
Canadian Restaurant & Foodservices Association	Mark von Schellwitz, President	2410-555 W. Hastings St. PO Box 12125 Vancouver BC V6B 4N6	P: 604 685-9655 F: 604 685-9633	mark@crfa.ca	www.crfa.ca
Retail Council of Canada	Shafiq Jamal Vice-President, Western Canada	#209-1730 West 2 nd Avenue, Vancouver, BC V6J 1H6	P: 604-683-7706	sjamal@retailcouncil.org	http://www.retailcouncil.org/
Shelfspace – The Association for Retail Entrepreneurs	Mark Startup, President / CEO	#208-1730 West 2 nd Ave., Vancouver BC V6J 1V6	P: 604 736-0368 or 604-730-5252 F: 604 736-3154	mark@shelfspace.ca	http:// www.shelfspace.ca
Canadian Manufacturers & Exporters	Peter Jeffrey, VP for BC	540-688 W. Hastings Vancouver BC V6B 1P1	P: 604 713-7800 F: 604 713-7801 D: 604-713-7804	bc.reception@cme-mec.ca peter.jeffrey@cme-mec.ca	http://www.cme-mec.ca/english
CONSTRUCTION SECTOR					
Construction Labour Relations Association of B.C. (CLRA)	Jim Bromley, Chair	97-6th Street PO Box 820 New Westminster, BC V3L 4Z8	P: 604-946-1231		www.clra-bc.com
[Employer Association]	Clyde Scollan President		Head Office: P: 604 524-4911 F: 604 524-3925	clydes@clra-bc.com	
Construction Maintenance and Allied Workerd (CMAW)	Jan Noster, President	1450 Kootenay St., Vancouver, BC V5K 4R1	P: 604 437-0471 F: 604 437-1110		http://www.cmaw.ca/contact
[Union]					

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
B.C. & Yukon Building Trades Council [Union]	Tom Sigurdson, Exec. Director	204-4333 Ledger Ave. Burnaby BC V5G 3T3	P: 778-397-2220 F: 778-397-2250	tsigurdson@bcbuildingtrades.org	www.bcbuildingtrades.org
Canadian Home Builders' Association	MJ Whitemarsh, CEO Doug Wittal, President	B.C.I.T. Campus, Bldg. NW 5 3700 Willingdon Ave. Burnaby BC V5G 3H2	P: 604 432-7112 F: 604 432-9038	mjwhitemarsh@chbabc.org	http://www.chbabc.org/
Council of Construction Associations	Grant McMillan, President	138-5751 Cedarbridge Way, Richmond BC V6X 2A8	P: 604 241-7667 F: 604 241-7678	grantmcmillan@shaw.ca	http://www.bccassn.com/coca/
B.C. Construction Association	Manley McLachlan, President	401-655 Tyee Road, Victoria BC V9A 7N6	P: 250 475-1077 F: 250 475-1078	manley@mccassn.com	http://www.bccassn.com/home.html
B.C. Association for Crane Safety	Ron Karras, Chair Fraser Cocks Executive Director	PO Box 234 – 720 Sixth Street New Westminster, BC V3L 3C5	P: 604-336-4699 F: 604-336-4510 C: 604 -230-1267	info@bcacs.ca	www.bcacs.ca
United Brotherhood of Carpenters and Joiners Local 1598	Wayne Cox Financial Secretary and Business Manager	#210 – 2750 Quadra Street Victoria, BC V8T 4E8	P: 250-383-8116 F: 250-838-1603	Local1598@telus.net	http://www.victoriacarpenters.com
AUTOMOBILE/TRUCKING/SHIPPING SECTOR					
National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW) [Union]	Susan Spratt, BC/AB Area Director Gavin McGarrigle, National Representative	326-12th St., 2nd floor New Westminster, BC V3M 4H6	P: 604 522-7911 F: 604 522-8975	Cawbc1@caw.ca	http://www.caw.ca/index.asp
International Longshore & Warehouse Union [Union]	Tom Dufresne President	180-111 Victoria Dr., Vancouver, BC V5L 4C4	P: 604-254-8141 F: 604-254-8183	tom@ilwu.ca	http://www.ilwu.ca/

