



Ministry of
Labour

Ministry Transition Binder

November 23, 2020

CONFIDENTIAL ADVICE TO MINISTER

Ministry of Labour

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MINISTRY PROFILE

Ministry:

The ministry promotes fair, healthy and safe labour and employment relationships to support BC's economic recovery and provide for a sustainable, inclusive economy. The ministry also oversees the employment standards system, the labour relations system and the workers' compensation system which each balance the economic interests of workers and employers in BC's workplaces.

Ministry Mandate:

The ministry has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, the *Workers Compensation Act* and the recently established *Temporary Foreign Worker Protection Act* – and for the effective administration and enforcement of those statutes. The Ministry houses the Employment Standards Branch, the Workers' Advisers Office and the Employers' Advisers Office. The Ministry also has legislative responsibility for WorkSafeBC, and for the Ministry's three tribunals: the Labour Relations Board, the Employment Standards Tribunal and the Workers' Compensation Appeal Tribunal. The Ministry also administers programs that support displaced forest workers impacted by mill closures and curtailments.

The Employment Standards Branch and the Ministry's three administrative tribunals are involved in managing complaints and issues that have been brought before them. The Workers' Advisers Office and the Employers' Advisers Office provide advice and advocacy for workers and employers with respect to issues under the *Workers Compensation Act*. In all cases, timely and accurate disposition of those complaints or issues is an essential component of a fair and balanced system of labour and employment laws that is readily accessible to all stakeholders.

The Bridging to Retirement Unit provides support to displaced Interior B.C. forest workers by assisting mill workers who are 55 or older transition to retirement. The Job Placement Coordination Offices offer individualized assistance to displaced forest workers, contractors and owner/operators to access government services and programs to match forest workers with job opportunities.

Budget:

Core Business Area	2019/20 Restated Budget ¹	2020/21 Estimate	2021/22 Plan	2022/23 Plan
Operating Expenses (\$000)				
Labour Programs	14,910	15,642	15,770	15,770
Executive and Support Services	1,539	1,543	1,552	1,552
Total	16,449	17,185	17,322	17,322
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Labour Programs	55	3	3	3
Total	55	3	3	3

¹ For comparative purposes, amounts shown for 2019/20 have been restated to be consistent with the presentation of the 2020/21

* Further information on program funding and vote recoveries is available in the Estimates and Supplement to the Estimates.

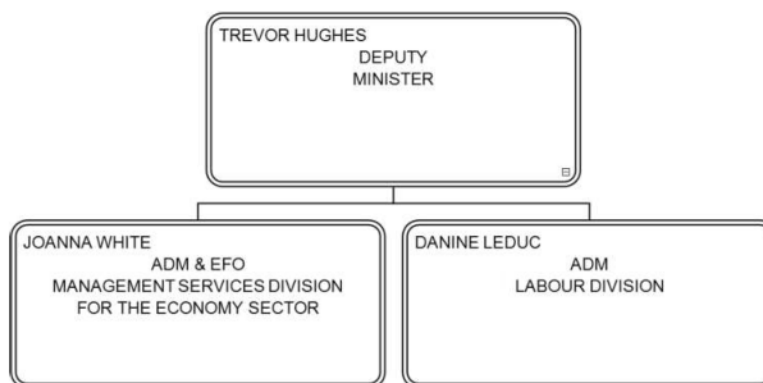
- The Labour Programs budget and estimates shown above are net of \$30.535 million in annual costs

associated with the Workers' Compensation Appeal Tribunal, the Employers' Advisers Office, and the Workers' Advisers Office which are fully recovered from WorkSafeBC.

- In September 2020 the ministry received \$10M from Contingencies: Pandemic Response and Recovery Vote 52 to expand the Early Retirement Bridging Program to the Coastal forestry regions. This funding is for 2020/21 only and is not reflected in the Resource Summary, above.
- A further \$16M in funding for 2020/21 resides in FLNRORD's budget to fund the programming to the Interior of BC, and \$4M in funding for 2021/22 for the Interior of BC. There is no out-year funding for the Coastal region.
- The Job Placement Coordination Office has \$1.7M of funding available in 2020/21. \$1.2M is funded through deferred funds in the Ministry of Jobs, Economic Development and Competitiveness and the remaining \$0.5M resides in FLNRORD's budget.

Full Time Equivalents (FTEs): 347

Executive Organizational Chart:



EXECUTIVE MEMBER BIOGRAPHY



TREVOR HUGHES
DEPUTY MINISTER

Trevor brings 12 years' experience of public sector leadership in the labour portfolio; the last three as Deputy Minister. His previous Executive role as the Assistant Deputy Minister of Labour spanned 9 years resulting in Trevor acquiring deep expertise in all aspects of this work and forging strong relationships with the ministry's diverse stakeholders. With a Master's degree in Industrial Relations and a 16-year career working with the Health Employers Association of BC before joining government, Trevor is a seasoned, expert advisor.

As Deputy, Trevor leads the ministry's responsibilities relating to the Labour Relations System, the Workers' Compensation System and the Employment Standards System, and is responsible for implementing new legislation to protect foreign workers. Trevor is also the senior official responsible for the provincial Workers' Compensation Board (WorkSafeBC). Trevor is accountable for government's relationship with the chair of the B.C. Labour Relations Board and the Employment Standards Tribunal, and the chair of the Workers' Compensation Appeal Tribunal.

In addition, Trevor is government's representative on the Board of Directors of The Community Against Preventable Injuries ("Preventable.ca"), a group of organizations working together to reduce the number and severity of preventable injuries in B.C.

EXECUTIVE MEMBER BIOGRAPHY



DANINE LEDUC
ASSISTANT DEPUTY MINISTER

Danine was appointed Assistant Deputy Minister of Labour on March 14, 2019; she joined the ministry's executive team in May of 2018 as labour's Executive Lead. Danine has 17 years' experience in public service with leadership experience in the Justice and Economy sectors in a variety of roles. Before joining the public service Danine practiced law, principally in civil litigation.

With degrees in Philosophy and Law, Danine is a critical thinker who brings significant experience designing and implementing programs and delivering capacity-building projects within government. A collaborative leader, Danine provides whole-ministry support for initiatives led by the Deputy Minister's and Minister's office and works across government to accomplish ministry goals.

EXECUTIVE MEMBER BIOGRAPHY



JOANNA WHITE
ASSISTANT DEPUTY MINISTER & EXECUTIVE FINANCIAL OFFICER
MANAGEMENT SERVICES DIVISION

Joanna White was appointed Assistant Deputy Minister and Executive Financial Officer for the Ministry of Jobs, Economic Development and Competitiveness and the Ministry of Labour in July 2020. Prior to her appointment, Joanna had held the position in an acting capacity since November 2019.

Joanna started her civil service career in the United Kingdom as an Asylum and Refugee Caseworker with The Home Office and joined the B.C. Public Service in 2006

Personal Information

Personal Joanna has held a series of management and leadership roles across the Economy Sector Ministries including roles in Strategic Human Resources and Strategic Initiatives in the former Arts, Culture and Sport Division.

As the Executive Director for the Community Gaming Grants program, Joanna led the team through their transition from the Gaming Policy and Enforcement Branch to the former Ministry of Community, Sport and Cultural Development, implementing a series of transformative changes in response to the Office of the Auditor General's Report on Community Gaming Grants.

Joanna's most recent Executive Director role was with the Management Services Division's Corporate Planning & Priorities team where Joanna was responsible for information management, occupational health and safety, risk management, business continuity, correspondence and corporate reporting & legislation including support for the Estimates process.

Joanna attended the University of Manchester in the United Kingdom and holds a BA (Hon) in History.

Personal Information

Personal Information

Ministry of Labour
Transition Binder for Minister – November 2020 Contact List

Name	Direct	Cell	Email
Deputy Minister Trevor Hughes	778 974-2189	Government Financial Information	Trevor.Hughes@gov.bc.ca
Assistant Deputy Minister, Labour Division Danine Leduc	778 698-3563		Danine.Leduc@gov.bc.ca
Assistant Deputy Minister, Management Services Division Joanna White	778 698-3382		Joanna.White@gov.bc.ca
Chief Financial Officer, Management Services Division Brian Urquhart	236 478-1767		Brian.Urquhart@gov.bc.ca
Executive Director, Policy & Legislation Branch John Blakely	778 698-2173		John.Blakely@gov.bc.ca
Director, Policy & Legislation Branch Michael Tanner	778 698-2172		Michael.Tanner@gov.bc.ca
Manager of Executive Operations, Deputy Minister's Office Sveah Hourston	778 698-1614		Sveah.Hourston@gov.bc.ca

MINISTER'S KEY DATES AND EVENTS

Key Event	Minister's Role	Date	Location
Employer Registry In Force – TFWPA Ministerial reminder of December 15 deadline for employers who wish to hire temporary foreign workers to register with the Province.	Advice/Recommendations		
WorkSafeBC – Working in Cold Weather Minister quote in WorkSafeBC's reminder for workers and employers to take precautions when working in cold weather			
Industrial Inquiry Commission Minister may appoint Industrial Inquiry Commission member(s) to review successorship practices in the forestry sector.			
Bridging to Retirement Coastal Expansion As part of BC's Economic Recovery Plan, \$10M has been provided to expand the Bridging to Retirement Program to Coastal regions.			
WorkSafeBC Board Appointment Minister determines process and appoints new employer representative to WorkSafeBC's Board of Directors.			
Minister Addresses WorkSafeBC Board Minister attends and gives a welcome address at WorkSafeBC Board of Directors meeting. Possible opportunity to leverage as part of broader communications on role of WorkSafeBC in COVID-19 recovery (news release or in media interviews).			
Ministers' Federal Provincial Territorial (FPT) Meeting: Canadian Association of Administrators of Labour Legislation (CAALL).			

CORE BUSINESS – LABOUR POLICY AND LEGISLATION

DM Responsible: Trevor Hughes

The Labour Policy and Legislation Branch provides labour and employment-related information, research, analysis and expertise to the Minister, ministry executive, senior officials and associated boards and agencies. It is responsible for developing legislation and regulations, and legislative and regulatory changes, as well as producing briefing materials, Cabinet submissions and reports. The Branch also provides a range of corporate services, including representing the Ministry at major events such as Canadian Association of Administrators of Labour Legislation (CAALL) meetings, assisting with international labour law and policy consultations, participating on cross-government initiatives such as regulatory reform and federal-provincial consultations, and monitoring relevant trends, data and legal developments.

In delivering its core services, the Policy and Legislation Branch:

- Ensures that B.C.'s labour laws and policies are supportive of the evolving world of work and the direction set by government.
- Ensures expert advice and information is available to support the government, Minister, Ministry, tribunals and agencies and other stakeholders.
- Includes in its analysis and advice the perspectives and experiences of stakeholders with the Ministry's legislation and regulations, including the *Labour Relations Code*, *Employment Standards Act*, *Workers Compensation Act* and *Temporary Foreign Worker Protection Act*.

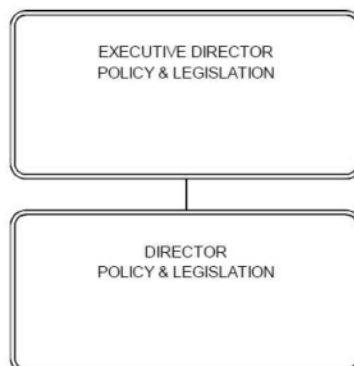
Budget: Governmen

Full Time Equivalents (FTEs): 7

Related Legislation:

- *Labour Relations Code*
- *Employment Standards Act*
- *Workers Compensation Act*
- *Temporary Foreign Worker Protection Act*
- *Fire and Police Services Collective Bargaining Act*

Organizational Chart:



CORE BUSINESS – INDUSTRIAL RELATIONS BRANCH

DM Responsible: Trevor Hughes

The Industrial Relations Branch works on behalf of government to promote stable labour relations in key sectors. Key activities and functions supporting this objective include: providing formal and informal assistance to parties in collective bargaining disputes; maintaining communication and positive relationships with stakeholders in the labour relations community; working closely with the Labour Relations Board; providing expert advice and assistance to the ministry and Minister in relation to bargaining relationships that impact the public interest; and monitoring all disputes in both the public and private sector.

In delivering its core services, the Industrial Relations Branch:

- Provides expert advice and formal and informal assistance as required and directed.
- Consults with stakeholders to provide an ongoing dialogue on broader labour relations and policy issues.
- Monitors all ongoing disputes that could impact the public interest.
- Conducts fact finding, may help to facilitate the resolution of disputes, provides advice to government and helps to build labour relations capacity across government.

Budget: Budget is combined with Labour Policy Branch

Full Time Equivalents (FTEs): 2

Related Legislation:

- *Labour Relations Code*
- *Fire and Police Services Collective Bargaining Act*

Organizational Chart: Staff supporting this division's work are already captured in Labour Policy and Legislation Branch's organizational chart.

CORE BUSINESS – EMPLOYMENT STANDARDS BRANCH

DM Responsible: Trevor Hughes

The Employment Standards Branch ensures that employees covered by the *Employment Standards Act* (ESA) and the *Temporary Foreign Worker Protection Act* (TFWPA) receive basic standards of compensation and conditions of employment, while also ensuring vulnerable Temporary Foreign Workers (TFWs) are protected from exploitation. The Branch provides fair and efficient procedures for resolving workplace disputes, and it ensures that employers and employees understand their rights and responsibilities under the ESA.

In delivering its core services, the Employment Standards Branch (ESB):

- Administers the ESA, which sets standards for minimum wage payments, overtime, vacation, statutory holidays, leaves, compensation for length of service, hours of work and the employment of children. The ESA also requires licensing of farm labour contractors, employment agencies and talent agencies.
- Administers the TFWPA which sets standards for the treatment of TFWs including licencing requirements for recruiters of foreign workers, registration requirements for employers of TFWs and a complaint process for TFWs or third parties to promote compliance of the TFWPA.
- Receives and investigates complaints of contraventions of the ESA and the TFWPA from non-unionized employees and TFW's, and facilitates voluntary compliance of the complaints or issues decisions and levies mandatory penalties for contraventions of the ESA/TFWPA.
- Responds to public inquiries and educates employers and employees about their rights and responsibilities under the ESA/TFWPA through a variety of means including: a 1-800 information line; a website, videos and factsheets in numerous languages; presentations to employer associations and groups of workers; and by partnering with stakeholders and other government organizations to deliver information to targeted audiences.
- Provides assistance to the Labour Relations Board in respect of union certification and decertification votes, and employer last offer votes.

Budget:

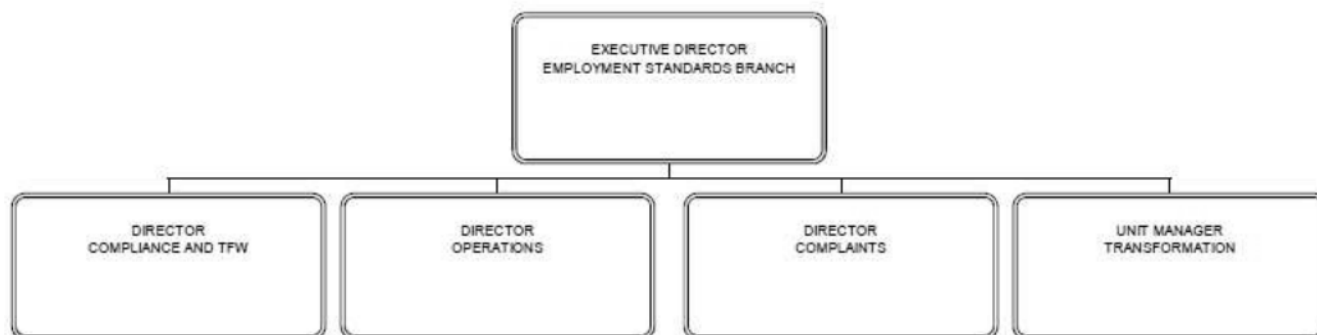
Government
Financial

Full Time Equivalents (FTEs): 127

Related Legislation:

- *Employment Standards Act*
- *Temporary Foreign Worker Protection Act*
- *Labour Relations Code*

Organizational Chart:



CORE BUSINESS – EMPLOYERS’ ADVISERS OFFICE

DM Responsible: Trevor Hughes

The Employers’ Advisers Office (EAO) is established under section 350 of the *Workers Compensation Act* (the Act). The EAO’s mandate is to assist employers on claims matters before WorkSafeBC or the Workers’ Compensation Appeal Tribunal where the EAO determines there is merit, and to advise employers regarding the interpretation and administration of the Act or any regulations or decisions made under the Act. The EAO is fully funded by WorkSafeBC and receives no funding from government.

In fulfilling its mandate, the Employers’ Advisers Office:

- Provides independent advice, assistance, representation and educational seminars to employers, and employer associations on occupational health and safety issues, prevention, claims management, assessments and appeals.
- Liaises with all levels of WorkSafeBC and the Workers’ Compensation Appeal Tribunal (WCAT) to identify process or procedural inefficiencies affecting employer files.

Gross Budget:

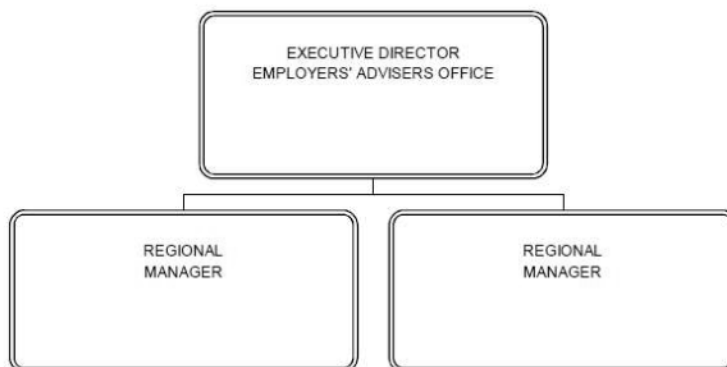
Government Financial Information

Full Time Equivalents (FTEs): 41

Related Legislation:

- *Workers Compensation Act*

Organizational Chart:



CORE BUSINESS – WORKERS’ ADVISERS OFFICE

DM Responsible: Trevor Hughes

The Workers’ Advisers Office (WAO) is established under section 350 of the *Workers Compensation Act* (the Act). The WAO’s mandate is to assist workers on claims matters before WorkSafeBC or the Workers’ Compensation Appeal Tribunal where WAO determines there is merit, and to advise workers and their dependants on the interpretation and administration of the Act. The WAO is fully funded by WorkSafeBC and receives no funding from government.

In fulfilling its mandate, the Workers’ Advisers Office:

- Provides advice, assistance and representation to injured workers and their dependants with claims, appeals and occupational health and safety issues under the *Workers Compensation Act*.
- Provides expert advice, input and education to workers, WorkSafeBC and other stakeholder groups, including unions and professional associations.

Gross Budget:

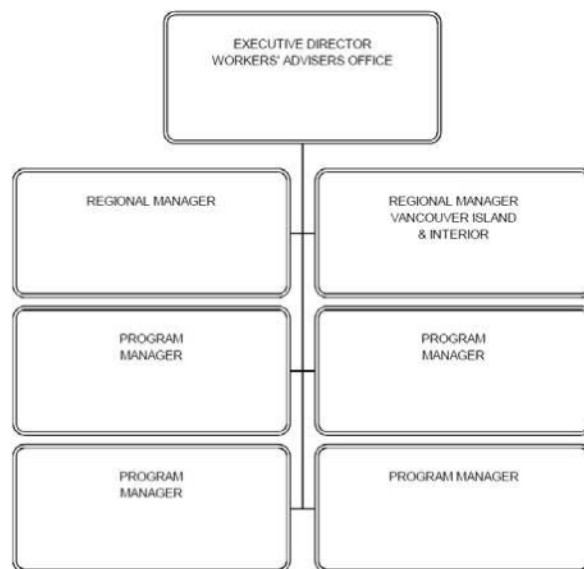
Government Financial Information

Full Time Equivalents (FTEs): 54

Related Legislation:

- *Workers Compensation Act*

Organizational Chart:



CORE BUSINESS – FOREST WORKER SUPPORT PROGRAMS

DM Responsible: Trevor Hughes

The Forest Worker Support Programs assist workers in Interior and Coastal communities experiencing rationalization in the forest sector to maintain strong communities, provide stable career paths in the forest industry and retain needed skills while the industry adapts to changes in the forest sector. They assist older Interior and Coastal mill workers to transition to retirement in their communities, creating vacancies for younger impacted workers. They also provide customized support for all displaced forest workers to access all government programs and services, including skills training, job opportunities tailored to the individual's interests in the forest sector and other industries and to track individual worker outcomes.

The two main Forest Worker Support Programs are the Retirement Bridging Program and the Job Placement Co-ordination Office:

- The Retirement Bridging Program provides assistance to Interior and Coastal mill workers age 55+ in two streams: one for those who have at least two years' employment at an Interior and Coastal mill and are impacted by either a permanent closure or indefinite curtailment of 4 months or longer, and one for workers who volunteer to retire to make room for a younger impacted worker in a working mill. Workers who engage this program are entitled to a maximum of \$75,000 in bridging benefit depending upon their age, years of experience and employer contribution.
- The purpose of the Job Placement Co-ordination Office is to support forest workers, contractors and owner/operators that are currently impacted by mill closures and shift reductions by offering individualized assistance to access government services and programs and to participate in a Job Match Program that connects displaced forest workers with other opportunities in the forest or other sector. Individual outcomes will be tracked and this program works closely with the Retirement Bridging Program to provide impacted workers with the appropriate skills to fill vacancies created by the Bridging to Retirement program.

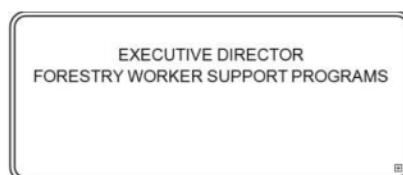
Budget: Retirement Bridging Program (Interior) – \$16M (Budget resides with FLNRORD)
Retirement Bridging Program (Coastal) – \$10M (Approved through Vote 52 Contingencies)
Job Placement Coordination Office – \$1.707M (Budget resides with FLNRORD and JEDC)

Full Time Equivalents (FTEs): 14

Related Legislation:

- NA

Organizational Chart:



CORE BUSINESS – WORKERS’ COMPENSATION APPEAL TRIBUNAL

DM Responsible: Trevor Hughes

The Workers’ Compensation Appeal Tribunal (WCAT) is an independent tribunal established under Part 7, section 278 of the *Workers Compensation Act* (the Act). WCAT is the second and final level of appeal in the workers’ compensation system of British Columbia and is independent of WorkSafeBC. WCAT is made up of the Chair (appointed by Order in Council) and one or more Vice Chairs (appointed by the Chair after consultation with the Minister). WCAT is fully funded by WorkSafeBC and receives no financial support from government.

WCAT commenced its operations on March 3, 2003. It replaced the former Workers’ Compensation Review Board and the former Appeal Division of WorkSafeBC.

In fulfilling its mandate:

- WCAT has jurisdiction over a variety of workers’ compensation matters including employer assessments, prevention penalties, retaliatory actions, and certificates for the courts regarding the status under the Act of parties to litigation.
- However, WCAT’s primary activity involves appeals by workers and employers of workers’ compensation claims. Workers and employers may be represented on appeals by the Workers’ Advisers Office and Employers’ Advisers Office, a union representative, compensation consultant, lawyer, family member or friend.
- WCAT decisions are final, but some may be submitted for reconsideration by WCAT on limited grounds.
- WCAT is required to decide appeals within 180 days from the date it receives the records related to the decision under appeal. However, this timeframe may be extended by WCAT’s Chair in limited circumstances set out in the Act.
- All decisions by WorkSafeBC’s Review Division that are appealable must be appealed to WCAT within 30 days.

Gross Budget:

Government Financial Information

Full Time Equivalents (FTEs): 96

Related Legislation:

- *Workers Compensation Act*

Organizational Chart: WCAT is comprised of a Chair appointed by Order in Council and Vice-Chairs appointed by the Chair after consultation with the Minister; the remaining team of public servants is led by one excluded Director-level staff person, so the organizational chart is not included.

CORE BUSINESS – Independent Self-Regulator - WorkSafeBC

Legislative Authority: *Workers Compensation Act*

Mandate:

WorkSafeBC is established by provincial legislation as an agency with the mandate to oversee a no-fault insurance system for work-related injuries, illnesses and deaths. WorkSafeBC partners with employers and workers in B.C. to do the following:

- Promote the prevention of work-related injury, illness, and death
- Rehabilitate those who are injured, and provide timely return to work
- Provide fair compensation to replace workers' loss of wages arising from a work-related disability or death
- Ensure sound financial management for a viable workers' compensation system

Current Appointees:

Last Name	First Name	Title	Mechanism	Initial Appt	Term Expiry
Dhillon	Baltej Singh	Law/Law Enforcement Representative	Order in Council	01-Dec-17	December 1, 2021
Laurie	Andrea Michelle	Worker Representative	Order in Council	01-Dec-19	December 1, 2021
Patterson	Brooks Robin	Occupational Health/Safety Representative	Order in Council	21-Sep-15	September 21, 2021
Teschke	Katherine (Kay) Elizabeth	Public Interest Representative	Order in Council	01-Dec-17	December 1, 2021
Smith	Don	Actuary Representative	Order in Council	31-Dec-18	December 31, 2021
Loftus	Lee James	Public Interest Representative	Order in Council	01-Dec-17	December 1, 2021
Packer	Rebecca	Health Care and Rehab Representative	Order in Council	18-Feb-20	December 1, 2021
Parr	Jeff	Chair/Public Interest Representative	Order in Council	16-Aug-20	December 1, 2022
White	Lillian	Employer Representative	Order in Council	03-Jan-15	December 1, 2020

Appointments required:

- **60 Days:** Employer representative board position is vacant as of December 1, 2020.

Issues:

- The Ministry of Labour recently completed five re-appointments required to address term expiries in December 2020 as urgent priority appointments given the critical role that WorkSafeBC is playing in British Columbia's COVID-19 safety and economic recovery efforts and the importance of having a full Board of Directors to oversee the organization's work.

- The employer representative (Lillian White), whose term expires on December 1, 2020, has served the maximum term permitted under the *Workers Compensation Act* so is unavailable for re-appointment; this vacancy of an employer representative on the Board is identified as a 60-day decision item.
- Brooks Patterson is also nearing the maximum term permitted and was eligible for reappointment only until September 21, 2021.

Key Contact:

- Jeff Parr
- Chair, Board of Directors
- Personal

CORE BUSINESS – Oversight of B.C.’s Labour Tribunals

Issue:

- The Minister of Labour’s Role with respect to the Labour Relations Board (LRB) and the Employment Standards Tribunal (EST).

Background:

- The LRB is responsible for mediating and adjudicating disputes between employers and unions, and in some cases between unions and employees, that arise under the *Labour Relations Code*. The LRB consists of a chair and vice chairs (currently seven) appointed by the Lieutenant Governor in Council (LGIC) after a merit-based process.
- The EST is made up of a Chair who is appointed by the LGIC, and members (currently nine), who are appointed by the Attorney General after consultation with the Chair and a merit-based process. The tribunal conducts appeals of Determinations issued by the Director of Employment Standards under the *Employment Standards Act* and under the *Temporary Foreign Worker Protection Act*.
- Both tribunals are independent statutory tribunals which operate in a quasi-judicial manner. The tribunals are co-located in Vancouver and currently share the same Chair (Jacquie de Aguayo).
- **Oversight of B.C.’s Labour Tribunals:** The Attorney General has responsibility for the LRB and EST budgets, and certain provisions of the *Labour Relations Code* and the *Employment Standards Act*.
- The Attorney General also has responsibility for the administrative justice and certain other tribunal-related sections of the *Labour Relations Code* in relation to the LRB, and the *Employment Standards Act* in relation to the EST.
- The Attorney General, for example, is responsible for sections pertaining to the establishment of the tribunal, appointments to the tribunal and issues that may fall under the *Administrative Tribunals Act*.
- The Minister of Labour retains responsibility for matters related to reviews, appealable decisions, compliance, enforcement and sector-specific policies. This includes provincial labour relations policy reflected in the *Labour Relations Code* and provincial employment standards reflected in the *Employment Standards Act*.
- The budget for both tribunals falls under the Ministry of the Attorney General.
- Staff at both ministries have established a “Roles, Responsibilities and Accountabilities” document, under which staff consult each other and work cooperatively on matters of mutual interest regarding the LRB and EST.
- With respect to budget decisions and appointments for these tribunals, the practice has been for the Attorney General and the Minister of Labour to work closely together, and especially to ensure that the views of the labour and business communities are considered in appointment decisions.

Ministry of Labour

2020/21 – 2022/23 SERVICE PLAN

February 2020



Minister Accountability Statement



The *Ministry of Labour 2020/21 - 2022/23 Service Plan* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared.

A handwritten signature in black ink, appearing to read 'H. Bains', with a horizontal line underneath.

Honourable Harry Bains
Minister of Labour
February 5, 2020

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Purpose of the Ministry

To build a better British Columbia, the Ministry of Labour promotes fair, healthy and safe labour and employment relationships in support of a strong, sustainable and inclusive economy.

In this context, the Ministry has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, the *Workers Compensation Act* and the recently established *Temporary Foreign Worker Protection Act* – and for the effective administration and enforcement of those statutes. The Ministry houses the Employment Standards Branch, the Workers' Advisers Office and the Employers' Advisers Office. The Ministry also has legislative responsibility for WorkSafeBC, and for the Ministry's three tribunals: the Labour Relations Board, the Employment Standards Tribunal and the Workers' Compensation Appeal Tribunal. The Ministry also administers programs that support displaced forest workers impacted by mill closures and curtailments.

The Employment Standards Branch and the Ministry's three administrative tribunals are involved in managing complaints and issues that have been brought before them. The Workers' Advisers Office and the Employers' Advisers Office provide advice and advocacy for workers and employers with respect to issues under the *Workers Compensation Act*. In all cases, timely and accurate disposition of those complaints or issues is an essential component of a fair and balanced system of labour and employment laws that is readily accessible to all stakeholders.

The Bridging to Retirement Unit provides support to displaced Interior B.C. forest workers by assisting mill workers who are 55 or older transition to retirement. The Job Placement Coordination Offices offer individualized assistance to displaced forest workers, contractors and owner/operators to access government services and programs and to match forest workers with job opportunities.

For more information about the Ministry's areas of responsibility and key initiatives, visit the Ministry of Labour website.

Strategic Direction

The Government of British Columbia remains focused on its three strategic priorities: making life more affordable, delivering better services and investing in a sustainable economy.

Ministries are actively working to provide quality, cost-effective services to British Columbia families and businesses. By adopting the Gender-Based Analysis Plus (GBA+) lens and Business and Economic Implications Framework to budgeting and policy development, Ministries will ensure that equity is reflected in budgets, policies and programs.

Additional key initiatives underpinning lasting prosperity in 2020/21 and beyond are the implementation of:

- A Framework for Improving British Columbians' Standard of Living which will provide the foundation for quality economic growth in our province and a pathway to a more inclusive and prosperous society;
- The *Declaration on the Rights of Indigenous Peoples Act* and the Truth and Reconciliation Commission Calls to Action, demonstrating support for true and lasting reconciliation; and,

- The CleanBC plan, putting B.C. on the path to a cleaner, better future – with a low carbon economy that creates opportunities while protecting our clean air, land and water.

The Economic Forecast Council (EFC) expects B.C.'s real GDP to grow by 2.4 per cent in 2020 and 2.3 per cent in 2021. Meanwhile for Canada, the EFC projects national real GDP growth of 1.7 per cent in 2020 and 1.8 per cent in 2021. As such, B.C.'s economic growth is expected to outperform Canada's in the coming years. Risks to B.C.'s economic outlook include ongoing uncertainty regarding global trade policies and weak global economic activity, as well as lower commodity prices and slower domestic economic growth. Meanwhile, Liquified Natural Gas development in the province is expected to have a positive impact on B.C.'s economy.

This 2020/21 service plan outlines how the Ministry of Labour will support the government's priorities, including selected action items identified in the July 2017 Minister's Mandate Letter. Over the previous fiscal year, the Ministry of Labour made progress on these priorities by:

- Amending the *Employment Standards Act* to better protect children, improve access to and enforcement of employment rights and to extend job protection to workers dealing with domestic or sexual violence.
- Amending the *Labour Relations Code* to implement recommendations put forward by an independent review panel after a thorough public consultation and engagement process.
- Amending the *Workers Compensation Act* to extend the firefighter presumptions to fire investigators, forest fire fighters and firefighters employed by Indigenous organizations.
- Initiating a project to modernize the Employment Standards System for all clients, to make services more accessible and to increase proactive enforcement and educational outreach.
- Implementing the GBA+ tool in the development of legislation and policy as well as in the delivery of front-line services.
- Bringing into force a new mandatory licensing requirement for foreign worker recruiters under the *Temporary Foreign Worker Protection Act* and establishing a public-facing, searchable registry of recruiters to improve the protection of foreign workers in B.C.
- Launching, in October 2019, two new programs to support displaced forest workers: an Early Retirement Bridging Program for mill workers in B.C.'s Interior and a Job Placement Coordination Office in five impacted communities to help forest workers access government services and programs and to track individual outcomes.

The following performance plan outlines how the Ministry of Labour will continue to track progress on key mandate letter commitments and other emerging government priorities.

Performance Planning

Goal 1: Strong and fair labour laws and standards that: reflect the changing nature of workplaces; support a growing, sustainable and innovative economy; protect vulnerable workers; and ensure world-class worker health and safety

Objective 1.1: Update and modernize B.C. labour laws

Key Strategies:

- Monitor changes made to the *Labour Relations Code* in Spring 2019 and implement any associated regulation changes necessary to ensure the implementation of the legislative amendments.
- Review and develop options provided by recent formal reviews, to improve the workers' compensation system.
- Develop regulations to ensure the successful implementation of Spring 2019 amendments to the *Employment Standards Act*.
- Continue to support the work of the Fair Wages Commission and implement ongoing commitments to increase the minimum wage and consider any further recommendations on strategies to narrow the gap between minimum wage and living wages.

Performance Measure	2019/20 Forecast	2020/21 Target	2021/22 Target	2022/23 Target
1.1 Percentage of Employment Standards Branch complaints resolved within 180 days ¹	85%	Greater than 85%	Greater than 85%	Greater than 85%

¹ Data Source: Ministry of Labour Employment Standards Branch internal data.

Linking Performance Measure to Objective:

Meeting the targets provides evidence to the Ministry that the ongoing updating and modernization of B.C. labour laws is successful. A complaint under the *Employment Standards Act* indicates a worker's view that the minimum legal standards are not being correctly applied in a workplace. A high percentage of complaints that are resolved within the 180-day time period reflects the Ministry's success in establishing clear expectations for workers and employers based on laws that are responsive and relevant to the modern workplace. A target to resolve 85 per cent of disputes within 180 days provides fairness and certainty to workers and employers and ensures that disputes do not linger in the workplace or after an employment relationship is terminated.

This is a long-established performance measure for the Employment Standards Branch. The branch is currently undertaking a review of its complaints resolution processes as part of a business transformation. The Ministry anticipates that this review will result in a new performance measure for future years.

Goal 2: Ensure that labour laws are communicated and enforced through effective, client centered service delivery

Objective 2.1: Develop new and update existing Ministry processes to improve service delivery

Key Strategies:

- Continue to enhance multi-language service delivery.
- Broaden training and outreach efforts to a wide array of service providers and stakeholders in the workers' compensation system, including enhanced Indigenous client outreach.
- Provide customized education and outreach services to improve compliance with labour legislation.
- Continue to implement new collections procedures aimed at improving collections outcomes on new employment standards complaints.
- Establish a proactive enforcement unit within the Employment Standards Branch that will focus on industries and sectors with high complaint volumes.

Performance Measure	2019/20 Forecast	2020/21 Target	2021/22 Target	2022/23 Target
2.1a Number of community outreach sessions conducted annually by the Workers' Advisers Office (WAO) ¹	20	Maintain or Improve	Maintain or Improve	Maintain or Improve
2.1b Number of educational outreach sessions conducted annually by the Employers' Advisers Office (EAO) ²	450	460	470	Maintain or Improve

¹ Data Source: Ministry of Labour, Workers' Advisers Office internal data.

² Data Source: Ministry of Labour, Employers' Advisers Office internal data.

Linking Performance Measures to Objective:

- 2.1a WAO regional community outreach sessions are part of the Ministry's efforts in improving service delivery in that they directly assist workers in becoming more aware and knowledgeable by providing information on the workers' compensation system and claims issues.
- 2.1b EAO educational outreach sessions are part of the Ministry's efforts in improving service delivery in that they serve to directly promote awareness and understanding among employers of occupational health and safety requirements as well as the province's workers' compensation system. In addition, these sessions can assist employers in meeting their regulatory training requirements both under the *Workers Compensation Act* and Occupational Health and Safety Regulations.

Objective 2.2: Establish and implement an effective B.C. Temporary Foreign Worker Protection Regime

Key Strategies:

- Bring the *Temporary Foreign Worker Protection Act* (TFWPA) into force.
- Develop regulations to support the TFWPA.
- Establish the recruiter licensing regime.
- Establish the employer registration system.
- Establish a public-facing website to ensure reliable information is available and accessible.

Performance Measure		2019/20 Forecast	2020/21 Target	2021/22 Target	2022/23 Target
2.2	Number of proactive investigations undertaken under the TFWPA ¹	5 based on partial-year data	Baseline to be established	To be determined	To be determined

¹ Data Source: Employment Standards Branch data.

Linking Performance Measure to Objective:

Proactive investigations of employers that hire foreign workers and of agencies that recruit foreign workers will be a key feature of ensuring the TFWPA is effective in protecting vulnerable foreign workers. Proactive investigations are evidence-based inquiries that utilize complaints data to identify economic sectors with high levels of non-compliance, as well as routine and random auditing.

Baseline data for both 2019/20 and 2020/21 will be based on a partial year as these are new programs which were established in 2019/20 and will be coming into operation over 2020/21.

Goal 3: Support displaced forest workers facing forest sector rationalization

The B.C. government is providing a suite of supports for Interior B.C. forest workers, contractors, employers and communities impacted by indefinite and permanent mill closures. Over a three-year period, these programs will help support strong, resilient families and communities and maximize forest sector skills retention. The latter half of 2019/20 involved the design, development and implementation of several temporary programs, while the focus will be on implementation throughout 2020/21 and into 2021/22.

Objective 3.1: Implement temporary programs to create and find vacancies for displaced forest workers

Key Strategies:

- Implement and administer an Early Retirement Bridging Program to transition older workers to retirement and create vacancies in working mills.
- Implement and administer a Job Placement Coordination Office Program to help displaced forest workers access government programs and services.

- Implement and administer a Job Match Program to provide workers with customized opportunities based on their skills, experience and interests and to provide employers with access to experienced forest workers.
- Work collaboratively with other ministries to connect displaced forest workers with industry needs for employment opportunities on provincial projects.

Performance Measure	2019/20 Forecast	2020/21 Target	2021/22 Target	2022/23 Target
3.1 Number of applications to the Bridging to Retirement Program with funding offers issued ¹	150 (based on partial year data)	To be determined	To be determined	Program expected to be completed
3.2 Number of displaced forest workers who accessed Job Placement Coordination Office services ¹	200 (based on partial year data)	To be determined	To be determined	Program expected to be completed

¹ Data Source: Bridging to Retirement Program and Job Placement Coordination Office data.

Linking Performance Measure to Objective:

- 3.1 There are two streams to the Early Retirement Bridging Program: one for impacted mill workers and one for older workers not impacted but voluntarily wishing to retire from a working mill to create a vacancy for a younger, impacted worker. The number of applications with funding offers is a direct measure of the number of people who will benefit from the bridging benefit.
- 3.2 The Job Placement Coordination Offices deliver key services aimed at connecting displaced workers with existing government programs and services in collaboration with other ministries, facilitating the employment of displaced workers within the forest sector and other industries to keep communities strong and maximize forest sector skill retention. The Job Placement Coordination Offices also support displaced forest workers to access opportunities in B.C.'s provincial projects. The number of displaced forest workers who access these services is a direct measure of the number of people who have benefited from these services.

Note: Programming to support displaced forest workers is funded through the Ministry of Forests, Lands, Natural Resources Operations and Rural Development.

Resource Summary

Core Business Area	2019/20 Restated Budget ¹	2020/21 Estimate	2021/22 Plan	2022/23 Plan
Operating Expenses (\$000)				
Labour Programs	14,910	15,642	15,770	15,770
Executive and Support Services	1,539	1,543	1,552	1,552
Total	16,449	17,185	17,322	17,322
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Labour Programs	55	3	3	3
Total	55	3	3	3

¹ For comparative purposes, amounts shown for 2019/20 have been restated to be consistent with the presentation of the 2020/21

* Further information on program funding and vote recoveries is available in the Estimates and Supplement to the Estimates.