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
New Car Dealers Association	Blair Qualey, President / CEO	70-10551 Shellbridge Way Richmond BC V6X 2W9	P: 604 214-9964 F: 604 214-9965	info@newcardealers.ca	http://www.newcardealers.ca
B.C. Trucking Association	Louise Yako, President / CEO	100-20111 93A Ave. Langley BC V1M 4A9	P: 604-888-5319 F: 604-888-2941	bcta@bctrucking.com	www.bctrucking.com
Recreational Vehicle Dealers Association (BC) (Stakeholder on auto sales reg.)	Joan Jackson, Exec. Director	201-17700 56th Ave. Surrey BC V3S 1C7	P: 604 575-3868 F: 604 575-3869	info@rvda.bc.ca	http://www.rvda.bc.ca/
Truck Loggers Association	Dave Lewis, Exec. Director	725-815 W. Hastings St. Vancouver BC V6C 1B4	P: 604 684-4291 Ext. 1 D: ext 223 F: 604 684-7134	contact@tla.ca	http://www.tla.ca/

ORGANIZATIONS THAT REPRESENT BUSINESS INTERESTS

Business Council of British Columbia	Greg D'Avignon President / CEO	810-1050 W. Pender St. Vancouver BC V6E 3S7	P: 604 684-3384 F: 604 684-7957 DP: 604 696-6586	greg.davignon@bc.bc.com	http://www.bcbc.com/
	Jock Finlayson, Exec Vice President				
Independent Contractors & Businesses Association of B.C. (ICBA)	Philip Hochstein, President	211-3823 Henning Dr. Burnaby BC V5C 6P3	P: 604 298-7795 F: 604 298-2246	philip@icba.ca	http://www.icba.bc.ca/
Canadian Federation of Independent Business	Laura Jones, Sr. VP Research, Economics and Western Canada	1430-625 Howe St. Vancouver BC V6C 2T6	P: 604 684-5325 F: 604 684-0529	msbc@cfib.ca Laura.Jones@cfib.ca	http://www.cfib.ca/legis/bc/
	Shachi Kurl Director of Provincial Affairs - BC		P: 604-684-5325	shachi.kurl@cfib.ca	
Coalition of B.C. Businesses	Mark Von Schellwitz, Chair	714-938 Howe St. Vancouver BC V6Z 1N9	P: 604 682-8366 F: 604 525-1409	Info@CoalitionBCBusiness.ca	http://www.coalitionbcbusiness.ca/
	Victor Vrsnik, Coordinator			victor@spirepr.ca	

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
B.C. Chamber of Commerce	John Winter, President	1201-750 W. Pender St. Vancouver BC V6C 2T8	P: 604 683-0700 DP: 604 638.8110 F: 604 683.0416	jwinter@bcchamber.org	www.bcchamber.org
HOTEL/TOURISM SECTOR					
Union of Needle-trades, Industrial and Textile Employees (UNITE Here! Local 40) [Union]	Jim Pearson President	100-4853 E Hastings St. Burnaby, BC V5C 2L1	P: 604 291-8211 F: 604 291-2676	jpearson@local40union.com	http://www.uniteherelocal40.org
B.C. & Yukon Hotel Association	James Chase, CEO	200-948 Howe St. Vancouver, BC V6Z 1N9	P: 604 681-7164 F: 604 681-7649	ceo@bchotelassociation.com	http://www.bchotelassociation.com/
Tourism Industry Association of BC (Formerly the Council of Tourism Associations)	Stephen Regan, President CEO	349 W. Georgia St PO Box 3636 Vancouver BC V6B 3Y8	P: 604 685-5956 F: 604 685-5915	stregan@cotabc.com or info@cotabc.com	http://www.cotabc.com/
GOVERNMENT SECTOR					
Community Social Services Employers Association (CSSEA) [Employer Association]	Gentil Mateus, CEO	Suite 800 - Two Bentall Centre 555 Burrard Street, Box 232 Vancouver, BC V7X 1M8	P: 604-687-7220 F: 604-687-7266	gmateus@cssea.bc.ca	http://www.cssea.bc.ca/home.php
B.C. Government and Service Employees' Union (BCGEU) [Union]	Darryl Walker, President	4911 Canada Way, Burnaby, BC V5G 3W3	P: 604 291-9611 F: 604 291-6030	president@bcgeu.ca	http://www.bcgeu.bc.ca/
Canadian Union of Public Employees (CUPE) [Union]	Barry O'Neill, CUPE BC President	510-4940 Canada Way Burnaby, BC V5G 4T3	P: 604 291-9119 F: 604 291-9043	info@cupe.bc.ca	http://www.cupe.bc.ca/
B.C. Film Commission	Susan Croome, Commissioner	201-865 Hornby St. Vancouver, BC V6Z 2G3	P: 604 660-2732 F: 604 660-4790	info@bcfilmcommission.com	http://www.bcfilmcommission.com
Employment Standards Branch	Chris Johnson Executive Director	PO Box 9570 Str Prov Govt Victoria, BC V8W 9K1	P: 250 387-3300 F: 250 356-1886	Chris.johnson@gov.bc.ca	http://www.labour.gov.bc.ca/esb/