Appendix A: Agencies, Boards, Commissions and Tribunals

WorkSafeBC

WorkSafeBC is established by provincial legislation as an agency with the mandate to oversee a no-fault insurance system for the workplace. WorkSafeBC partners with employers and workers in B.C. to: promote the prevention of workplace injury, illness, and disease; rehabilitate those who are injured, and provide timely return to work; provide fair compensation to replace workers' loss of wages while recovering from injuries; and ensure sound financial management for a viable workers' compensation system.

The Labour Relations Board

The Labour Relations Board is an independent, administrative tribunal with the mandate to mediate and adjudicate employment and labour relations matters related to unionized workplaces.

The Employment Standards Tribunal

The B.C. Employment Standards Tribunal is an administrative tribunal established under the *Employment Standards Act*. The Tribunal conducts appeals of Determinations issued by the Director of Employment Standards under the *Employment Standards Act* and under the *Temporary Foreign Worker Protection Act*. The Tribunal may also reconsider any order or decision it makes.

The Workers' Compensation Appeal Tribunal

The Workers' Compensation Appeal Tribunal is the final level of appeal in the workers' compensation system of B.C. and is independent of WorkSafeBC.

2020 BC NDP Platform: Working for You

The following is a high level summary of each platform commitment noting the Ministry currently responsible, the level of policy development required and fiscal and legislative implications. Significant and material issues have also been noted. Ministry executives are available for briefings on any of the commitments. Financial implications for commitments are available from the Ministry of Finance. Financial implications noted below have been provided by the ministry currently responsible for the commitment’s implementation. In the majority of instances, these numbers will need to be validated through the Treasury Board process. Commentary in this table is based on the current structure of government. Cost estimates are rounded to the nearest million.

	Commitment	Min	Implementation information
	Saving Lives, healing pain		Cabinet Confidences; Advice/Recommendations; Government Financial Information
1.	Develop better options for chronic work-related pain Page: 12 <i>In partnership with WorkSafeBC, identify new ways of improving pain management practices for injured workers – and mandate WorkSafeBC to provide treatment on demand to those with chronic pain as a result of workplace injuries.</i> [A] Estimated Operating: Advice/Re Estimated Capital: TBC	LBR	

Advice/Recommendations

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Equality, inclusion & human rights.		
2.	Close the gender pay gap Page: 31 <i>Continue to address systemic discrimination in the workplace and move closer to equal pay for equal work through new pay transparency legislation.</i> Ad Estimated Operating:Advice/ Estimated Capital: TBC	LBR/PSEC
Advice/Recommendations; Government Financial Information		
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Advice/Recommendations

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2020 BC NDP Platform: Working for You

<p>4. Pensions and benefits for precarious and gig workers Page: 48 <i>As part of our precarious work and gig economy strategy, develop a government-backed, collective benefit fund for independent contractors, the self-employed, and part-time workers – and expand access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.</i> ^A Estimated Operating: TBC Estimated Capital: TBC</p>	LBR/FIN/PSEC	<p>Advice/Recommendations</p>
<p>5. Tie the minimum wage to rate of inflation Page: 49 <i>Tie minimum wage to the rate of inflation to provide predictability for employers and workers.</i> ^{Ad} Estimated Operating: TBC Estimated Capital: TBC</p>	LBR	
<p>6. Increase workplace safety inspections Page: 49 <i>Increase safety inspections to help make sure employers are abiding by all worksite requirements for keeping their workers safe.</i> Estimated Operating: TBC Estimated Capital: TBC</p>	LBR	
<p>7. Demand action by the federal government on paid sick leave Page: 49 <i>Keep pressuring the federal government to follow through on providing a paid sick leave program that protects workers and businesses.</i> Estimated Operating: TBC Estimated Capital: TBC</p>	LBR	

Advice/Recommendations

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» Related Briefing Note

8.	Ramp up the province’s capacity to enforce workers’ rights Page: 49 Estimated Operating: Advice/Re Estimated Capital: TBC	LBR	Advice/Recommendations
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Advice/Recommendations

» Related Briefing Note

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Last Updated:20/11/05

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CORPORATE ISSUE/OPPORTUNITY NOTE

Issue:

- Opportunities to update the *Employment Standards Act*.

Background:

- The *Employment Standards Act* (Act) sets minimum standards for terms of employment and working conditions that apply in most workplaces in British Columbia (BC), including minimum wage, overtime, statutory holidays, and vacation entitlement.
- An ongoing issue/opportunity for the employment standards system is standards that respond to the ever-evolving world of work while still achieving the purposes of the Act, which include:
 - promoting the fair treatment of employees and employers; and
 - fostering the development of a productive and efficient labour force that can contribute fully to the prosperity of the province.
- Prior to 2018, the last significant changes were made to the Act in 2002. 2018 saw the expansion of some of the Act's existing unpaid, job-protected leaves (such as compassionate care leave), as well as the introduction of new unpaid, job-protected leaves (leave for the death of a child and leave for the crime-related disappearance of a child).
- In 2014, the BC Law Institute (BCLI), a not-for-profit law reform agency, began an independent review of the Act -- the first in nearly 25 years -- with the goal of identifying the contemporary needs and circumstances of BC's workplaces and examining evolving trends in other jurisdictions. The BCLI Project Committee included both business and worker representatives, and the review included a public consultation component.
- In 2018, the BCLI Project Committee published its final report, which included over 70 recommendations for modernizing the Act.
- These recommendations, along with submissions from the Employment Standards Coalition, the BC Federation of Labour, and workers, employers, and the public, helped inform a number of the changes that were subsequently made to the Act in 2019 and 2020.
- The focus of the changes made in 2019 was on four priority areas of employment standards, with changes to:
 - update the child labour provisions to align with international standards and those in other Canadian jurisdictions;
 - reform the employment standards complaint process, including removing the Self-Help Kit;
 - provide more job protection to workers who require a leave from work to deal with domestic or sexual violence; and
 - ensure workers are paid the wages they are owed, and that those employers that violate the law do not have an unfair economic advantage.
- 2020 saw the introduction of employer-paid domestic and sexual violence leave (the first paid leave under the Act), unpaid, job-protected personal illness or injury leave, and unpaid, job-protected COVID-19-related leave.
- The ministry's priority in recent years has been on amending the Act. However, the BCLI's final report included a recommendation that Government undertake a systematic review of the

Employment Standards Regulation's existing exclusions from all or parts of the Act for certain occupations and professions to ensure that they make sense in today's economy.

In recent years, worker representatives have focused on vulnerable workers (such as young workers, immigrants, and "gig economy" workers who are employed through short-term contacts or work freelance), advocating that every worker be covered by employment standards and receive fair working conditions. They also support an employment standards system that recognizes the importance of work/life balance.

- While many employers welcome the modernization of employment standards, they remain concerned about the cost impact of any legislative changes. They also advocate for an employment standards system that is flexible and responsive to the realities of doing business in the 21st century.
- NDP Platform: an NDP government would further improve rights and benefits for all workers, including precarious and gig economy workers.
- Liberal Platform: no specific commitments with respect to employment standards.
- Green Party Platform: a Green government would seek out ways to modernize employment standards and reduce inequality in employment relationships.

Issue/Opportunity:

- Although worker and employer stakeholders have different views on whether the Act strikes the appropriate balance between worker and employer interests and which areas or provisions require amendment, both recognize the need for employment standards to be reviewed on occasion to ensure that the Act reflects the evolving world of work.
- An opportunity exists for government to further modernize employment standards through those BCLI recommendations that have yet to be acted upon, including the recommendation that the Employment Standards Regulation be reviewed.

- Advice/Recommendations

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- The COVID-19 pandemic creates a specific issue for consideration as part of any employment standards reform.

- Advice/Recommendations

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CORPORATE ISSUE/OPPORTUNITY NOTE

Issue:

- Opportunities within the Ministry of Labour to address issues pertaining to wages, benefits and other financial supports for British Columbia workers, including during the COVID-19 pandemic.

Background:

- The Ministry of Labour's role in this issue primarily rests in establishing minimum standards for wages and other conditions of employment through the *Employment Standards Act* (Act).
- An ongoing issue/opportunity is having a minimum wage and other standards that are fair and appropriate for both workers' well-being and employers' financial and operational viability.
- The COVID-19 pandemic provides an additional context when considering wages and supports for workers at this time. Pandemic-specific concerns include adequate supports for workers and the economic impact for employers in these vulnerable times.

Minimum Wage

- In 2017, government created an independent Fair Wages Commission (FWC) to consult experts and stakeholders and provide recommendations on issues related to the minimum wage.
- Based on FWC recommendations provided in early 2018, annual increases were implemented to reach \$15.20/hour for the general minimum wage and to eliminate the lower rate for liquor servers on June 1, 2021.

Advice/Recommendations

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- For the final phase of its mandate, the FWC was directed to work with economists, workers, the technology sector, small businesses, youth and others from all regions to make recommendations to address the discrepancy between the minimum wage and "living wages" in B.C. This final FWC report is expected to be issued to government in the near future.
- With the appearance of the pandemic in early 2020, employers requested that the scheduled June 2020 increase to the minimum wage be deferred to avoid a cost increase for employers, who were also feeling the economic impact of COVID-19. The government carried through with the scheduled increase on the basis that the increase was an important support to maintain for minimum wage workers impacted by the pandemic and that other economic supports were in place to support employers affected by COVID-19. This request will likely reappear with respect to the scheduled 2021 increase.

Job-protected leaves and related financial benefits

- Another important support for workers under the Act is job-protected leaves, which enable employees to take time off work for specified reasons without losing their job.

- In most cases, the minimum standard is for an unpaid leave. Financial support for workers during a job-protected leave is thus available only if there is a corresponding federal program (e.g., Employment Insurance for maternity or compassionate care leave) or employers voluntarily provide financial support or are required to do so under an employment contract or collective agreement with their employees (e.g., paid bereavement leave or sick leave).
- In 2020, government introduced the first mandatory paid leave under the Act, requiring employers to pay employees for up to five days if they need time off because of domestic or sexual violence.
- The COVID-19 pandemic has highlighted the issue of paid sick leave, particularly in the context of public health guidelines advising sick workers to stay home. Workers and labour groups have lobbied for the legislative establishment of paid sick days, both in relation to COVID-19 and permanently for other illnesses.
- While in March 2020 government introduced unpaid leave for employees diagnosed with COVID-19 or requiring time off for other reasons related to COVID-19, along with three days of general unpaid sick leave in the Act, it did not impose any requirements for employer-paid sick leave for COVID-19 or other illnesses because of cost concerns for employers during the pandemic. Instead, British Columbia and other provinces successfully lobbied Canada to establish a federally administered and funded sickness benefit that is specific to COVID-19 and is available until September 2021 to workers who do not have existing sickness benefits.

Party Platforms

- NDP: Tie minimum wage increases to the rate of inflation after June 2021 and continue pressuring the federal government to follow through on providing a sick leave program that protects workers and businesses.
- Green Party: Establish a permanent Fair Wages Commission to recommend consistent and predictable increases in the minimum wage and consider profit-sharing as a means to ensure businesses who are profitable are paying their workers a living wage.
- Liberal Party: No specific platform commitments on these issues.

Issue/Opportunity:

- Government has an opportunity to shape new policy on the future of minimum wage increases.
 - The final scheduled increase to \$15.20 on June 1, 2021 is established under an OIC. In the economic context of COVID-19, should a change be considered?
- | |
|------------------------|
| Advice/Recommendations |
| Advice/Recommendations |
- Employee stakeholders and the labour movement more broadly will likely support measured and regular increases.
 - The FWC report on closing the gap between the minimum wage and living wages may provide policy options and considerations around the broader issue of ensuring that living wages in BC are not out of reach for lower wage workers in BC. Many of these options and considerations may lie outside of the Act and the Ministry of Labour and be cross-government issues.
 - Addressing paid sick leave in a manner that works for employers remains an ongoing issue/opportunity in relation to illnesses beyond COVID-19 and in relation to the September 2021 end date of the new federal paid sick leave program for COVID-19.

CORPORATE ISSUE/OPPORTUNITY NOTE

Issue:

- *Workers Compensation Act* – Potential Reforms.

Background:

- The *Workers Compensation Act* (Act) establishes three key purposes for British Columbia's workers' compensation system:
 - Prevent work-related injuries, illnesses and deaths.
 - Rehabilitate injured workers so that they can return to productive employment.
 - Provide financial support to injured workers, and to the surviving dependants of workers killed on the job, to compensate for a worker's loss of earnings due to a work-related injury, illness or death.
- Employers fund the workers' compensation system generally through assessments levied on their payroll. Government does not provide funding for the system, other than to contribute its share as an employer in the province.
- The Act establishes the Workers' Compensation Board, known as WorkSafeBC, to administer all aspects of the system, including prevention, rehabilitation, compensation, and assessments.
- An ongoing issue and opportunity for the workers' compensation system is achieving the purposes of the Act with an appropriate balance between worker and employer interests:
 - Ensuring that workers remain safe and healthy at work and that they receive effective rehabilitation and fair compensation if they are injured or become ill.
 - Ensuring that the system remains affordable, and that the rules and regulations are manageable, for employers.
- Since 2012, governments from different parties have amended the Act to strengthen the occupational health and safety framework under the Act. Many of these changes were recommended in reviews conducted in response to the two tragic 2012 sawmill explosions, which identified the need for improvements in BC's worker health and safety laws.
- Since 2005, governments from different parties have also established and expanded occupational disease presumptions for firefighters, and since 2018 the government of the day established and expanded a mental disorder presumption for first responders and similar workers exposed to trauma at work.
- In 2020, the government passed amendments to increase the compensation and supports for injured workers and surviving dependants, based on three reviews and reports completed between 2018 and early 2020. The previous significant amendments affecting compensation were made in 2002 based on a Royal Commission report and subsequent core review.
- In 2019, the Minister of Labour appointed lawyer Janet Patterson to conduct a review of the workers' compensation system based on specific terms of reference. The final report was released in August 2020 and includes recommendations for legislative changes, including changes to the compensation provisions.
- Worker stakeholders generally support the Patterson report recommendations. Employer

- stakeholders are strongly opposed to implementing the Patterson report.
- Worker and employer stakeholders consider the COVID-19 pandemic to be an important factor in considering workers' compensation reforms at the current time. Issues they have identified include:
 - Appropriate supports for workers arising from COVID-19.
 - Worker and workplace safety while work continues through the pandemic.
 - Employers' capacity to absorb additional assessment costs and additional administrative and regulatory requirements while having to cease, reduce or modify their operations during the pandemic.
 - The simultaneous impact of the pandemic and any potential legislative changes on WorkSafeBC's funding position and operations.
 - Looking at the longer term beyond the COVID-19 pandemic:
 - Worker stakeholders consider that aspects of the existing compensation provisions are unfair for workers. They seek long-term compensation increases to, in their view, restore an appropriate balance. They consider that compensation improvements can be funded using the excess surplus that WorkSafeBC accumulated in recent years prior to the pandemic.
 - Employer stakeholders are opposed to significant changes that would increase the workers' compensation costs to do business in British Columbia. Their view is that surpluses should be returned to employers through lower assessments or rebates.
 - Both stakeholder groups support the goal of worker health and safety as an ongoing priority, but often have different views on how to achieve this through laws, employer obligations and WorkSafeBC programs.

Issue/Opportunity:

- Worker and employer stakeholders have different views on whether the existing legislation strikes the appropriate balance between worker and employer interests, and which areas or provisions require amendment.
- There is a continuing opportunity for government to establish further reviews to identify whether amendments should be made to improve the system. Generally, a review process that includes stakeholder consultations takes place before significant legislative amendments.
- The Patterson report represents a completed review that has not yet been acted on and which is available for consideration in any review of workers' compensation reform.

Advice/Recommendations

- The COVID-19 pandemic creates a specific issue for consideration as part of any workers' compensation reform at this time.
- This issue is significant for government as part of any commitments or plans for supporting workers and employers, including during the COVID-19 pandemic.

30/60/90 DAY DECISION NOTE

Issue:

- **30-Day Decision:** Labour Relations – Successorship in the Forestry Sector.
- On September 20, 2020, the Minister of Labour announced government's intention to appoint an Industrial Inquiry Commission (IIC) under the *Labour Relations Code* (the Code) to undertake a focused engagement with stakeholders about contract tendering and successorship in the BC forest sector.
- The purpose of successorship is to protect workers' job security and benefits negotiated under their collective agreement.
- Given that the provincial election was called shortly after, an IIC has not yet been appointed.

Background:

- In 2019, government made changes to the Code that were supported by recommendations put forward by an independent review panel. This review was completed in 2018 by a committee of special advisers, including an employer and a labour representative, and included recommendations based on a thorough public consultation.
- Under longstanding provisions of the Code, a union's collective bargaining rights are transferred to a "successor" employer where there is a sale, transfer, or lease of a business. One of the key changes made to the Code in 2019 was to extend this "successorship" protection to contract retendering (as opposed to a sale, transfer, or lease of a business) in several sectors where workers have been historically vulnerable to contract retendering. The specific sectors include:
 - non-clinical health care services;
 - building cleaning services;
 - security services;
 - bus transportation services; and,
 - food services.
- The Code also allows new sectors to be added by regulation.
- In its report to government the review panel advised that successorship protections for the forestry sector needed further consultation and analysis. The Panel recommended an IIC be appointed to study the issue further.
- IICs can be appointed by the Minister of Labour under section 79 of the Code to secure labour relations stability and to promote conditions leading to the settlement of disputes. IICs work under a specific mandate (i.e., terms of reference) from the Minister.
- Extending successorship in the forestry sector has been called for by the United Steelworkers (who represent workers in the sector).

Advice/Recommendations

- The appointment of an IIC to engage further on forestry successorship can assist in:
 - Developing a better understanding of the complexities of contract tendering and retendering in the forest sector;
 - Determining where the sector may be experiencing challenges in this area with respect to successorship;
 - Consulting with interested stakeholders to determine their perspectives on the issue, the

challenges and potential changes; and

- Identifying potential paths forward for government's consideration.

- Advice/Recommendations

Decision required:

- Advice/Recommendations

30/60/90 DAY DECISION NOTE

Issue:

- **30-Day Decision:** Accommodating Workers who Wear Turbans and Other Religious Head Coverings under WorkSafeBC's Safety Headgear Regulation.

Background:

- Section 8.11(1) of the Occupational Health and Safety Regulation (OHSR) requires safety headgear (hard hats) to be worn by a worker where there is a danger of head injury from falling, flying or thrown objects, or other harmful contacts.
- The Sikh community has raised concerns that employers are effectively applying this regulation as a blanket requirement for hard hats, resulting in turban-wearing Sikh workers not being able to fully participate in the workforce.
- Male Khalsa Sikhs are required by religious convention to wear a turban to manage their long uncut hair even when in the workplace. In addition, a Sikh turban is a distinct symbol of the Sikh identity.
- Scientific examination of the safety capabilities provided by the Punjabi Style turban has indicated that the conventional Sikh turban does not conform to the impact requirements of the standard for industrial protective headwear.
- Each jurisdiction in Canada has a safety headgear requirement similar to that which currently exists in BC's OHSR. There is no jurisdiction in Canada that provides an exemption from wearing Occupational Health and Safety protective headgear on religious grounds.
- Pursuant to section 116 of the *Workers Compensation Act*, the Minister of Labour directed WorkSafeBC to consider amending the OHSR to accommodate turban wearing Sikhs where there is no risk of head injury, while continuing to protect their health and safety. If WorkSafeBC does not make, repeal or amend the regulation as recommended, the Lieutenant Governor in Council may pass a regulation in accordance with the Minister's recommendation.
- WorkSafeBC has developed a proposed regulation amendment that would clarify that employers must first take steps to eliminate or minimize, through engineering and/or administrative controls, the risk of head injury to workers from falling, flying or thrown objects, or other harmful contacts, before relying on safety headgear.
- The proposed regulation does not specifically refer to turbans or other specific religious head coverings, nor would it provide a blanket hard hat exemption, but it would better accommodate workers who wear religious head coverings by requiring employers to adopt other safety measures before they can require that workers must wear a hard hat.
- As part of its regulation development process, WorkSafeBC undertakes extensive public consultation. WorkSafeBC received 178 submissions from stakeholders as part of a consultation that closed on July 31, 2020.
- WorkSafeBC is also required to hold a public hearing before changes can be made to the *Occupational Health and Safety Regulation*.
- WorkSafeBC cancelled its scheduled October 2020 public hearing on this issue when the provincial election was announced.
- WorkSafeBC plans to commence public hearings in December 2020 or January 2021, unless

otherwise directed.

Decision required:

- Advice/Recommendations

- This is a 30-day issue for government because it is an important issue for the Sikh community and responds to the principle of religious accommodation balanced with the safety of workers, and because WorkSafeBC is expected to continue work on this issue shortly after the election

Advice/Recommendations

Advice/R

30/60/90 DAY DECISION NOTE

Issue:

- 90-Day Decision:** Asbestos - Government and WorkSafeBC Actions to Address the Safe Use, Handling, Abatement, Transfer and Disposal of Asbestos Materials and Products

Background:

- The Ministry of Labour is leading a cross-ministry Asbestos Working Group mandated “to identify, review and report on outstanding risks that asbestos poses for British Columbians and the environment, and additional strategies and initiatives that the British Columbia government and its agencies could undertake to further protect people and the environment from the dangers of asbestos.”
- The cross-ministry Asbestos Working Group includes representatives from the Ministry of Labour, along with the Ministries of Health, Environment and Climate Change Strategy, and Municipal Affairs and Housing, and from WorkSafeBC.
- Since its creation in February 2017, the Working Group reviewed available evidence to identify the nature and magnitude of outstanding asbestos risks for British Columbians and the province’s natural environment and identified a number of initiatives that ministries and agencies are currently undertaking or are considering going forward.
- The Asbestos Working Group consulted on the identified issues and potential initiatives including how to better protect people and the environment from asbestos with business and employer representatives, the BC Federation of Labour, the BC Building Trades and other worker representatives, asbestos contractors, the Union of BC Municipalities, selected local governments and other appropriate stakeholders identified by the Working Group.
- As part of its mandate, in December 2018, the Working Group released a report *“Keeping Workers, the Public and the Environment Safe from Asbestos: Working Group Draft Final Report and Recommended Actions”* (the Report). The Report, through research and analysis, identified key issue areas surrounding asbestos that span through a continuum of identification, handling, abatement and disposal.
- The Report also identified 16 recommendations on strategies and initiatives that the British Columbia government and its agencies could undertake to further protect British Columbians and the environment from the dangers of asbestos.

Advice/Recommendations

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Withheld pursuant to/removed as

Advice/Recommendations

30/60/90 DAY DECISION NOTE

Issue:

- **30 Day Decision:** Regulations to implement *Employment Standards Amendment Act, 2019* (Bill 8)

Background:

- In Spring 2019, Government passed the *Employment Standards Amendment Act, 2019* (Bill 8) to support the Ministry of Labour's mandate to make sure B.C.'s employment standards are applied evenly, properly enforced and reflect the evolving needs of workers and employers.
- While most of the legislation came into force upon Royal Assent, several sections are not yet in force because associated regulations are required to bring them into force or because of operational and timing considerations arising out of the Employment Standards Branch (ESB) Transformation project.
- The Ministry is working on the necessary regulations required to fully implement the Bill 8 provisions not yet in force in the following order of priority. Ministry staff will be bringing draft Orders in Council (OIC) on the first priority issues to the Minister for consideration and direction in the near future.

Advice/Recommendations

Child Employment (Light Work):

- Provisions in Bill 8 allow 14- and 15-year-olds to perform "light work" deemed appropriate for children that age with parental consent, or other work with a permit from the ESB Director. It also requires employers who wish to employ a child under 14 to obtain a permit from the Director.
- The Ministry is working on a regulation

Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations

Definition of "Domestic Worker":

- Bill 8 repealed and replaced the definition of "domestic" with a more contemporary title, "domestic worker". The definition is also amended to repeal the requirement that a domestic worker must live at the employer's residence.

Cabinet Confidences; Advice/Recommendations

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Complaints, Investigations and Determinations:

- Bill 8 established new requirements for the investigation of complaints, and gives greater profile to proactive enforcement by ESB, to ensure that employees receive the wages and other employment

standards entitlement they are owed.

- ESB is finalizing plans and transforming its operations to implement these provisions.

Advice/Recommendations

Child Employment – (Hazardous Industry and Hazardous Work):

- Provisions in Bill 8 prohibit the employment of persons under 16 in “hazardous industries” or in “hazardous work” and establish authority for regulations to define hazardous industries and work and to set a minimum age between 16 and 19 for employment in any hazardous industries or work.

- Cabinet Confidences; Advice/Recommendations

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Advice/Recommendations

Licensing of Temporary Help Agencies:

- Bill 8 adds a new requirement for operators of temporary help agencies to be licensed. The licensing requirement will allow the ESB to track temporary help agencies to ensure compliance with the *Employment Standards Act*.

- Cabinet Confidences; Advice/Recommendations

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Monetary Penalties:

- Section 32 of Bill 8 provides that the director may waive payment of a monetary penalty under circumstances that are described in the section, or under a prescribed circumstance.

- Advice/Recommendations

Decision required:

- Minister’s confirmation of the overall direction, Advice/Recommendations as set out in this note, Advice/Recommendations

30/60/90 DAY DECISION NOTE

Issue

- **30-Day Decision:**

Advice/Recommendations

Background

- In March of this year, government passed Bill 16, which amended the *Employment Standards Act* (ESA) to provide an unpaid leave entitlement to those employees who, in relation to COVID-19:
 - cannot work because they are ill;
 - are required to self-isolate;
 - are unable to return home to British Columbia;
 - need to care for their minor child or dependent adult child or former foster child;
 - cannot attend work because their employer is concerned they may place others at risk;
 - or,
 - any other COVID-19-related situation added by regulation.
- This leave is available for as long as one of the eligible COVID-19-related situations listed above applies to the employee.
- In July, the federal government announced \$19 billion in support to help the provinces and territories with economic reopening and prepare for a second wave of COVID-19, including \$1.1 billion for a temporary income support program for workers who do not already have access to paid sick leave. In order for BC to access its share of the \$1.1 billion, it was required to agree to ensure that its legislation had the job-protected sick leave necessary to allow workers impacted by COVID-19 to take advantage of the federal program.
- In early October, federal Bill C-4 was passed. The Bill enacts the *Canada Recovery Benefits Act* (CRBA) which includes two new income support programs for persons unable to work for reasons related to COVID-19. Effective September 27:
 - the Canada Recovery Sickness Benefit provides \$500 a week for up to two weeks to eligible individuals who are unable to work because they are sick or need to self-isolate due to COVID-19; and,
 - the Canada Recovery Caregiving Benefit provides up to \$500 per week for up to 26 weeks if an eligible individual is unable to work at least 60% of their normally scheduled work week because they are caring for a child or family member who requires supervised care.

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Withheld pursuant to/removed as

Cabinet Confidences; Advice/Recommendations; Legal Information; Intergovernmental Communications

30/60/90 DAY DECISION NOTE

Issue:

- **30-day:** Ministry of Labour Bridging to Retirement Program for Interior forestry workers

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Cabinet Confidences; Advice/Recommendations

Background:

- On September 17, 2019, the Province announced \$69 million in Forest Worker Support Programs for communities and workers in B.C.'s interior impacted by mill closures and curtailments. Of this, \$42 million was allocated over two years to create two new programs in the Ministry of Labour:
 - The Bridging to Retirement Program, and
 - The Job Placement Coordination Offices.
 - These two programs work together: The Bridging to Retirement Program creates vacancies for younger, impacted workers in working mills and the Job Placement Coordination Offices help fill those vacancies with workers through a "Job Match" program.
 - The Bridging to Retirement program provides up to \$75,000 to Interior millworkers who are 55 years or older and have worked full-time in a mill for two years. There are two eligibility streams for this program: an "impacted worker stream" for millworkers impacted by a mill closure or extended shift curtailment, and a "voluntary retirement" stream for those in working mills willing to retire to create a vacancy for a younger, impacted worker.
 - The Bridging to Retirement program has been very popular; more than 250 new job vacancies were created, and 500 workers have received an average bridging benefit of \$43,300 and transitioned to retirement in their communities.
- Cabinet Confidences; Advice/Recommendations
- Cabinet Confidences; Advice/Recommendations
- \$4 million is allocated for fiscal year 2021/22 for Interior workers. Based on the average bridging benefit, approximately 80 unprocessed and new applications could be considered in April 2021.
 - In September 2020, an expansion to the program was announced as part of the Premier's Economic Recovery Plan to support COVID-19 impacted communities in the Coastal forest regions, whereby \$10 million was provided in economic recovery funds to create approximately 200 jobs for young workers on the Coast.

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Withheld pursuant to/removed as

Cabinet Confidences; Advice/Recommendations

30/60/90 DAY DECISION NOTE

Issue:

- **30 Day Decision:** Confirmation of the Government of British Columbia's participation in and support for the International Organization for Migration's (IOM) *Building the Foundations for Ethical Recruitment from Mexico to Canada: Enhancing Stakeholder Capacity and Support* project.

Background:

- British Columbia's *Temporary Foreign Worker Protection Act* (TFWPA) was passed through the Legislature with unanimous support and received Royal Assent on November 8, 2018. The TFWPA established a provincial role to ensure that employers and recruiters who hire or recruit foreign nationals are complying with BC law. This legislation was an important step in protecting foreign nationals working in BC from exploitation and abuse.
- The TFWPA established a licensing requirement for foreign worker recruiters which came into force on October 1, 2019, and a registration requirement for some employers of foreign nationals which comes into force on December 15, 2020. These licensing and registration requirements include criteria for issuing, refusing, suspending or cancelling a license or registration. The TFWPA also specifies certain prohibited practices and a complaints process, and provides for penalties, fines and potentially imprisonment for non-compliance.
- The TFWPA has attracted national and international attention as a good practice for regulation and enforcement related to cross-border labour recruitment, including from the United Nations agency responsible for migration, the International Organization for Migration (IOM).
- With support and funding from Immigration, Refugees and Citizenship Canada, the IOM approached officials from the Ministry of Labour and Social Welfare, Mexico, and the Ministry of Labour, BC, with a proposal to facilitate a process that would include government, recruitment agency and stakeholder engagement in Mexico complemented by a range of capacity building activities and consultations in BC, with the goal of establishing a foundation for ethical recruitment between Mexico and BC. There is no cost to BC to participate, beyond staff time to support the project.
- Under the proposal, the IOM will facilitate government meetings and consultations with officials from the Mexican and BC governments along with targeted engagement with recruitment agencies in Mexico, and consultations in BC with employers and civil society organizations in BC. The IOM will also organize and facilitate one technical workshop in BC with provincial and federal regulators from Canada and Mexico to discuss international guidance related to cross-border recruitment, as well as federal regulations and their applicability in the provincial context.
- Taken together, these consultations and the technical workshop are aimed at building the capacity of recruitment agencies in Mexico for ethical recruitment and linking those agencies with like-minded, committed employers and partners in BC. Overall, this will enhance common understanding and appreciation for the principles and practices of ethical recruitment, leading to closer collaboration in the future.

Advice/Recommendations

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- At this point, the IOM has engaged in preliminary discussions with government officials and recruiters in Mexico, and with officials from the BC Ministry of Labour, other BC Government officials, and employer associations and representatives of civil society organizations in BC.
- Mexico's Ministry of Labour and Social Welfare supports this project. The IOM is awaiting confirmation of the BC Ministry of Labour's support, which has been delayed by the provincial election and the interregnum.

Advice/Recommendations

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Decision required:

- That the Minister approve the Government of British Columbia's participation in and support for the IOM's project entitled *Building the Foundations for Ethical Recruitment from Mexico to Canada: Enhancing Stakeholder Capacity and Support*.

30/60/90 DAY DECISION NOTE

Issue:

- **30-Day Decision:** Employment Standards Branch Transformation Initiative

Advice/Recommendations

Background:

- In 2017, Government made a commitment to update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.
- In December 2018, the British Columbia Law Institute completed a comprehensive, independent review of the *Employment Standards Act* (ESA) with a view to ensuring that it reflects the realities of modern work and employment. This work informed the *Employment Standards Amendment Act, 2019* (Bill 8), which received Royal Assent in May 2019.
- The Ministry was directed to place a priority on transforming the Employment Standards Branch; in Budget 2019, \$14 million in new funds were invested over three years to increase employment standards protections and enforcement in the province and to implement the *Temporary Foreign Worker Protection Act* (TFWPA). The branch's net budget increase for fiscal 2020/21 was \$841,000.
- Over the past 18 months, the new funds have been used to hire 35 more permanent staff to support the creation of the Employer and Recruiter Registries under the TFWPA, as well as increase support for complaints processing under the ESA. In addition, a compliance and enforcement unit was created, while a new Case Management System is under development to improve access and increase the timeliness of the Employment Standards Branch services.
- The COVID-19 pandemic has had an unprecedented impact on BC's workplaces, with employers temporarily laying off hundreds of thousands of workers.
- To avoid temporary layoffs becoming permanent, which would have negatively impacted the province's economic recovery and required employers to pay severance, government directed the Branch to deliver a streamlined option that would allow employers and workers to jointly request a variance to extend the normal temporary layoff period under the ESA.

Advice/Recommendations; Government Financial Information

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- The Branch's service delivery during the pandemic has also been impacted by an increase in the volume of complaints from workers regarding breaches of their minimum legal entitlements.

- The NDP election platform commits to increasing employment standards inspections and hiring more staff to help resolve employment standards complaints.

Decision required:

- The Ministry will provide the Minister with options

Advice/Recommendations

Cabinet Confidences; Advice/Recommendations

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30/60/90 DAY DECISION NOTE

Issue:

- **90-Day Decision:** potential review of further amendments to the *Labour Relations Code*.

Background:

- In 2019, government made substantial changes to the *Labour Relations Code* (the Code) that were supported by recommendations put forward by an independent review panel. This review was completed in 2018 by a three-person committee of special advisers, including an employer and a labour representative, and included recommendations based on a thorough public consultation.
- One key area of change was with respect to the processes governing how a union gains certification for a unit of employees. In her minority recommendation, the labour representative committee member Sandra Bannister argued that employees should not be required to reconfirm their decision to join a trade union by voting, and that card check certification, which existed prior to 2001, should be restored.
- The majority of the review panel recommended maintaining the secret ballot vote. However, the recommendation was prefaced with the comment that the approach would be effective only in so far as the committee's other recommendations – to improve access to certification – were implemented and enforced. The committee stated:
 - *The exercise of employee choice through certification votes must be protected by shortening the time-frame for votes, ensuring the expeditious and efficient processing of certification applications and unfair labour practice complaints, together with expansion of the Board's remedial authority. If these enhanced measures are not effective, then there will be a compelling argument for a card check system.*
- The 2019 changes reflected the majority recommendation – maintaining the secret ballot vote and implementing the committee's further recommendations to improve access to certification.
- During the 2020 election campaign, the NDP platform included a commitment as part of a precarious work and gig economy strategy to "[make] sure every worker has the right to join a union and bargain for fair working conditions." In addition, it was reported in the media that Premier Horgan said that while revisiting a change to the Code that was not supported by the B.C. Greens last spring — forgoing secret ballots for union certifications in favour of having workers sign union cards — would be on his agenda, it's not something that would be addressed during a fall session. The media report quoted Premier Horgan as saying that the card-check/secret ballot issue would be dealt with "as the mandate proceeds, given the need."

Advice/Recommendations

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Advice/Recommendations

30/60/90 DAY DECISION NOTE

Issue:

- **90-Day Decision:** Minister's consideration of criteria that would guide government's decisions to extend by regulation the mental disorder presumption to other eligible occupations.

Background:

- In May 2018, the *Workers Compensation Act* (Act) was amended to introduce a presumption for mental disorders. For workers in eligible occupations who have been exposed to traumatic event(s) in their work and have been diagnosed with a mental disorder that may arise from a traumatic event, the mental disorder is presumed to be caused by employment.
- In general, a presumption under the Act provides that if a worker has been employed in a particular occupation and develops a disease or disorder that is recognized as being associated with that occupation, the disease or disorder is presumed to have been due to the nature of their employment unless the contrary is proved. The worker is thus eligible for workers' compensation without having to gather scientific and medical evidence to establish that the disease or disorder arose out of their employment. The employer has the onus and opportunity to rebut the presumption in an individual case.
- Eligible occupations for the mental disorder presumption are defined under the Act as correctional officers, emergency medical assistants (e.g., paramedics), firefighters, police officers, sheriffs and any other occupation prescribed by regulation.
- In April 2019, a regulation was enacted to extend the mental disorder presumption to emergency response dispatchers, health care assistants in government funded facilities and nurses.
- Labour advocates have requested that government extend the mental disorder presumption to other specific occupations.
- CUPE Local 1004 requested that harm reduction workers be covered by the presumption.
- The Hospital Employees' Union requested adding a number of occupations including community and social service workers.
- Andrew Weaver, former Leader of the Green Party, advocated in the Legislature for providing the mental disorder presumption to other occupations, including teachers.
- Compensation is available to all workers for work-related trauma. Claims are adjudicated on a case-by-case basis on the merits of the claim, without the benefit of the presumption, for workers who do not work in an eligible occupation.

- Currently seven Canadian jurisdictions have legislated mental disorder presumptions. Of these seven jurisdictions, five have presumptions for PTSD, while two others (Alberta and Saskatchewan) have presumptions that include PTSD and other mental disorders.
- Four jurisdictions limit their presumptions to specific occupations, while three (Alberta, Saskatchewan and Manitoba) provide them to any worker who has experienced a traumatic event at work.
- On November 5, 2020, Alberta introduced Bill 47 which will limit presumptive coverage for psychological injuries to firefighters, police officers, peace officers, correctional officers, paramedics and emergency dispatchers, or other classes of worker prescribed by regulation. Currently, Alberta's presumption is available to any worker who is exposed to a traumatic event during the course of the worker's employment. This proposed change will come into effect January 1, 2021, although as of November 17, Bill 47 has only passed First Reading.
- British Columbia's presumption is available to any worker in an eligible occupation who is exposed to a work-based traumatic event and recognizes that affected workers can develop other mental disorders beyond PTSD.

Advice/Recommendations

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- Janet Patterson's recent report on the workers' compensation system contains a recommendation to expand the mental disorder presumption to all workers. The report was released in August 2020 with a public statement noting that careful review of the report must be concluded before accepting any recommendations.

Decision required:

Advice/Recommendations

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- Ministry staff would then seek the Minister's direction as to what next steps should be taken on this issue.

30/60/90 DAY DECISION NOTE

Issue:

- **90-Day Decision:** Consideration of the British Columbia Professional Fire Fighters Association's (BCPFFA) request that government:
 - provide fire fighters additional workers' compensation disease presumptions for ovarian cancer and cervical cancer, and
 - reduce the existing minimum cumulative period of employment (an eligibility criterion for the presumptions) for testicular cancer and colon cancer.

Background:

- The BCPFFA consists of the 51 locals who represent professional fire fighters in the province. There are approximately 3,800 career fire fighters in B.C.
- In 2005, government amended the *Workers Compensation Act* to recognize certain cancers as occupational diseases that are presumed to be associated with long-term employment as a firefighter, unless the contrary is proved in an individual case.
- The approximately 10,000 volunteer firefighters in BC are also provided these presumptions.
- In 2019 the presumption for certain cancers was extended to fire investigators, wildfire firefighters, and fire fighters working for First Nations and indigenous organizations.
- The 13 applicable cancers, which each have minimum cumulative periods of employment that must be attained to be eligible for these cancer presumptions, include leukemia, non-Hodgkin's lymphoma, bladder cancer, brain cancer, lung cancer, colorectal cancer, kidney cancer, testicular cancer, ureter cancer, esophageal cancer, breast cancer, prostate cancer and multiple myeloma.
- In a letter to the Minister dated January 27, 2020, Gord Ditchburn, President of the BCPFFA, requested that government consider providing fire fighters with additional workers' compensation disease presumptions for primary site ovarian cancer and primary site cervical cancer.
- The BCPFFA provided a report entitled "The Fire Fighting Environment – Risk for Breast Cancer, Gynecologic Malignancies and Lymphoma" prepared for the International Association of Fire Fighters dated June 1999 to support their request.
- In a briefing note dated March 2019, the BCPFFA also requested that British Columbia reduce the minimum cumulative period of employment as a firefighter for testicular cancer and colon cancer from 20 years to 10 years. The BCPFFA noted that several other provinces have the 10-year cumulative employment requirement.
- The last cancers added to the *Firefighters' Occupational Disease Regulation* were breast cancer, prostate cancer and multiple myeloma in 2017.

- Currently, British Columbia's list of provided disease presumptions for firefighters is similar to several provinces, but BC does not have presumptions for primary site ovarian cancer and primary site cervical cancer as do Alberta, Saskatchewan and Ontario.