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
Employers' Advisors Office	Bill Boyte Executive Director	620-8100 Granville Ave. Richmond, BC V6Y 3T6	P: 604 713-0301 F: 604 713-0345	William.Boyte@eao-bc.org	http://www.labour.gov.bc.ca/eao/
Workers' Advisors Office	Ramona Soares, Executive Director	500-8100 Granville Ave. Richmond, BC V6Y 3T6	P: 604 713-0364 F: 604 713-0311	rsoares@wao-bc.org	http://www.labour.gov.bc.ca/wab/
Employment Standards Tribunal	Brent Mullin, Chair	650 Oceanic Plaza 1066 W. Hastings St. Vancouver, BC V6E 3X1	P: 604 775-3512 F: 604 775-3372	registrar.est@bcest.bc.ca	http://www.bcest.bc.ca/
B.C. Labour Relations Board (LRB)	Brent Mullin, Chair	600-1066 W. Hastings St. Vancouver, BC V6E 3X1	P: 604 660-1326 F: 604 660-7321 P: 604-660-1300 F: 604-660-1892	Brent.Mullin@lrb.bc.ca	http://www.lrb.bc.ca/
Public Sector Employers' Council Secretariat (PSEC)	Paul Straszak, President & CEO	210-880 Douglas St. Victoria, BC V8W 2B7	P: 250 356-6879 F: 250 387-6258	Paul.Straszak@gov.bc.ca	http://www.aved.gov.bc.ca/psec/
Labour Relations Code Section 3 Committee	Daniel Johnson, Chair	1918 Bostrom Rd. Nanaimo, BC V9X 1N6	P: 250 722-2855	danieljohnson@telus.net	
BC Employment Standards for the Next Decade	David Fairey	c/o Trade Union Research Bureau 170-111 Victoria Dr Vancouver, BC V5L 4C4	P: 604-255-7346 F: 604-255-0971	david@tradeunionresearch.com	
WORKERS' COMPENSATION & SAFETY ASSOCIATIONS					
WorkSafeBC	David Anderson, President / CEO Roberta Ellis Sr. VP HR & Corporate Services	6951 Westminster Hwy. Richmond, BC V7C 1C6	P: 604 276-3190 F: 604 279-7492 P: 604 232-7112	Dave.Anderson@worksafebc.com Roberta.Ellis@worksafebc.com	http://www.worksafebc.com
Workers' Compensation Appeal Tribunal (WCAT)	Caroline Berkey, Chair	150-4600 Jacombs Rd. Vancouver, BC V6V 3B1	P: 604 713-0424 F: 604 664-4894	Caroline.Berkey@wcat.bc.ca	http://www.wcat.bc.ca/