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Decision required:

- The Ministry will be seeking the Minister's direction on responding to these outstanding requests. A decision note will be prepared at the appropriate time.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Oct. 26, 2020

Minister Responsible: Labour

ESA COVID-19 changes

ADVICE AND RECOMMENDED RESPONSE:

- The COVID-19 pandemic is having an unprecedented impact on B.C.'s workplaces – for both workers and employers.
- To respond to COVID-19, changes were made to B.C.'s *Employment Standards Act* to meet the needs of workers and employers.
- Unpaid job-protected leave for people who are unable to work due to certain circumstances related to COVID-19 was added to the Act in March 2020.
- As well, workers can now take up to three days of unpaid, job-protected leave each year if they are cannot work due to illness or injury.
 - This is a permanent change made in March that will remain in place after the pandemic ends.
- B.C. engaged with the federal government to create a national paid sick leave program that, effective September 27, 2020, supports people and businesses during the pandemic.

Advice/Recommendations

KEY FACTS:

In response to the impact of COVID-19 on workers and employers, the B.C. government made several changes to the *Employment Standards Act* in spring 2020.

On March 23, 2020, amendments to the *Employment Standards Act* allow workers to take unlimited unpaid, job-protected leave if they are unable to work for reasons relating to COVID-19.

The amendments also brought in a permanent three-day, unpaid job-protected sick leave that will continue beyond the pandemic.

Since the start of the pandemic, workplace outbreaks have highlighted the need for not just job-protected sick leave but paid sick leave — measures that are now in place by the federal government for a national paid sick leave plan related to COVID-19.

Advice/Recommendations

Media Interest: There has been sustained media interest in B.C.'s labour laws, especially Employment Standards Act changes. Regional, online, TV and major media have all done stories on this topic.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Oct. 26, 2020

Minister Responsible: Labour

Employment Standards Branch workload

ADVICE AND RECOMMENDED RESPONSE:

- **Staff are working hard to ensure that people can access the services they need from the Employment Standards Branch – when they need them.**
 - **The pandemic has caused a lot of uncertainty about worker rights and employer obligations.**
 - **As a result, more people are submitting complaints to the Branch — and wait times for resolution are getting longer.**
 - **For example, this year, the Branch is expecting to receive 7,700 complaints based on current volumes, compared with the volume in 2016 when they received 4,260.**
- **The Branch is focused on eliminating the backlog of complaints as quickly as possible.**
- **The Employment Standards Branch received a funding increase in Budget 2019 of \$14 million over three years to improve accessibility and services. The transformation of the Branch continues during the pandemic and is a multi-year project.**
- **As a result of the 2019 budget lift, there are more staff to handle complaints and investigations and the Branch has taken steps to modernize its tools and processes to better manage complaints.**

Advice/Recommendations

KEY FACTS:

Changes to the *Employment Standards Act* and the Branch's complaint-handling process over the past year, along with removal of the Self-Help Kit and the pandemic-related uncertainty about worker rights have contributed to a growing backlog. The backlog of complaints has come under scrutiny in the media in relation to the Branch processing time-sensitive variance applications in summer 2020.

The Employment Standards Branch is responsible for processing and adjudicating complaints involving unpaid wages, unpaid overtime, statutory holiday pay, unjust layoffs and terminations and a range of other workplace concerns that fall under the *Employment Standards Act*.

In spring 2019, government passed amendments to the *Employment Standards Act* that changed several aspects of the Branch's complaint intake system to make it more accessible to workers who feel their rights have been violated. Those changes included:

- Eliminating the previous requirement for workers to raise issues with their employer using a "self-help kit" before filing a complaint. The self-help kit was formally eliminated on Aug. 28, 2019, due to concerns that this model deterred people from filing complaints;
- Eliminating the old system's focus on resolving complaints through mediation — now requiring the Branch Director to investigate accepted complaints; and
- Increasing the amount of unpaid wages that can be recovered from six to 12 months.

An increase in complaints was anticipated as a result of this policy change and planned for. To improve the accessibility of branch services, government increased funding to the Employment Standards Branch in Budget 2019 by \$14 million over three years. More staff were hired to handle complaints and investigations and the Branch has adopted new intake and triage processes to better manage complaints.

Since the spread of COVID-19, there has been increased uncertainty about worker rights and employer obligations, further increasing the number of complaints and lengthening wait times.

Advice/Recommendations

Media Interest: The topic of the Employment Standards Branch's backlog is regularly brought up by reporters including Vancouver Sun (Rob Shaw) and CBC Vancouver. This does not usually result in stories specifically about the backlog and is instead ancillary to other topics.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Oct. 26, 2020

Minister Responsible: Labour

Temporary layoffs

ADVICE AND RECOMMENDED RESPONSE:

- Under B.C. law, once a temporary layoff period has ended an employer has to either recall laid off workers or terminate them with compensation for length of service (severance).
- In May, B.C. temporarily extended the layoff period from 13 to 16 weeks and in June granted a second extension to 24 weeks, expiring Aug. 30, to coincide with the anticipated end of federal CERB program.
- To help keep employers and workers connected during the COVID-19 pandemic, the Employment Standards Branch established an online process to request extensions to the time limits on temporary layoffs beyond Aug. 30.
- B.C. is unique in allowing employers and employees to jointly request a temporary layoff variance, which can extend a temporary layoff, to give employers more time to recover before recalling staff.
- By September, 560 variance applications had been approved — covering nearly 10,000 workers. The variance applications are not open-ended, and many expire in Dec. 2020.
- The Branch has designed a process to allow employers and workers to apply for a further extension if necessary, which may be important in sectors that are still not allowed to operate during the pandemic such as casinos.

Advice/Recommendations

KEY FACTS:

On July 20, 2020, after providing two extensions to the temporary layoff notice period due to COVID-19, the Ministry of Labour launched a new online tool to make it easier for employers and workers to jointly apply for a variance to extend a temporary layoff period beyond Aug. 30, 2020. The purpose was to extend the temporary layoff period based on an employer's unique circumstances, align with the federal CERB program and maintain the connection between as many workers and employers as possible during the COVID-19 pandemic.

As of early September 2020, about 560 variance applications had been approved, covering nearly 10,000 workers in 11 different economic sectors in the province. Since then, there have been many renewals and new variances.

In B.C., the *Employment Standards Act* defines that a temporary layoff longer than 13 weeks in any 20-week period is considered a permanent layoff. To avoid a permanent layoff, employers are required to either recall employees or provide employees with written working notice of termination and/or pay severance to qualifying employees based on their length of service.

In May, B.C. extended the layoff period to 16 weeks for lay-offs related to COVID-19. In late June, government further extended the layoff period due to COVID-19 to 24 weeks, expiring Aug. 30, to coincide with the anticipated end of the federal CERB program.

Following those extensions, employer groups continued to express concern about the Aug. 30 deadline for temporary layoffs to become permanent. Government opted to use the variance provisions under Section 72 of the *Employment Standards Act* to enable employers and workers to jointly request a temporary layoff extension from the Employment Standards Branch to give employers more time to recover before recalling staff.

B.C. is the only jurisdiction in Canada that allows employers and employees to jointly request a temporary layoff variance. If a variance is granted and a business is still unable to recall staff as quickly as expected when the variance expires, employers and workers can apply for a further variance.

Media Interest: Layoffs during the COVID-19 pandemic have been the subject of much coverage in media throughout the province. The variance project received coverage during several media availabilities in August 2020.

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour

Date: Nov. 17, 2020

Minister Responsible: Labour

Forestry worker support programs

ADVICE AND RECOMMENDED RESPONSE:

- **Millworkers have been hit hard by mill closures, curtailments and an overall downturn in the forestry sector in recent years.**
- **The Ministry of Labour has two programs to support workers impacted by challenges in the forest sector with training, work placement and early retirement options.**
- **The Job Placement Program helps displaced forestry workers with retraining and job search assistance through offices in five Interior communities.**
- **The Bridging to Retirement Program helps older workers to transition to retirement and creates vacancies in working mills for younger workers to create jobs in Interior and Coastal communities.**
- **Since 2019, government invested \$52 million in the Ministry of Labour's two programs that support displaced forest workers and their families in communities in B.C.'s Interior and Coastal forest regions.**

Advice/Recommendations

KEY FACTS:

The Ministry of Labour has two programs to support workers displaced by a downturn in the forest sector – the Bridging to Retirement Program and the Job Placement Program. These two programs are part of a series of supports for forestry workers hard-hit by mill closures and indefinite curtailments as well as shift reductions.

On Sept. 17, 2019, government announced \$69 million over two years for new supports for Interior forestry workers under three ministries: Ministry of Forestry, Lands, Natural Resources Operations and Rural Development, Ministry of Advanced Education and Skills Training and Ministry of Labour. The announcement included (for Labour specifically): \$40 million for an early-retirement bridging program for older workers, and \$2 million for new job placement co-ordination offices to connect workers to training or new job opportunities.

On Sept. 17, 2020, government announced its economic recovery plan, which included \$10 million to expand the Bridging to Retirement Program to include Coastal regions (as defined by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development regional map).

Coastal forest worker applications will be accepted until a maximum of 200 applications have been received. To date the program has received 160 applications from Coastal millworkers.

More than 1,200 Bridging to Retirement Program applications have been received and are actively being processed.

The Bridging to Retirement Program has been designed to help older mill workers take early-retirement bridging funding that allows their job to be filled by a younger worker. Government support helps encourage older workers to continue to live in their communities and contribute to the local economy.

The Job Placement Program has offices in five Interior communities hardest hit by mill closures: 100 Mile House, Fort St. James, Fort St. John, Mackenzie and Clearwater. These offices opened in late 2019 and early 2020 and provide personalized support to both displaced workers and employers. Most clients are looking for new jobs, with about 114 people looking to retrain through other programs. However, some workers have opted to relocate for opportunities that fit their existing skills.

The Ministry has contracted two forest industry experts to help run the program. The offices work closely with WorkBC and the Ministry of Advanced Education, Skills and Training.

Since the launch of these two programs, there have been issues covered in Question Period and regional media that have since been resolved. These include:

- Change in the Bridging to Retirement Program eligibility regarding return to work. Initially the application form and website said "not return to work in B.C.'s forestry sector for a period of at least 18 months" but was quickly corrected to state any work other than self-employment is prohibited for 18 months.
- Some forestry workers who declined the bridge benefit because they felt it was not enough and were also displeased that the bridging benefit is taxable.

- Advice/Recommendations

Media Interest: Sustained regional and online media interest in the two programs, including CBC, the Orca and regional newspapers. Press Gallery covered issues that arose during QP, including Rob Shaw. The two contractors (Terry Tate and Frank Everitt) are routinely approached by local media.

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour

Date: Nov. 17, 2020

Minister Responsible: Labour

Economic recovery – Bridging to Retirement Program

Advice and Recommended Response:

- **Government committed \$1.5 billion dollars to help British Columbians recover from the economic impacts of the pandemic.**
- **That commitment includes creating good jobs in communities where workers and their families live.**
- **Coastal millworkers are set to receive \$10 million in economic recovery funding as part of our expanded Bridging to Retirement Program so that millworkers in the Coastal forest regions are supported as well as those in the Interior.**
 - **Coastal forest workers have already started applying. The funding supports up to 200 applications.**
- **This funding creates good-paying, family supporting jobs in working mills on the Coast and will help to retain younger, skilled workers in their communities during this challenging time.**
- **We know there is a need to create jobs in these regions and this program helps older workers transition to retirement in their communities and creates vacancies in mills for younger, impacted workers – keeping families, and communities, strong.**

Advice/Recommendations

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Withheld pursuant to/removed as

Advice/Recommendations

ADVICE TO MINISTER

KEY FACTS:

On Sept. 17, 2020, government announced an Economic Recovery Plan, which included \$10 million to expand the Ministry of Labour's Bridging to Retirement Program to Coastal regions to create jobs for younger workers in working mills. (Coastal regions as defined by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development regional map).

On September 25, the Ministry launched an updated application form and web content to enable coastal millworkers to apply to the Early Retirement Bridging Program.

Coastal forest worker applications will be accepted until a maximum of 200 applications have been received.

Advice/Recommendations

Advice/Recommendations

The Bridging to Retirement Program has been designed to help older mill workers take early-retirement bridging funding that allows their job to be filled by a younger worker. Government support helps encourage older workers to continue to live in their communities and contribute to the local economy.

Media Interest: Prior to the writ period, there had been sustained regional and online media interest in both the Bridging to Retirement Program and the Job Placement Program, including from the CBC, the Orca and regional newspapers. Press Gallery covered issues that arose during QP in the fall 2019, including Rob Shaw.

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour

Date: Oct. 26, 2020

Minister Responsible: Labour

Banister report on hotel layoffs

ADVICE AND RECOMMENDED RESPONSE:

- **Government investigated how the pandemic was affecting layoff and recalls rights in the hotel sector and associated unions in B.C. with a review done by Sandra Banister in August 2020.**
- **Ms. Banister heard from representatives of hotels and their association along with several impacted trade unions – and her report leaves no doubt that the situation is unprecedented for both workers and employers.**
- **Government considered and publicly released the report and encouraged employers to engage with their unions to work out a voluntary resolution to the challenges identified in Ms. Banister's report.**
- **Support is available through Labour Relations Board mediation services, or other third-party assistance, to ensure quick solutions at existing bargaining tables.**

KEY FACTS:

On Aug. 28, 2020, the Minister of Labour released an expert review of layoff and recall rights in B.C.'s unionized hotel sector and announced that government decided not to intervene in the collective bargaining process between unionized hotel workers and their employers.

The report, by labour lawyer Sandra Banister, QC, examined widespread layoffs in B.C.'s unionized hotel sector due to the COVID-19 pandemic, with specific focus on whether a right to recall provision in the *Employment Standards Act*, as proposed by the Unite Here! Local 40 union, had support from other unions and stakeholders in the industry. The union was concerned that some employers wanted to cut costs by terminating existing union workers through the severance process and hire back cheaper labour when business resumes after the pandemic.

In spring and summer 2020, Unite Here! Local 40 raised objections to this practice and asked government to intervene in support of hotel workers whose jobs have been impacted. In August, Unite Here! Local 40 began a rotating 22-day hunger strike along with protests at the B.C. Legislature.

On Aug. 5, the Minister of Labour appointed Ms. Banister to review the layoff and recall rights of unionized workers in B.C.'s hotel sector as a result of COVID-19, and asked her to deliver a report, without recommendations, by Aug. 20.

The report highlighted the complexity of union membership in B.C.'s hotel industry with about 7,000 workers represented by six different unions at approximately 80 hotels. Bargaining in the sector is fragmented between several employers' associations.

The report also highlighted the severe impact that the pandemic has had on the sector. The report stated that occupancy rates are generally dismal, with many operations ranging from virtually non-existent to 20%. Significant layoffs have occurred at many properties, some are maintaining only minimal staff while layoffs at other properties range from 30% to 98%.

Media Interest: The topic of hotels and union bargaining, as well as the right to recall during the pandemic received widespread media coverage in the summer however there has been little interest in this issue since a decision was made.

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour

Date: Oct. 22, 2020

Ministry Responsible: Labour

Temporary Foreign Worker Protection Act

ADVICE AND RECOMMENDED RESPONSE:

- **Temporary foreign workers deserve to be treated fairly while working in B.C., with protections that ensure their rights are protected regardless of immigration status.**
- **With the *Temporary Foreign Worker Protection Act*, government is improving the protections for temporary foreign workers and the accountability of recruiters and employers.**
- **Employers who wish to hire temporary foreign workers are required to be registered by Dec. 15, 2020.**
 - **So far, there are about 220 employers registered.**
- **Last year, B.C. established a licensing requirement for recruiters of foreign workers with about 150 recruiters now licensed and in good standing in B.C.**
- **These measures help ensure that workers coming to B.C. have their rights protected, and that recruiters and employers are held accountable when there are violations.**

KEY FACTS:

In 2018, the B.C. government brought in new legislation to better protect temporary foreign workers, called the *Temporary Foreign Worker Protection Act*.

In July 2019, regulations were introduced requiring recruiters of foreign workers in B.C. to be licensed by Oct. 1, 2019. There are now about 150 recruiters licensed with the Province.

In September 2020, government introduced a registry requiring of foreign nationals working in B.C. under the Temporary Foreign Worker Program and through the federal Home Child-Care Provider or Home Support Worker Pilot Programs to be registered by Dec. 15, 2020. After this date, a certificate of registration will be required for all employers wishing to hire temporary foreign workers.

The legislation prohibits foreign worker recruiters and employers from engaging in abusive practices such as charging fees for recruitment services and employment, retaining a foreign worker's passport or other documents and misrepresenting employment opportunities.

While recruiters do not have to pay a license fee, they must submit a security bond of \$20,000 as a protection for foreign workers if they breach the new law. The employer registry is free of charge. A list of licensed recruiters and registered employers is [available to view online](#).

Oversight of temporary foreign workers is complicated by a regulatory framework that involves both the province and the federal government. The federal Temporary Foreign Worker Program is overseen by Ottawa. In B.C., responsibility spans agencies including the Ministry of Jobs, Economic Development and Competitiveness, the Ministry of Labour, the Ministry of Agriculture, WorkSafeBC, regional health authorities and municipalities.

Issues that arise are commonly around the oversight in B.C. of temporary foreign workers (TFWs) and how B.C. is supporting these workers who have been vulnerable to abuse in the workplace. Situations arise where workers experience employment standards, occupational health and safety, housing and other violations, and workers have found it difficult to get help.

As a side issue, in the past, TFWs who found themselves tied to abusive employers through their work permits faced the threat of losing their status in Canada if they made a complaint. Under the Canada-B.C. Immigration Agreement, B.C. can support TFWs to obtain new work permits from the federal government in circumstances where they may be at risk. This means TFWs will have the ability to take a job with a different employer if they find themselves in an abusive situation. Improved federal legislation also increases the likelihood that TFWs will report violations.

Media Coverage: Regular media coverage of temporary foreign workers — including caregiving, farming, mining and restaurant sectors. Inquiries are both with respect to individual cases of worker rights and employment standards violations – as well as inquiries into the legislation and registry.

Over the past two years, there have been stories in the Vancouver Sun, Globe and Mail, VICE, Castanet and the Maple Ridge News. One case involved the failure of an employer to pay wages to TFWs, another examined the hiring of TFWs as truck drivers. More recently, there were several articles about an employer who allegedly imposed unfair COVID-19 pandemic restrictions on TFWs.

A handful of media stories triggered by outbreaks among TFWs in the agricultural sector since the start of the COVID-19 outbreak have looked at whether foreign workers are more vulnerable to infection due to their working conditions, including a story about TFW treatment in B.C. in the UK's The Guardian.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Labour

Date: Oct. 26, 2020

Minister Responsible: Labour

Patterson's report on workers' compensation

ADVICE AND RECOMMENDED RESPONSE:

- This summer, government released a report of a review of the workers' compensation system completed by Ms. Patterson in 2019.
- The report included over 100 recommendations, of which about 60 are for operational and process changes within WorkSafeBC and about 40 that relate to potential changes to the *Workers Compensation Act*.

Advice/Recommendations

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- The *Workers Compensation Act* was amended by Bill 23 in summer 2020 with changes that give WorkSafeBC and the courts additional tools and powers to enforce B.C.'s worker safety laws and that provide some additional supports for injured workers.

Advice/Recommendations

- WorkSafeBC is now implementing this summer's amendments – along with doing its part to keep people healthy and safe during COVID-19.

Advice/Recommendations

KEY FACTS:

On Aug. 26, 2020, the Ministry of Labour publicly released Janet Patterson's report, *New Directions: Report of the Workers' Compensation Board Review, 2019*,

Advice/Recommendations

Advice/Recommendations

The report was submitted to the Ministry on Oct. 31, 2019 and includes an addendum provided by Ms. Patterson in August 2020.

The report includes 102 recommendations and took a broad view of its mandate by arguing that significant system-wide and structural changes are required to drive the cultural changes that are required to accomplish worker-centric service delivery – one of the review objectives set out in the Terms of Reference.

Of the 102 recommendations, about 60 are for operational and process changes within WorkSafeBC and about 40 of the recommendations would require amendments to the Workers Compensation Act.

In April 2019, the Ministry of Labour launched a review of the workers' compensation system, led by retired labour lawyer Janet Patterson. The focus of the review was to increase the confidence of workers and employers by assessing how the system can be improved to be more worker-centred, with a focus on modernizing WorkSafeBC's delivery model, return-to-work practices and case management processes. It also analyzed WorkSafeBC's policies and practices through a gender- and diversity-based lens.

Ms. Patterson undertook a public consultation in June and July 2019, hearing from injured workers and their families, employers, medical practitioners, Indigenous peoples and First Nations, the legal community, interested stakeholder groups and the public. People were invited to provide feedback by mail, email or presenting at one of 14 public hearings.

Feedback included:

- 1,980 questionnaires that were returned;
- 164 written submissions totalling 1,400 pages of input; and
- 210 public presentations made by interested parties around B.C.
- Individual stakeholder meetings on specific issues

On Aug. 14, 2019, a business consortium of 46 employers (including the Business Council of B.C., the B.C. Construction Association and the B.C. Restaurant and Food Services Association) announced that they were withdrawing from the consultation. They "lost confidence" and felt the review was biased and lacking objectivity, noting that "select issues" chosen by Ms. Patterson for review exceed her mandate and match closely with her report 10 years ago commissioned by the B.C. Federation of Labour entitled "Adding Insult to Injury." The B.C. Federation of Labour's submission to the 2019 review in July called for the Ms. Patterson's 2009 report to be considered.

The 46 employer organizations made their own initial submission to Patterson in July,

Advice/Recommendations

Advice/Recommendations

The last comprehensive review of the workers' compensation system was in 2002, with substantive changes to the Act subsequently being made.

Media interest: Significant media coverage, particularly related to the withdrawal of the business coalition from the process. There has been some media interest in the report's release including Les Leyne, Victoria Times Colonist and Andrew MacLeod, Tyee.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Oct. 28, 2020

Minister Responsible: Labour

WorkSafeBC COVID-19 presumption

Advice and Recommended Response:

- Frontline workers have been bravely working through the pandemic and they deserve support if they contract COVID-19 while at work.
- That's why WorkSafeBC added a presumption – for COVID-19 and similar viral infections – to the *Workers Compensation Act*.
- This is important for workers who are at a higher risk than the rest of the population of contracting COVID-19 while on the job.
- In such cases, when a worker has a confirmed-positive COVID-19 test result, it is presumed to be caused from work unless proven otherwise.
- This past summer, changes to the *Workers Compensation Act* removed the usual 90-day waiting period for a presumption to come into force.
- In addition, WorkSafeBC has been implementing other changes from Bill 23 including changes that give WorkSafeBC and the courts additional tools and powers to enforce B.C.'s worker safety laws and that provide some additional supports for injured workers.

Advice/Recommendations

KEY FACTS:

In response to the COVID-19 pandemic, WorkSafeBC began accepting claims from workers who contract COVID-19 as a direct result of their employment. As of Oct. 21, 2020, WorkSafeBC has received 1,419 COVID-19 claims, a breakdown of data is [posted weekly to its website](#).

Sixty per cent of reported claims have come from the health care and social services sector.

Claims are allowed when there is enough evidence to establish that the worker has COVID-19 and the risk in the workplace is significantly higher than the ordinary exposure risk. Claims are typically disallowed when there is insufficient evidence to establish that the worker has COVID-19 (based on tests or symptom cluster), and/or the worker went off work strictly as preventative measure.

On July 22, 2020, WorkSafeBC's Board of Directors approved amendments to Schedule 1 of the *Workers Compensation Act* to add a presumption for infections caused by communicable viral pathogens which are the subject of a B.C.-specific emergency declaration or notice. This decision was made following an expedited consultation with stakeholders from June 1-12. The presumption was established within six months, instead of the usual 18-24 months, in response to the pandemic and in recognition of the importance of having the presumption in place as soon as possible.

The presumption recognizes that some workers are at a significantly greater risk of exposure to COVID-19, and it ensures these workers who have contracted COVID-19 will be presumed to have contracted it on the job. One of the changes made to the *Workers Compensation Act* in summer 2020, Bill 23, waived the requirement for a 90-day waiting period before the presumption would come into effect.

On July 20, in response to the introduction of Bill 23, a consortium of B.C.'s employers wrote a [letter to government](#) expressing concerns with the amendments, specifically around the 90-day waiting period and presumption. They said Bill 23 "adds more uncertainty in the recovery period and long-term costs to WorkSafeBC which is paid for through employer premiums" and that employers don't support the policy "because of the lack of scientific and medical evidence based on WorkSafeBC's own epidemiological information; and, as noted above, it duplicates and is likely misaligned with the forthcoming national sick pay program."

On April 29, the BC Federation of Labour called on government to include COVID-19 for presumptive coverage. The BC Nurses Union had concerns about the timeline for the process and launched an online MLA letter writing campaign asking that nurses who are exposed to or test positive for COVID-19 are compensated immediately through WorkSafeBC's presumptive coverage.

No other Canadian jurisdictions have a presumption specific to COVID-19 in place at this time, however several U.S. jurisdictions have passed presumption legislation.

Media Interest: Claims filed with WorkSafeBC, and claims data, continue to garner major media coverage, specifically when made by teachers or health care workers, from media outlets including CTV News and News 1130. Bill 23's provision to waive the 90-day period also received major media coverage including the Globe and Mail and the Vancouver Sun.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Oct. 26, 2020

Minister Responsible: Labour

WorkSafeBC safety headgear consultations

Advice and Recommended Response:

- B.C.'s workplaces are diverse, and workers reflect a broad range of cultural and religious traditions.
- Based on a 2019 request from the Minister of Labour, WorkSafeBC is considering changes to the Occupational Health and Safety Regulations to accommodate turban-wearing Sikhs where there is no risk of head injury, while maintaining a commitment to health and safety.
- In some workplaces, employers have a requirement for all workers to wear a hard hat, instead of considering risks an individual worker might face on the job. This has had a dramatic impact on turban-wearing Sikhs.
- For many years, the Sikh community has been raising concerns about not being able to fully participate in the workforce — especially in construction — because of this requirement.
- WorkSafeBC has begun seeking feedback, including from employers and the Sikh community, to make sure they hear from the people most impacted before making any changes.
- The public consultation portion closed July 31, and WorkSafeBC will be re-scheduling their public hearings and the deadline for written feedback until after the provincial election.

If asked: What are the proposed changes?

- WorkSafeBC is reviewing the regulations to see if changes could be made that would continue to protect turban-wearing Sikhs while on the job.
- WorkSafeBC will hear from a balance of voices before making any changes.

If asked: Could any potential changes make workplaces less safe?

- **WorkSafeBC's Board of Directors will be making its decision based on the best scientific evidence available as well as feedback from employers, workers, safety organizations and everyone involved.**
- **The Board of Directors is independent, and it would be premature to comment until after the Board makes its impartial decision.**

Advice/Recommendations

ADVICE TO MINISTER

KEY FACTS:

On June 29, 2020, WorkSafeBC began a public consultation on proposed regulatory amendments to Part 8, personal protective clothing and equipment – section 8.11(1) – safety headgear of the Occupational Health and Safety Regulation.

B.C.'s Occupational Health & Safety Regulation requires safety headgear (hard hats) to be worn in any work area where there is a danger of head injury. Some employers require all workers to wear hard hats without considering where there are risks. The proposed regulation would accommodate turban-wearing Sikhs by allowing them to not wear hardhats where there is no risk of head injury.

There is often a perceived conflict between human rights laws which preclude religious discrimination and occupational health and safety laws requiring safety headgear. A long-standing issue in the turban-wearing Sikh community has been an exclusion from certain jobs or activities.

On the other hand, some employers and construction associations have raised concerns that the proposed change would “confuse and weaken the existing regulations”. On Aug. 21, 2020, the Council of Construction Associations (COCA) launched a [letter writing campaign](#) opposing the proposed change.

As part of the process, stakeholders have two opportunities – through a public consultation and public hearings – to provide feedback on the proposed amendments before WorkSafeBC's Board of Directors decides.

For this proposed amendment, the public consultation ended on July 31. As a next step, WorkSafeBC consulted a committee comprised of key employer and labour representatives called the Policy, Practice and Consultative Committee.

Then, public hearings begin to provide stakeholders with a second opportunity to provide feedback. Public hearings are usually held in person at multiple locations and times around the province but this year, will be held virtually. The public hearings were scheduled for late September but have since been postponed until after the provincial election.

Written submissions will also be received during the public hearing portion of the consultation.

Following this, the Board of Directors will be provided with the stakeholder feedback and written submissions and will consider them before deciding. The earliest any change to the Occupational Health and Safety Regulation is 90 days after being deposited with the Office of the Registrar of Regulations.

All Canadian jurisdictions require workers to wear safety headgear where there is a risk of head injury, without an exemption for workers who wear a turban.

Media Interest: There has been no major media coverage of the proposed regulatory amendment, although it has been reported in the Journal of Commerce. On July 30, South Asian media outlets received an email from someone concerned that WorkSafeBC had received minimum input from the turban-wearing community.

Advice/Recommendations

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Oct. 28, 2020

Minister Responsible: Labour

WorkSafeBC surplus

Advice and Recommended Response:

- The workers' compensation system is funded through premiums paid by employers and returns from the investment of those premiums.
- WorkSafeBC's Accident Fund continues to remain in a strong, financially sound position, as it did prior to the COVID-19 pandemic.
- WorkSafeBC's Board of Directors established a target funding level of 130% to ensure the long-term financial sustainability of the workers' compensation system.
- Despite the volatility from the COVID-19 pandemic, the funding level remains at approximately 145%.

Advice/Recommendations

- Government will continue to work closely with businesses in building a strong recovery for every sector of B.C.'s economy.
- WorkSafeBC acted quickly to provide relief for employers in other ways:
 - allowing businesses to defer paying their premiums for six months without penalty or interest.
 - waiving premiums on wages paid to workers of employers receiving the Canadian Emergency Wage Subsidy.

If asked: about the call of returning a significant portion of the surplus to employers?

- **Decisions about the surplus are the responsibility of the WorkSafeBC's Board of Directors in accordance with the *Workers Compensation Act*.**
- **Government will continue to work closely with businesses in building a strong recovery for every sector of B.C.'s economy.**
- **WorkSafeBC acted quickly to provide relief for employers in other ways:**
 - **allowing businesses to defer paying their premiums for six months without penalty or interest.**
 - **waiving premiums on wages paid to workers of employers receiving the Canadian Emergency Wage Subsidy.**

Advice/Recommendations

ADVICE TO MINISTER

KEY FACTS:

Advice/Recommendations; Government Financial Information

which is a funding level of approximately 145%. With volatile markets due to the COVID-19 pandemic, there have been fluctuations, however the Accident Fund still has a surplus, exceeding WorkSafeBC's target funding level of 130%.

WorkSafeBC had an excess surplus of approximately \$3 billion as of Dec. 31, 2019.

Throughout the pandemic there have been calls to use the Accident Fund's surplus to purchase personal protective equipment (PPE) for businesses who need it. The BC Liberals 2020 election platform included a committed to assist small businesses in adopting COVID-19 protections by providing support for personal protective equipment (PPE) from WorkSafeBC surplus. They may continue to advocate for this.

In May 2020, Rob Shaw with the Vancouver Sun and The Province newspapers reported that the Accident Fund's surplus had been wiped out due to market fluctuations. WorkSafeBC sent out a clarifying statement that the surplus was intact, although, at the time, it was \$1 billion below plan.

The BC Federation of Labour and workers have suggested it be used to improve workers' compensation benefits and rehabilitation services for injured workers.

The business community has consistently had issue with excess surplus and in the past have called for the surplus to be returned to employers, which they see as an overpayment of premiums. In 2018, the Canadian Federation of Independent Business (CFIB) launched a petition stating that a funding ratio of 110% to 120% should be more than enough and asked WorkSafeBC to immediately refund surplus monies to employers. In August 2018, they presented nearly 4,000 petitions to WorkSafeBC.

Media Interest: The surplus has been the topic of major media coverage during COVID-19 as there was discussion by political parties of using the surplus to pay for personal protective equipment, and stories that the surplus fund had greatly declined due to the pandemic.

Base rates and surplus:

2018	2019	2020	2021
Average base premium rate: 1.55%	Average base premium rate: 1.55%	Average base premium rate: 1.55%	Average base premium rate: 1.55%
Average cost rate: 1.67%	Average cost rate: 1.68% (projected)	Average cost rate: 1.67% (projected)	Average cost rate: 1.84% (projected)
26% of employers had an increase	46% of employers had an increase	45% of employers to see an increase	43% of employers to see an increase
Surplus at \$2.9B (as at Dec. 31, 2018)	Surplus at \$3.0B (as at Dec. 31, 2019)	TBD	TBD
Assets over liabilities: 155% (target is 130%)	Assets over liabilities: 152% (target is 130%)	TBD	TBD
Claims costs: \$1.9B	Claims costs: \$2.7B (includes \$486m adjustment due to discount rate change)	TBD	TBD
Injury rate: 2.19 per 100 workers	Injury rate: 2.20 per 100 workers	TBD	TBD

MINISTRY OF LABOUR KEY STAKEHOLDERS

* These unions are not members of the BC Federation of Labour.

Branch	Organization	Contact	Description	Key Issues
LBR	BC Federation of Labour	Laird Cronk, President 604-430-1421 president@bcfed.ca	Organized Labour	<ul style="list-style-type: none"> Economic recovery supports, employment standards, worker safety, workers' compensation review, migrant worker support, forestry successorship.
LBR	BC Nurses' Union*	Christine Sorensen 604-433-2268 Ex: 2141 Christinesorensen@bcnu.org	Organized Labour	<ul style="list-style-type: none"> Economic recovery supports, employment standards, workers' compensation review, worker safety.
LBR	Unifor*	Gavin McGarrigle, Western Regional Director Personal gavin.mcgarrrigle@unifor.org	Organized Labour	<ul style="list-style-type: none"> Economic recovery supports, worker safety, workers' compensation review, forest worker support programs.

Branch	Organization	Contact	Description	Key Issues
LBR	Labour Relations Board	Jacque de Aguayo, Chair Personal Jacquie.deAguayo@lrb.bc.ca	Tribunal	<ul style="list-style-type: none"> Labour Relations Code amendments and capacity challenges. Future regulatory amendments.
LBR	Business Council of British Columbia	Greg D'Avignon, President & CEO 604-684-3384 Greg.davignon@bccbc.com	Employers' Organization	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation review, TFWPA Implementation, forestry successorship.
LBR	Coalition of BC Businesses	Jeff Guignard, Chair 604-682-8366 jeff@ablebc.ca	Employers' Organization	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation review, TFWPA Implementation, forestry successorship.
LBR	Small Business Roundtable	Cybele Negris, Vice Chair Personal RoundtableSecretariat@gov.bc.ca	Advisory body to government	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation review, TFWPA Implementation.

Branch	Organization	Contact	Description	Key Issues
LBR	Greater Vancouver Board of Trade	Bridgitte Anderson, CEO 604-681-2111 ceo@boardoftrade.com	Employers' organization	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation review, TFWPA Implementation.
LBR	Surrey Board of Trade	Anita Huberman, CEO 604-634-0342 anita@businessinsurrey.ca	Employers' Organization	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation review, TFWPA Implementation.
LBR	Employment Standards Tribunal	Jacquie de Aguayo, Chair Personal Information Jacquie.deAguayo@lrb.bc.ca Marcella Gordon, Registrar Personal Marcella.Gordon@bcest.bc.ca	Tribunal	<ul style="list-style-type: none"> Amendments to Employment Standards Act, TFWPA Implementation and capacity challenges.
LBR	BC Employment Standards Coalition	David Fairey, Co-Chair 604-430-6036 david@labourconsultingservices.com	Worker Advocacy Organization	<ul style="list-style-type: none"> Economic recovery supports, accessibility of Employment Standards services, worker safety, migrant worker support, child employment.

Branch	Organization	Contact	Description	Key Issues
LBR	First Call: BC Child and Youth Advocacy Coalition	Adrienne Montani, Provincial Coordinator 604-877-4932 adrienne@firstcallbc.org	Child and Youth Advocacy Organization	<ul style="list-style-type: none"> • Employment standards, child employment, worker safety.
LBR	Tourism Industry Association of BC	Walt Judas, CEO 778-953-0620 wjudas@tiabc.ca	Industry Association	<ul style="list-style-type: none"> • Economic recovery supports, workers' compensation review, TFWPA Implementation.
LBR	Canadian Association of Professional Immigration Consultants	Neera Agnihotri, BC Chapter Chair 416-483-7044 bc@capic.ca	Professional Association	<ul style="list-style-type: none"> • TFWPA Implementation.
LBR	Consulate of Mexico	General Consul Ms. Berenice Diaz Ceballos 604-684-1859 bdiaz@sre.gob.mx	Foreign Government	<ul style="list-style-type: none"> • Migrant worker supports with a focus on provincial compliance and enforcement resourcing, accessibility of employment standards services and worker safety.

Branch	Organization	Contact	Description	Key Issues
LBR	Consular Alliance for Migrant Worker Support	Contact through the Consul-General for the Philippines: Consul General Maria Austria Personal culturalsection@vancouverpcg.org	Alliance of Foreign Governments	<ul style="list-style-type: none"> Migrant worker supports with a focus on provincial compliance and enforcement resourcing, accessibility of employment standards services and worker safety.
LBR	BC Agriculture Council	Reg Ens, Executive Director, BC Agriculture Council 604-854-4454 Reg@bcac.ca	Industry Association	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation, TFWPA Implementation, child employment.
LBR	Migrant Workers Centre	Natalie Drolet, Staff Lawyer/Executive Director 604-669-4482 natalie@mwcbc.ca	Worker Advocacy Organization	<ul style="list-style-type: none"> Economic recovery supports, accessibility of Employment Standards services, migrant worker support and worker safety.
LBR	WorkSafeBC	Anne Naser, President and CEO Personal Anne.Naser@worksafebc.com	Regulator	<ul style="list-style-type: none"> Board vacancies, pandemic support initiatives, occupational health and safety improvements including safety headgear, Bill 23 implementation, workers' compensation review, Accident Fund status.

Branch	Organization	Contact	Description	Key Issues
LBR	First Nations Health Authority	Richard Jock, Interim CEO 604-410-1513 media@fnha.bc.ca	Indigenous Health Services Organization	<ul style="list-style-type: none"> Workers' compensation review.
LBR	Employers' Forum	Doug Alley, Managing Director 778-265-8813 doug@employersforum.org Donovan Hides, President 604-605-4776 Donovan.Hides@snclavalin.com	Employers' Advocacy Organization for workplace safety.	<ul style="list-style-type: none"> Workers' compensation review, implementation of Bill 23, occupational health and safety improvements including safety headgear, Accident Fund status.
LBR	Union of BC Municipalities (UBCM)	Gary MacIsaac, Executive Director 604-270-8226 Ext 105 gmacisaac@ubcm.ca	Local Government Organization	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation.
LBR	United Steelworkers (USW)	Jeff Bromley, Wood Council Chair 604-205-1110 jbromley@usw.ca Stephen Hunt, Regional Director District 3 604-683-1117 shunt@usw.ca	Organized Labour	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation review, occupational health and safety, forestry successorship.

Branch	Organization	Contact	Description	Key Issues
LBR	Public and Private Workers of Canada*	Gary Fiege, President 604-731-1909 gfiege@ppwc.ca	Organized Labour	<ul style="list-style-type: none"> Economic recovery supports, worker safety, forestry successorship, workers' compensation review, forest worker support programs.
LBR	Interior Forest Labour Relations Association (IFLRA)	Jeff Roos, President 250-860-3592 jroos@iflra.com	Employer Association in the Interior forest sector	<ul style="list-style-type: none"> Forestry Successorship, economic recovery, workers' compensation review, forest worker support programs, child employment.
LBR	Council on Northern Interior Forest Employment Relations (CONIFER)	Mike Bryce, Executive Director 250-564-5166 mike@conifer.ca	Employer Association in the Northern forest sector	<ul style="list-style-type: none"> Forestry Successorship, economic recovery, workers' compensation review, forest worker support programs, child employment.

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CABINET MEMBERS' REFERENCE GUIDE – OCTOBER 2020

A. Introduction

Orientation for Ministers 2020

INTRODUCTION

The Orientation for Ministers briefing materials represent advice from the Public Service that provides an overview for ministers respecting their roles and accountabilities as members of the Executive Council.

The materials provide information about key entities and processes of government, including how Cabinet and its committees function; standards of conduct for ministers and other officials; financial management; information management and FOI; and the roles of statutory officers of the Legislature and statutory decision-makers.

Note that the information in these materials does **not** constitute legal advice.

For more information about the Cabinet and Committee process, see the Cabinet Operations intranet site at <http://gwww.cabops.gov.bc.ca/>.