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
Community Against Preventable Injuries	Kevin La Freniere Executive Director	L408 – 4480 Oak Street, Vancouver, BC, V6H 3V4	P: 604-654-5850	Kevin.LaFreniere@preventable.ca	http://www.preventable.ca/
Workers' Compensation Advocacy Group	James F. Sayre, Staff Lawyer	800-1281 W. Georgia St., Vancouver, BC V6E 3Y2	P: 604 685-3425 F: 604 685-7611	jimsayre@telus.net	
United Association of Injured and Disabled Workers	Ralph Dotzler	6784 176 th St. Surrey, BC V3S 4G7	P: 604 575-0766 F: 604 575-0733	rd_uaidw@bc.sympatico.ca	http://wcbdigest.com/?p=20
B.C. Injured Workers and Survivors Educational Association	Patti MacAhonic	Chilliwack, BC V2Z 1B4	P: 604 858-1733	patdmac@shaw.ca	www.ciwa.ca/region/british-columbia
BC Forest Safety Council	Peter Lineen, CEO	420 Albert Street Nanaimo, BC V9R 2V7	P: 250-741-1060 F: 250-741-1068	lineen@bcforestsafes.org	http://www.bcforestsafes.org
Trucking Safety Council of BC	Rick Vienti, Chair	210 - 20111 93A Avenue Langley, BC V1M 4A9	P: 604-888-2242 F: 604-888-2243	info@safetydriven.ca	http://www.safetydriven.ca/
Ambulance Paramedics of BC (CUPE Local 873)	Bronwyn Barter President	105 – 21900 Westminster Highway, Richmond, BC V6V 0A8	P: 604 273-5722 F: 604 273-5762	info@apbc.ca	http://www.apbc.ca/home/
[Union]					

ORGANIZATIONS THAT REPRESENT LABOUR INTERESTS

BC Federation of Labour	Jim Sinclair, President	200-5118 Joyce St. Vancouver, BC V5R 4H1	P: 604 430-1421 F: 604 430-5917	exec@bcfed.ca	http://www.bcfed.com/
	Irene Lanzinger Secretary Treasurer				
Canadian Labour Congress	Ken Georgetti, President	2841 Riverside Dr. Ottawa, Ontario K1V 8X7	P: 613 521-3400 F: 613 521-4655	president@clc-ctc.ca	http://www.canadianlabour.ca/
Lyle & Associates Labour Consultants	Elizabeth Lyle	300-394 Duncan St. Duncan, BC V9L 3W4	P: 250 746-4611 F: 250 746-4909	help@lyleandassociates.ca	http://www.lyleandassociates.ca/

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B.C. Excluded Employees Association	Liz Gilliland, Exec. Director	303-852 Fort St. Victoria, BC V8W 1H8	P: 250 356-2926 F: 250 356-7150	lizgilliland@bceea.bc.ca	http://www.bceea.bc.ca/
Canadian Office and Professional Employees' Union (COPE)	David Black, President	2nd Floor, 4595 Canada Way Burnaby, BC V5G 1J9	P: 604-299-0378 F: 604-299-8211	reception@cope378.ca	http://www.cope378.ca/
[Union] International Union of Operating Engineers (IUOE)	Lionel Raiton, President <i>Brian Cochrane</i>	4333 Ledger Ave. Burnaby, BC V5G 3T3	P: 604-291-8831 F: 604-473-5235	infoiuoe@iuoe882.com	http://www.iuoe.org/
West Coast Domestic Workers' Association	Chi Lee, Legal Advocate	302-119 W. Pender St. Vancouver, BC V6B 1S5	P: 604-669-4482 F: 604-669-6456	chi@wcdwa.ca	http://www.wcdwa.ca/
B.C. Professional Fire Fighters Association	Michael Hurley, President	463-4800 Kingsway Burnaby, BC V5H 4J2	P: 604 436-2053 F: 604 436-3057	hurleyheal@telus.net	http://www.bcpffa.org/index.cfm