For more information respecting a minister's role as Member of the Legislative Assembly, including Assembly procedures and services; managing a constituency office; and remuneration and benefits, see the "Member's Guide to Policy and Resources" on the Legislative Assembly's website at <https://members.leg.bc.ca/>.

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C. Cabinet Processes

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1. CABINET AND COMMITTEE DECISION-MAKING PROCESSES

Cabinet

Cabinet, or Executive Council, is established under section 9 of the *Constitution Act*. It is the ultimate decision-making body for government.

Functionally, Cabinet is a collective body of Ministers deciding significant government issues. Deliberations and decisions are focused on strategic priorities and substantive issues, as well as accepting or rejecting recommendations in relation to such matters. The legal powers of the executive are exercised by those with statutory authority to act (for example the Lieutenant Governor in Council or individual Ministers).

As a matter of course, significant decision or actions are first discussed and collectively agreed on by Cabinet. Cabinet determines and regulates its own procedures. Final decisions on Cabinet procedures rest with the Premier, as chair of Cabinet.

The frequency of meetings of Cabinet is determined according to the wishes of the Premier and according to the volume of material proposed for review. Cabinet's meeting schedule has been both weekly and bi-weekly.

Cabinet Committees

Cabinet could not operate effectively if all proposals were brought directly to the Cabinet table. Accordingly, Cabinet normally establishes committees to discuss and analyze proposals specific to certain sectors. Cabinet committees provide recommendations to Cabinet for review and approval. This helps focus recommendations to Cabinet on a narrower set of policy options and save time at the Cabinet table, while still allowing for a detailed discussion of the matter at the committee.

The Cabinet committee process is designed to move items efficiently and effectively and promote shared decision-making. Membership of all Cabinet committees is determined by the Premier. The Chair of Treasury Board is the Minister of Finance, as per section 3 (1)(a) of the *Financial Administration Act*. Minutes of all Cabinet committees are recommendations to Cabinet and are not final until approved by Cabinet.

Two committees, Treasury Board and the Environment and Land Use Committee (ELUC) are established in legislation and must be properly appointed if authorities under sections 3 and 4 of the *Financial Administration Act* and sections 2, 3 and 4 of the *Environment and Land Use Act*, respectively, are to be exercised. Additional committees may be established to meet general or specific needs.

Prior to the swearing-in of the new cabinet following the October 2020 election, there were 10 Cabinet committees supporting the Executive Council in its decision-making:

Priorities and Accountability

Ensures items moving through Cabinet and committees are government priorities and consistent with government's strategic plan and priorities. This committee considers items and issues that are potentially controversial and divisive; then discusses and determines how to best shape and present items for Cabinet's consideration. It also sets priorities for legislative drafting and assists Government Communications and Public Engagement in establishing key communication objectives for the year.

Treasury Board

Treasury Board is mandated by the *Financial Administration Act* as a committee of the Executive Council in matters relating to government's accounting policies and practices, management practices and systems and financial management and control. Treasury Board also evaluates the economy, efficiency and effectiveness of government programs and examines matters of government personnel management or other matters referred to it by the Executive Council. The majority of members of the Treasury Board must be members of the Executive Council. Treasury Board has prescribed powers under the Act to make regulations or issue directives.

Environment and Land Use Committee

The Environment and Land Use Committee is mandated by the *Environment and Land Use Act* to establish and recommend programs to foster increased public concern and awareness of the environment. It also considers the preservation and maintenance of the natural environment in the administration of land use and resource development and can make recommendations to the Lieutenant Governor in Council on matters relating to the environment and the development and use of land and other natural resources. The Committee may study any matter related to the environment or land use, prepare reports, and, if advisable, make recommendations to the Lieutenant Governor in Council. It has the power to hold a public inquiry, appoint technical committees and make regulations. The majority of members of the Environment and Land Use Committee must be members of the Executive Council.

Legislative Review Committee

Reviews draft legislation clause by clause to ensure it meets the policy intent and direction approved by Cabinet or one of its Committees. Items are scheduled for the Legislative Review Committee agenda once a Certificate of Readiness of the draft legislation has been signed by the responsible Minister or the Minister's designate. It is the final cabinet-level review of draft legislation before introduction in the House.

Cabinet Committee on Sustainable Shared Prosperity

Reviews proposals that contribute to the creation of a vibrant and environmentally sustainable economy in British Columbia.

Cabinet Committee on Social Initiatives

Reviews proposals for making life more affordable and tackling poverty and inequality.

Cabinet Committee on Reconciliation

Reviews proposals for advancing reconciliation with Indigenous peoples in BC such as the new fiscal relationship and the *Declaration on the Rights of Indigenous Peoples Act*.

Cabinet Working Group on Child Care

Reviews proposals related to development and implementation of a universal child care system.

Cabinet Working Group on Mental Health and Addictions

Reviews proposals responding to the opioid crisis and delivering BC's Mental Health and Addictions Strategy.

Cabinet Working Group on Housing

Reviews proposals to develop cross-government solutions and strategies to meet government's objectives for affordable housing.

Annual Planning Cycles

The annual planning cycle of government is comprised of three distinct planning cycles: the Strategic Planning Process, the Budget Planning Process, and the Legislative Planning Process.

Strategic and Performance Planning

Historically, the Strategic Planning cycle begins in preparation for Cabinet's planning session. An analysis of the prior year's public accounts and annual reports is conducted to inform discussions. It is at this session that Cabinet determines the broad objectives and key deliverables for the upcoming year and direction for subsequent years. Decisions and direction are then used by ministries and Crown agencies on the development and annual updating of their individual three-year service plans. Once ministry service plans have been prepared, they are reviewed to ensure they are consistent with the strategic priorities of government as outlined in its strategic plan and to ensure corporate delivery of priorities. Crown agency service plans are reviewed by Crown agency boards. Both are approved by the minister responsible.

The strategic plan and the ministry service plans are tabled in February, as required under sections 12 and 13 of the *Budget Transparency and Accountability Act* and released simultaneously with the budget. The strategic plan provides guidance and direction to the development of ministry plans and corporate initiatives and is directly linked to the budget. The plan is monitored and reported on annually to ensure accountability for delivery and in preparation for the next planning session.

Budget Cycle

Typically, the budget review process begins in the Fall, and involves Treasury Board reviewing ministry requests for additional resources, for new initiatives or to manage funding pressures. Instructions to ministries on government priorities for the coming years and how ministry requests are to be presented (e.g. whether there are any identified thematic envelopes) are normally issued in the summer months. Treasury Board decisions are made in December using the latest economic and fiscal forecasts. In January, there may be minor adjustments made as budget economic and revenue forecasts are finalized. As a matter of budget confidentiality, there are no Cabinet minutes pertaining to budgetary decisions.

It is important to note that, as per section 6(1)(c) of the *Financial Administration Act*, tax policy decisions are the purview of the Minister of Finance and held in strict confidence. As far as implementing tax policy decisions is concerned, that often requires legislation or regulations and the ultimate decision-maker would then be the Legislature or whoever was empowered to make the regulations (generally Cabinet and the Lieutenant Governor in Council). The Minister of Finance, as Chair of Treasury Board, remains in regular communication with the Premier throughout the budget process to ensure decisions are consistent with government priorities.

Legislation Cycle

Each year, Cabinet reviews and approves a list of legislative proposals. Policy changes must be considered by Cabinet before any legislative drafting begins.

If a legislative proposal is approved, the ministry will be asked to develop a formal “Request for Legislation” (RFL). The policy proposed by the RFL will be reviewed by an appropriate Cabinet committee, which will make recommendations to Cabinet. If approved, the ministry will receive written notice confirming they should begin working with legislative counsel to draft legislation. The material should be provided to the drafters as soon as possible, ideally several months before the legislation is scheduled to be introduced. The ministry should ensure that it provides full policy support to legislative drafters. Ministers are responsible for monitoring and ensuring progress in the development of their legislation.

Draft legislation is submitted for review to the Legislative Review Committee to ensure the draft is in accordance with approved policy and priorities. Approved drafts are finalized and prepared for introduction into the House. The timing of introduction is managed by the House Leader.

Orders in Council (OICs) and Regulations

Cabinet also reviews and approves other statutory instruments, such as Orders in Council and regulations, which are made under the authority of a particular Act. An Order in Council may be used to:

- Bring legislation into effect;
- Create or make changes to a regulation; or
- Make or rescind an appointment to a senior position in the public service (e.g. Deputy Minister) and to various agencies, boards and commissions.

The Minister and the ministry are responsible for ensuring that Orders in Council are brought forward well in advance of critical expiry dates and other time pressures.

The Crown Agencies and Board Resourcing Office (CABRO) presents recommendations to Cabinet concerning appointments of heads/ chairs or members of various agencies, boards and commissions. The Minister and the ministry are responsible for ensuring that Orders in Council are brought forward well in advance of critical expiry dates and other time pressures.

For further reference

The following hyperlink is to the government’s Strategic Plan for 2020 (pre-COVID):

https://www.bcbudget.gov.bc.ca/2020/pdf/2020_Strategic_Plan.pdf

TREASURY BOARD

Treasury Board is a committee of the Executive Council whose powers, functions and duties are established in section 4 of the Financial Administration Act (FAA), which authorizes Treasury Board to make decisions regarding:

- government accounting policies and practices;
- management practices and systems;
- financial management and control;
- evaluation of government programs as to economy, efficiency and effectiveness;
- government personnel management; and
- other matters referred to it by the Executive Council.

Treasury Board may also make regulations or issue directives to control or limit expenditures or set conditions for any expenditures.

Treasury Board Staff works on behalf of Treasury Board to coordinate with ministries, Crown corporations and agencies to prepare the Province's three-year fiscal plan, and to monitor the management practices and risks and opportunities affecting the operating and debt targets set out in the budget and three-year fiscal plan.

Although Treasury Board is assigned responsibilities under the FAA, it is the primary responsibility of each minister under the general direction of Treasury Board and the Minister of Finance to ensure that the financial affairs of the ministry are properly administered. In addition, ministers may be designated as being responsible for one or more Crown corporations and agencies (including the school districts, universities, colleges, and health organizations, or SUCH sector) whose financial affairs may be subject to Treasury Board regulations, directives and policies, and whose Boards are accountable for ensuring that appropriate financial administration is in place.

The Chair of Treasury Board is the Minister of Finance. The balance of the Treasury Board has been comprised of both Cabinet ministers and Members of the Legislative Assembly. A Cabinet Minister is appointed as Vice-Chair.

TREASURY BOARD STAFF

Treasury Board Staff (TBS) supports the Board and the Minister of Finance by:

- acting as a secretariat for Treasury Board including coordinating and managing Treasury Board meetings throughout the year;
- reviewing and analysing ministry proposals and providing recommendations to Treasury Board which includes assessment of:

- the cost effectiveness and use of financial resources;
 - alignment with government priorities and policy approvals;
 - the feasibility of implementation plans and use of key performance indicators;
 - the legal and accounting treatment and risks and other applicable policies (e.g. procurement policies);
 - previous decisions and precedence that could be set; and,
 - other relevant factors including confirming that Gender Based Analysis+ (GBA+), the *B.C. Declaration on the Rights of Indigenous Peoples Act*, and consultations with appropriate stakeholders have been considered as part of the proposal.
- preparing the government's annual Budget and Three-Year Fiscal Plan, Estimates, economic forecasts, Quarterly Reports/forecasts and the Financial and Economic Review;
 - managing the budget development process and monitoring, forecasting and recommending corrective action related to government revenue, expenditures, capital and debt, and risks and opportunities related to the three-year fiscal plan;
 - evaluating and reviewing commercial Crown corporation initiatives, performance measures, investments, budgets, performance management and related financial issues; and
 - supporting the development, implementation and management of government's ten-year capital plan consistent with the corporate strategic priorities of government.

Cabinet Confidences

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Cabinet Confidences

2. LEGISLATIVE PROCESS

Cabinet Operations, Legislative Counsel and ministry staff support the development of government's legislative agenda aligned with the priorities set by government.

This document describes the process used to set priorities in developing the legislative agenda. It is provided for information purposes only.

Often the demand for legislation outstrips the capacity for development and debate. Tight coordination of the approval and development process ensures that the finite resources are directed to government's highest legislative priorities.

Under the direction of the Cabinet Secretary, and according to the priorities determined by Cabinet and the House Leader, Cabinet Operations coordinates the legislative processes as described below. Tax related budget legislation follows a different process and is described in the Budget Legislation section below.

Setting the Legislative Agenda

Legislative Proposals

Cabinet Operations tracks legislative proposals for upcoming and future legislative sessions. A legislative proposal consists of a short, plain-language description of what the proposed legislation or amendment to existing legislation would do. An estimate of the magnitude of the legislative drafting effort (major/minor/moderate) associated with each proposal is also made. Legislative proposals are used to set priorities for legislative development and allow an early check-in with Cabinet and its advisors before ministries or Legislative Counsel invest in the development of Requests for Legislation.

Benefits of development of legislative proposals include:

- Allowing early notice to prepare legislative agenda items (especially important for major initiatives that may require multi-year development);
- Allowing more optimal timelines for required policy work, consultations and Cabinet and Treasury Board approvals;
- Optimizing planning and resource allocation of finite policy and legislative drafting resources; and
- Providing increased opportunities for strategic coordination and scheduling of Bill Introduction and announcement.

Cabinet Approval of Legislative Plans

Cabinet Operations consults the Cabinet Secretary, Chief of Staff's Office and House Leader's Office to prioritize legislative priorities for upcoming legislative sessions and tracks proposals identified for future

consideration. Priorities are established according to key policy goals of Cabinet, legal and fiscal imperatives. Deputy Ministers are asked to confirm that the legislative proposals associated with their ministry represent the key items required to meet government's priorities. Cabinet is then presented with a proposed corporate priority list for its next legislative session. Legislative Counsel's drafting capacity and available House time are taken into consideration by Cabinet when determining approval of the priority list.

Cabinet's decisions respecting the Legislative Agenda are communicated to Ministers by way of a Cabinet Record of Decision (ROD). Together these decisions comprise Government's Legislative Agenda.

In practical terms, the ROD indicates which items proposed by a ministry are approved to move towards the development of a Request for Legislation (RFL). The ROD may also explicitly indicate which items are not approved or are deferred to a future year.

Cabinet Operations facilitates the preparation of legislative priorities for review by Cabinet, tracks Cabinet's decisions and the assignment of relative priorities. Following the distribution of RODs, approved items are monitored closely, and progress reports are provided to Cabinet.

Development of Legislation

Policy Review and Approval

Policy options should be fully considered and clear policy direction obtained through the regular Cabinet decision-making process before an RFL is submitted for approval. The onus is on the sponsoring Minister to ensure appropriate and timely review (including cross-ministry and Treasury Board approvals) to resolve policy and fiscal issues at the earliest opportunity and ensure progress of the legislative agenda is not delayed. The Ministry is also responsible for addressing any unanticipated policy issues that may emerge during the drafting process.

Cabinet Operations provides information and support to ministries throughout this process and, along with other agencies, coordinates required approvals. Ministries are responsible for ensuring the proposed legislation complies with relevant statutes and agreements. Depending on the purpose and scope of the legislation, examples may include:

- the *Community Charter, Local Government Act or Local Government Grants Act*;
- the *Declaration on the Rights of Indigenous Peoples Act*;
- First Nations with treaties;
- the *Freedom of Information and Protection of Privacy Act*;
- the Canada-United States-Mexico Agreement (CUSMA);
- Canadian Free Trade Agreement;
- the Trade, Investment and Labour Mobility Agreement (TILMA);

- the New West Partnership Trade Agreement; and
- the Public Service Agency, Public Sector Employers' Council Secretariat.

Request for Legislation (RFL)

Ministers are responsible for the timely development and submission of RFLs for all items approved to proceed as communicated in Cabinet's decision respecting the upcoming legislative agenda. The purpose of the RFL is to describe the proposed legislation in sufficient detail for full understanding of the context of the proposal, the problem the legislation is intended to address, and how the legislation is expected to resolve the problem. The RFL also provides detailed drafting instructions to Legislative Counsel.

Ministry staff consult with their solicitor in advance of submitting the RFL to ensure any potential legal issues or conflict of interest that could directly or indirectly affect the initiative are identified.

The RFL is comprised of the following parts:

- Main Body – provides the overview and context, presenting the case for legislation, relevant background details, policy choices and articulates how the proposed legislation will achieve policy objectives;
- Appendix A – Legislative Counsel Comments: legal advice to Cabinet respecting the proposed legislation;
- Appendix B – Treasury Board Staff Comments: assessment of the financial implications, including total cost or benefit to government for implementation of the proposed legislation;
- Appendix C – 3 Column Document: detailed item-by-item breakdown defining the problem, describing the proposed changes and why the proposed approach was chosen; and
- Appendix D – Drafting Instructions: specific details for Legislative Counsel respecting the drafting of the legislative provisions.

Committee Review of RFLs

Cabinet Committees are charged with reviewing the majority of RFLs and making recommendations to Cabinet respecting approvals. Only RFLs most salient to government's key priorities are reviewed by Cabinet or the Priorities and Accountability Committee directly. Approvals are communicated to ministers by way of a Cabinet ROD. This ROD constitutes "approval to draft" legislation and engage Legislative Counsel and other resources as necessary.

Drafting Legislation

Ministers are responsible for monitoring and ensuring progress of their approved legislative items. Ministries are expected to provide full policy support to the drafting process and should be proactive in confirming policy direction or approvals or, where warranted, seek further direction in a timely manner. Legislation drafting teams are led by a ministry Instructing Officer who is responsible for delivery of the

ministry's legislation. Ideally, Instructing Officers should have ready access to ministry decision-makers and keep them well informed respecting development status of the legislative initiative.

Other members of the drafting team include additional policy staff, the ministry's advising solicitor and Legislative Counsel drafters.

Cabinet Operations monitors and tracks the progress of legislation and schedules draft legislation for presentation to the Legislative Review Committee.

Legislative Review Committee Approval

The Legislative Review Committee (LRC) reviews final draft legislation on a clause-by-clause basis to ensure the draft legislation reflects Cabinet's policy intent. All consultations, including Treasury Board review, need to be completed prior to LRC review. LRC is the last Cabinet-level review of legislation before it is introduced in the House.

Once approved by LRC, Legislative Counsel packages the draft legislation for Introduction. The packaging of Bills is directed by the House Leader.

Introduction of Legislation in the House

The timing of Introduction of legislation is directed by the House Leader. Close communication between the House Leader's Office, Cabinet Operations and the Chief of Legislative Counsel is essential to ensuring Bills are ready in accordance with House Leader's schedule for Introduction. Ministries receive information about the timing of introduction from their Minister's Office, who receives the information from the House Leader's Office. Timely communication with the relevant Minister is important to ensure that the Minister's House briefing materials can be prepared by Ministry staff to meet the scheduled introduction date.

Budget Legislation

The Budget legislation (traditionally the *Budget Measures Implementation Act* (BMIA)) is a key part of the provincial government's annual budget package and is a collection of legislative initiatives necessary to implement the budget. This legislation – which may contain both tax and non-tax measures – is part of the Ministry of Finance's budget process and does not follow the regular legislative review process.

What is the *Budget Measures Implementation Act*?

The *Budget Measures Implementation Act* (BMIA) is traditionally tabled on budget day by the Minister of Finance. The bill is composed of initiatives that are necessary to implement the budget or that affect the presentation of the Estimates. The BMIA is typically made up of two parts: tax measures and non-tax measures.

Tax initiatives in the BMIA generally include measures that:

- change tax policy (e.g. changes in tax rates or changes to the tax base including expansions or

contractions such as tax credits, exemptions or refunds);

- change fundamental aspects of a tax scheme; and
- respond to time sensitive or critical issues (e.g. adverse court decisions).

Note: A budget measure to create a new tax would normally be contained in a stand-alone Act separate from the BMIA, but would generally follow the same process as that described below for tax measures contained in the BMIA.

Non-tax initiatives in the BMIA generally include measures that:

- create or eliminate a Special Fund / Special Account / Financing Transaction;
- convert a Vote or a Special Account to a Crown corporation;
- convert a Crown corporation to a new Vote or to be a part of an existing vote;
- provide legislative support required for introduction of a new program that is included in the budget; and
- anything else that affects the Estimates presentation or other aspects of the budget.