FILM/TELEVISION SECTOR

Alliance of Motion Picture and Television Producers (AMPTP)	Carol A. Lombardini, President	15301 Ventura Boulevard, Sherman Oaks, CA 91403	P: 818 995-3600		http://www.amptp.org/index.html
[Employer] Canadian Film and Television Production Association (CFTPA)	Gigi Boyd, Vice-President, Industrial Relations – BC branch	600-736 Granville St. Vancouver, BC V6Z 1G3	P: 604 682-8619 F: 604 684-9294	gigi.boyd@cmpa.ca	http://www.cftpa.ca
[Employer] ActSafe	Dawn Brennan General Manager	Suite 280-1385 West 8 th Avenue Vancouver, BC V6H 3V9	P: 604 733-4682 F: 604 733-4692	dawnb@actsafe.ca	www.actsafe.ca
Union of B.C. Performers [Union]	Alvin Sanders, President	400-1155 W Pender St. Vancouver, BC V6E 2P4	P: 604 689-0727 F: 604 689-1145	alvin.sanders@ubcp.com	http://www.ubcp.com

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
B.C. Council of Film Unions [Union]	Tom Adair, Exec. Director	555 Brooksbank Ave., Bldg. 9, Suite 310B North Vancouver, BC V7J 3S5	P: 604 983-5531 F: 604 983-5539	contactus@bccfu.com	http://www.bccfu.com/
International Alliance of Theatrical Stage Employees - International Photographers Guild (IATSE) [Union]	Marcus Handman, Business Agent	217-3823 Henning Dr. Burnaby, BC V5C 6P3	P: 778 330-1669 F: 778 330-1670	marcus@ia669.com	http://www.ia669.com/
Directors Guild of Canada [Union]	Tim Southam, Chair	402-111 Peter St. Toronto, Ontario, M5V 2H1	P: 416 482-6640 F: 416 482-6639	mail@dgc.ca	http://www.dgc.ca/index.php
OTHERS					
B.C. & Yukon Community Newspaper Association	George Affleck, General Manager	122-1020 Mainland St. Vancouver, BC V6B 2T4	P: 604 669-9222 F: 604 684-4713	gm@bccommunitynews.com	http://www.bccommunitynews.com/
B.C. Human Resources Management Association	Drew Railton, President Christian Codrington Sr. Manager, Operations	1101-1111 W. Hastings St. Vancouver, BC V6E 2J3	P: 604 684-7228 F: 604 684-3225 604 694-6934	hrma@bchrma.org CCodrington@bchrma.org	http://www.bchrma.org/
International Nannies & Homecare Ltd.	Manuela Gruber Hersch	#512-402 West Pender St. Vancouver, BC V6B 1T6	P: 604 609-9925	Manuela@internationalnannies.com	http://www.internationalnannies.com
Canadian Manufacturers' and Exporters	Jayson Myers President & CEO Peter Jeffrey Vice President BC Div	1 Nicholas Street, Suite 1500 Ottawa, ON K1N 7B7 688 W. Hastings, Suite 540 Vancouver, BC V6B 1P1	P: 613-238-8888 F: 613-563-9218 Ext: 4231 P: 604-713-7800 D: 604-713-7804 F: 604-713-7801	jayson.myers@cme-mec.ca peter.jeffrey@cme-mec.ca	http://www.cme-mec.ca/english

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ORGANIZATION	CONTACT NAME & TITLE	ADDRESS	PHONE/FAX	E-MAIL	WEBSITE
Opposition Caucus	Shane Simpson	Room 201 Parliament Buildings Victoria, BC V8V 1X4		Not added to e-mail list – send separately. Shane.Simpson.MLA@leg.bc.ca	
Trial Lawyers Association of BC	Robert Holmes President Carla Margach Executive Director	1111 – 1100 Melville Street, Vancouver BC V6E 4A6	P: 604 682-5343 F: 604 682-0373	rdholmes@mhklaw.com carla@tlabc.org tla-info@tlabc.org	http://www.tlabc.org
Canadian Centre for Policy Alternatives	Seth Klein Director	Suite 1400 – 207 West Hastings St., Vancouver, BC V6B 1H7	P: 604 801-5121 F: 604 801-5122	ccpabc@policyalternatives.ca	www.policyalternatives.ca
Fraser Institute	Brett Skinner President	4 th Floor, 1770 Burrard St., Vancouver, BC V6J 3G7	P: 604 688-0221 ext 588 F: 604 688-8539	info@fraserinstitute.org	www.fraserinstitute.org/