Budget Measure Requests

Ministry non-tax budget submissions are submitted by ministries via a Budget Measure Request (modeled after the Request for Legislation). They are reviewed by the Fiscal Planning and Estimates Branch (FPE) of Treasury Board Staff, Ministry of Finance, before being submitted to and vetted by the Deputy Minister of Finance. Ordinarily, only those initiatives considered necessary to the implementation of the budget move beyond this stage. Final approval of budget legislation rests with the Minister of Finance.

Tax-related budget issues are handled internally in the Tax Policy Branch in the Ministry of Finance and do not require a formal budget measure request. These issues are presented by the Branch to the Deputy Minister of Finance and Minister of Finance. The Minister of Finance makes final tax decisions and determines with the Premier how and when to consult Cabinet and others, as part of the decision-making process. The benefits of this inclusive approach have to be weighed against the risks associated with the sensitivity of tax policy information.

All proposals accepted for the budget bill are then forwarded to Legislative Counsel for drafting of legislation. Legislative drafting teams made up of Ministry of Finance staff, sponsoring ministry officials (where applicable), legal counsel and legislative counsel are created to transform the budget measure request into legal text.

Neither tax nor non-tax budget amendments are normally reviewed by the Legislative Review Committee. However, the Premier or Minister of Finance may request that the committee review pieces of significance.

Further details of the Budget legislative process, based on the annual budget cycle for a February Budget, are below.

Stages in the Budget Legislative Process

The following stages of the Budget legislative process are based on the annual budget cycle for a February Budget.

Initiative Identification / Policy Development / Decisions

Tax Measures: August/September to December/January

- *Issue Identification*

Tax policy issues are identified in a variety of ways, including direction from the Minister to examine particular issues; requests from stakeholders; and issues flagged by provincial tax administrators/tax appeals and/or tax policy experts.

The analysis of some tax issues will involve knowledge of highly confidential taxpayer information (for example, knowledge of tax liabilities of particular corporations). The use and disclosure of this information is the subject of taxpayer confidentiality provisions in tax acts. In other cases, advance knowledge of proposed or final tax policy decisions may confer unfair benefits to individuals and businesses able to take advantage of the knowledge. In either situation, if information is handled incorrectly there will be calls for the Minister of Finance to resign.

As a result, and as is the case in other provinces, the approval process for tax decisions is somewhat different than the process used for approval of other policy decisions.

- *Minister of Finance Briefings for Decision*

An extensive series of staff briefings to review and consider Revenue Binder Notes for decision generally occurs between October and December.

To facilitate legislative drafting prior to Budget Day, most final decisions are made by mid-December (and earlier, if possible). The Minister of Finance makes final tax decisions and determines with the Premier if, how and when to consult Cabinet and others.

Non-Tax Measures: October - December

- Potential issues that may require legislation / regulation changes are identified throughout the fall. As with tax measures, issues may be identified in a number of ways, including internal Ministry of Finance analysis, requests from other ministries, or as a result of the annual Budget Consultation.
- A Budget Measure Request (BMR) package is completed for each measure put forward. This package includes a briefing note signed by the minister responsible and drafting instructions.
- Final submissions are compiled for review by the Deputy Minister of Finance and the Minister of

Finance for decision. Ministry contacts will be informed of decisions on which proposals have been tentatively accepted into the budget process, and therefore will be moving on to the drafting stage.

Drafting Stage / Signoff / Tabling

Tax Measures: October– February

- Immediately following final decisions being made, a legislation drafting team is assigned to each tax-related budget measure. Drafting teams are responsible for ensuring that the government's policy objectives are accurately and fully reflected in the draft legislation.
- The final tax legislation is reviewed by the Deputy Minister of Finance and the Minister of Finance and a signed Certificate of Readiness is prepared.
- Tax-related budget measures are not reviewed by the Legislative Review Committee.

Non-Tax Measures: January - February

- In early January, a legislation drafting team is assigned to each budget measure selected for inclusion in the bill. Drafting teams are responsible for ensuring that the government's policy objectives are accurately and fully reflected in the draft legislation.
- Measures may be reviewed by the Legislative Review Committee. The sponsoring Minister would ordinarily attend the Legislative Review Committee for this review (ministry staff may attend to deal with technical questions).

Debate of Budget Legislation

Tax Measures: Post Budget

- Budget legislation goes through the same stages of debate as regular legislation.
- The Tax Policy Branch prepares speaking notes and briefing materials regarding the tax measures for each stage of the budget bill's debate (first reading, second reading, committee (section notes), and third reading).
- Staff from the Tax Policy Branch provide support for the Minister of Finance during the committee debates of the tax aspects of the budget bill.

Non-Tax Measures: Post Budget

- Budget legislation goes through the same stages of debate as regular legislation.
- The Fiscal Planning and Estimates Branch (FPE) coordinates the preparation of speaking notes and briefing material for each stage of the budget bill's debate (first reading, second reading,

committee, third reading). These will be based on the information provided in the Budget Measure Request.

- Ministries will be expected to prepare section notes for the committee stage of debates. A template will be provided to ministries to ensure the consistency of section notes.
- A ministry representative may be called upon to provide support during the committee debates of the budget bill.
- The Minister of Finance may also request that the sponsoring Minister respond to questions regarding the sections of the budget bill corresponding to their requested budget measure.

3. ORDERS IN COUNCIL

Orders in Council (OICs) are instruments by which the Province implements a variety of staffing, administrative and regulatory changes. They require approval by Cabinet before being advanced to the Lieutenant Governor for signature and enactment. There is a corporate, cross-government process for developing and scheduling OIC materials for review by Cabinet.

Current Process

Working with ministries, Cabinet Operations schedules OICs for Cabinet review and reviews each OIC for completeness. Ministries submit an information package and “tagged” OIC (see next section on Legal Advice on OICs) to Cabinet Operations. The information package describes why the OIC is needed, timing considerations, engagement with Indigenous Nations, stakeholder feedback and fiscal matters. Cabinet Operations then prepares an OIC summary document for each Cabinet meeting of the OICs scheduled for review and distributes this summary with other Cabinet meeting materials. Deputy Ministers are responsible to ensure their minister is briefed and prepared to speak to their respective OICs at Cabinet.

If approved by Cabinet, each OIC is provided by Cabinet Operations to the Presiding Member of the Executive Council for signature, and then in turn to the Order in Council Office, which obtains the signature of the Lieutenant Governor (LG), or in the LG’s absence, the Administrator (Chief Justice of the B.C. Court of Appeal). **The moment the LG’s signature is affixed, the OIC becomes law.** The OIC is then posted on Queen’s Printer’s BC Laws website.

Cabinet may also defer or decide not to approve an OIC and in some cases Ministers may decide to withdraw an OIC prior to a Cabinet meeting. OICs that are withdrawn or deferred can be rescheduled once any follow-up is completed. OICs that are not approved by Cabinet do not advance further.

Legal Advice on OICs

Legislative Counsel in the Ministry of Attorney General draft OICs on instructions from policy and legal staff in the sponsoring ministry and review background materials and authorizing statutes. Legislative Counsel also prepare a brief legal opinion of the content and statutory authority of each OIC and append the legal opinion to the OIC as a “tag”. There are three colours of tags:

- Green - no identified legal risks or issues.
- Yellow - timing sensitivities, or some legal risks or issues exist if the OIC is approved.
- Red - represents a strong legal caution as the risks or legalities are significant to the point that Legislative Counsel does not recommend the OIC proceed. If a “red-tagged” OIC proceeds to Cabinet for consideration, the sponsoring ministry may be asked to provide a Cabinet submission explaining the issue and decision in detail.

Corridor Orders

Corridor Orders are OICs that are processed and approved without going to Cabinet for deliberation. Approval is provided by the Premier on behalf of Cabinet. Corridor orders are only used in exceptional circumstances where there would be significant consequences from waiting until the next Cabinet meeting. All corridor orders are reported for information to Cabinet at its next meeting.

Premier's Prerogative

There are certain OICs that are based solely on the Premier's prerogative and are processed as corridor orders. Traditionally, these are *Constitution Act* OICs which involve creating or changing members of Executive Council and the organization of the government, including Cabinet committees and ministry responsibilities. They can also include staffing and appointments to the public service, ministers' offices and the Government Communications and Public Engagement. Approval is provided on behalf of the Premier by either the Chief of Staff, or the Cabinet Secretary, depending on the nature of the appointment.

Proclamations

A proclamation is recognition by the provincial government of events or occasions held by groups on their own behalf or for the general public. During the last few years Cabinet has, by OIC, delegated its approval for proclamations to the Attorney General. Through this delegation the Attorney General has authority to approve and sign provincial proclamations on behalf of Cabinet. Approval of proclamations is required each year or time an event or occasion occurs. Types of events or occasions suitable for proclamations are those that are: apolitical; observe milestones, recognize achievements or direct attention to a worthy cause; and would not be considered offensive or frivolous by the public. Each year, the Order in Council Office receives hundreds of requests from individuals, organizations as well as from within government, requesting a provincial proclamation to mark a special day or event. Individuals or groups can submit requests, including draft wording for the proclamation, to the Order in Council office located in the Ministry of the Attorney General. Such requests should be received at least six weeks before the event or occasion.

OIC Responsibility Table

Participants, and their roles, in the Order in Council development, review and approval process include:

Organization	Role(s)
Office of the Premier	<ul style="list-style-type: none"> Approves OICs to be signed outside of the Cabinet process (corridor Orders.)
Cabinet Operations	<ul style="list-style-type: none"> Prepares OIC Summary report for Cabinet binder Supports the Cabinet Secretary to brief the Premier Receives, quality assures and summarizes OICs and associated documents ready for Cabinet review Administers the review and approval processes at Cabinet level (maintains schedules, facilitates review, acquires signatures, maintains files, etc.) Provides Cabinet-approved OICs to Order in Council Office
Ministries	<ul style="list-style-type: none"> Maintains inventory of required OICs and renewals Issues instructions to Legislative Counsel to create an OIC Obtains DM approval on OIC and associated materials Briefs minister and acquires ministerial sign off Provides final OIC and associated materials to Cabinet Operations
Legislative Counsel	<ul style="list-style-type: none"> Reviews legal context, drafts and “tags” the OIC, providing legal advice. OICs are “tagged” green, yellow or red.
Order in Council Office	<ul style="list-style-type: none"> Receives OICs as approved by Cabinet Acquires signature of Lieutenant Governor/ Administrator Uploads completed OICs to BC Laws for publication
Crown Agencies and Board Resourcing Office	<ul style="list-style-type: none"> Maintains inventory of agency, board and commission appointments, vacancies Maintains a candidate list Assesses candidates and provides recommendations on their suitability Briefs relevant minister, Deputy Minister of Government Communications and Public Engagement Prepares CABRO OIC Summary report for Cabinet binder Provides Cabinet-approved OICs to Order in Council Office

Attachment 1 – Example of OIC Summary Document for Cabinet

ORDERS IN COUNCIL

Cabinet Summary

Month XX, 2020

		FOR DECISION	
	MIN	PURPOSE OF ORDER	STATUTE
		Non-CABRO Appointments	
1.	AG O1234	Appoints Jane Doe of Nanaimo as a Justice of the Peace in and for the Province of British Columbia. The Chief Judge of the Provincial Court of BC has requested this appointment.	<i>Provincial Court Act</i> , R.S.B.C. 1996, s. 30 Approval requested at Cabinet's earliest convenience
		FOR DECISION	
	MIN	PURPOSE OF ORDER	STATUTE
2.	FIN O5678	Approves the remission of property transfer taxes paid in the amount of \$10,000 to Jane Doe. Remission of transfer taxes paid is requested on the basis of great injustice. The Ministry of Finance supports this order.	<i>Financial Administration Act</i> , R.S.B.C. 1996, s. 19 Approval requested at Cabinet's earliest convenience
3.	IRR O3456	Approves the transfer of a 10 hectare parcel of land to Canada for the settlement of a specific claim in accordance with the associated First Nations settlement agreement. This order affects the constituency of XYZ.	<i>Land Act</i> , R.S.B.C. 1996, s. 15 (5) and 31 Approval requested at Cabinet's earliest convenience

4.	AG +0 Reg Count R4567	Approves the request by the District of ABC to be added to the Bylaw Notice Enforcement Regulation effective July 30, 2021. This allows them to participate in an efficient system for issuing notices and resolving matters for minor bylaw infractions (e.g. parking tickets or dog licenses). MLAs XXX and XXX support this order.	<i>Local Government Bylaw Notice Enforcement Act,</i> S.B.C. 2003, s. 29 Approval required by July 30, 2021
FOR INFORMATION ONLY - CORRIDOR ORDERS			
	MIN	PURPOSE OF ORDER	STATUTE
5.	PREM 456	Appoints Jane Doe as Administrative Coordinator in the Office of the Minister of XYZ. - Signed by the Administrator on January 16, 2020	<i>Public Service Act,</i> R.S.B.C. 1996, s. 15
6	PREM 457	Appoints John Doe as Communications Manager with Government Communications and Public Engagement. - Signed by the Lieutenant Governor on February 1, 2020	<i>Public Service Act,</i> R.S.B.C. 1996, s. 15
FOR INFORMATION ONLY - PROCLAMATIONS			
	MIN	PURPOSE OF ORDER	STATUTE
7.	AG	Proclaims January 29 to February 4, 2020 as <i>"Proclamation Week"</i> in the Province of British Columbia. - Signed by the Administrator on January 9, 2020	Prerogative

Attachment 2 – OIC Information Template Currently Used by Ministries

Order in Council Cabinet Summary Information

This Template Last Updated: March 6, 2020

Ministry:

Date
Prepared:

Cliff #:

OIC Log #:

The information below will enable Cabinet Ministers to have a clear and complete picture of the decision points, shifts in policy, risks, implications, outstanding issues and timing sensitivities related to the Order in Council and that all necessary consultations have been completed. The ministry is responsible for ensuring the information below will enable an informed decision by Cabinet.

All sections must be completed unless non-CABRO appointment.

1. Type of OIC	<input type="checkbox"/> Non-CABRO* appointment – <u>Complete Sections 1 to 5 only</u> <input type="checkbox"/> Not a regulation <input type="checkbox"/> Regulation - provide Regulatory Count: ____
* Crown Agency Board Resourcing Office	
2. Timing Requirements for Cabinet review and approval	

<p>a) Select all that apply. Include rationale.</p>	<p><input type="checkbox"/> No Timing Requirements/At Cabinet's earliest convenience</p> <p><input type="checkbox"/> RUSH - Cabinet approval is requested / required by _____ because:</p> <p>(Check all that apply)</p> <p><input type="checkbox"/> Legal requirement - Per Legislative Counsel's comments, the OIC must be made/deposited by the date specified.</p> <p><input type="checkbox"/> Advance Notice - In order to give stakeholders sufficient time to adapt to the proposed change, the ministry would like to provide _____ amount of lead time between when the OIC is approved and when it takes legal effect.</p> <p><input type="checkbox"/> Media requirement. A public announcement is planned.</p> <p><input type="checkbox"/> Other _____</p>
<p>b) Why is the OIC required now and what are the consequences if not approved now?</p>	<ul style="list-style-type: none"> • •
<p>c) Should this OIC be held after approval?</p>	<p><input type="checkbox"/> NO - Process normally</p> <p><input type="checkbox"/> RUSH - Process by __DD/MMM/YYYY. Please explain why. _____</p> <p><input type="checkbox"/> YES - Hold until __DD/MMM/YYYY. Please explain why. _____</p>
<p>3. Communication</p>	
<p>What, (if any), is the current communication plan?</p>	<ul style="list-style-type: none"> • • <p>REMINDER: A copy of this OIC Summary Information document signed by the Deputy Minister is to be submitted to Nammi Poorooshasb, ADM, Strategic Communications Division, GCPE.</p>

4. Authorizing Act and section number(s)	
5. Purpose, Content and Context (OIC "Essence")	•
a) In plain language, please explain what this OIC does? What problem it solves? What is the effect?	•
b) Are there gender and diversity implications that should be considered? Guidance for Gender Based Analysis Plus (GBA+) in Cabinet and Treasury Board Submissions. Click here for more information	<input type="checkbox"/> NO - If no, please explain why there are no implications <hr/> <input type="checkbox"/> YES - If yes, what were the findings? <hr/>
c) Is this OIC in response to direction from Cabinet or one of its Committees or Working Groups?	<input type="checkbox"/> NO <input type="checkbox"/> YES - If yes, provide committee & meeting date: <hr/>
d) Who requested this change? Stakeholder, Cabinet direction, legal requirement, Ministry staff? And why?	•
6. Fiscal Management Considerations	•
a) Is Treasury Board review required?	<input type="checkbox"/> NO - if no, why not? <hr/> <input type="checkbox"/> YES - If yes, provide date of approval: <hr/>

b) Who at Treasury Board Staff reviewed this information and what comments did they provide?	<ul style="list-style-type: none"> [Name of analyst]
c) Is there a cost to Government to implement this OIC?	<input type="checkbox"/> NO <input type="checkbox"/> YES - If yes, provide amount, percentage increase or decrease, and description of cost: <hr/>
d) Is there a Fine, Fee or Administrative Penalty? For more guidance: Click here	<input type="checkbox"/> NO <input type="checkbox"/> YES - If yes, provide date of Treasury Board approval <hr/>
7. Business and Economic Implications	
a) Has your Ministry submitted/will it be submitting the Business and Economic Implications Form to JEDC?	<input type="checkbox"/> YES, submission date: <hr/> <input type="checkbox"/> NO - If no, please explain why not <hr/>
Briefly summarize the findings of the assessment. Guidance for the Business and Economic Implications Framework in Cabinet Submissions. Click here for more information	<ul style="list-style-type: none">
8. Indigenous Peoples	

<p>a) Does this OIC advance Government's commitment to reconciliation?</p> <p>For more guidance: Click here for more information</p>	<p><input type="checkbox"/> NO - If no, please explain</p> <p>_____</p> <p><input type="checkbox"/> YES - If yes, please indicate how</p> <p>_____</p>
<p>b) Have the Indigenous Peoples and Indigenous organizations who may be impacted by this OIC been engaged?</p>	<p><input type="checkbox"/> NO - If no, please explain why not</p> <p>_____</p> <p><input type="checkbox"/> YES - If yes, what views were expressed?</p> <p>_____</p>
<p>c) Does this OIC potentially affect Indigenous Peoples' rights and title?</p>	<p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES - If this OIC has the potential to adversely affect rights protected under s. 35 of the <i>Constitution Act, 1982</i> (Aboriginal rights and title, treaty rights), attach opinion from the Indigenous Legal Relations, Solicitors Unit, as to the sufficiency of the consultation process undertaken. (Contacts at the ILR: Geraldine Hutchings and Paul Yearwood).</p>
<p>d) Does this OIC potentially affect Indigenous Peoples' treaty rights?</p> <p>If a regulation may/will impact a treaty nation, notification and/or consultation should take place in accordance with the treaty.</p> <p>First Nations with treaties. Click here for more information.</p>	<p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES - If this OIC has the potential to affect treaty rights, indicate whether the advising solicitor from the Indigenous Legal Relations, Solicitors Unit, is satisfied he consultation process undertaken is sufficient. (Contacts at the ILR: Geraldine Hutchings and Paul Yearwood).</p>

<p>9. Stakeholder and Affected Party Consultations</p> <p>Who is impacted and when were they consulted? List stakeholders and indicate consultation dates and support or concerns raised. Stakeholders may include local governments, external stakeholders, and Government ministries, Crowns & agencies.</p>	<ul style="list-style-type: none"> •
<p>10. Application & government MLA support</p> <p>MLA support is required if the OIC affects specific electoral districts that are represented by a Government MLA. MLA support is not required if the OIC applies province wide, or to an electoral district represented by a non-government MLA. Please complete MLA consultations before submitting the OIC to Cabinet Operations.</p>	<p><input type="checkbox"/> This OIC applies to all electoral districts.</p> <p><input type="checkbox"/> This OIC applies only to the following electoral districts:</p> <p>_____</p> <p>If this OIC applies only to specific electoral districts, do you have written confirmation that Government MLAs from affected electoral districts support this OIC</p> <p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO - If no, please explain:</p> <p>_____</p>
<p>11. Confidence & Supply Agreement (CASA)</p> <p>Is Consultation with the BC Green Party Caucus required?</p> <p>Confidence and Supply Agreement Consultation Guide. Click here for more information.</p>	<p><input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES - If yes, has the consultation occurred/been scheduled and what was/is the date: _____</p> <p>If consultation has taken place, what was the outcome?</p>

<p>12. Trade Obligations</p> <p>The Trade Policy and Negotiations Branch at JEDC has been consulted and confirms:</p> <p>[select applicable box]</p>	<p><input type="checkbox"/> Trade is not affected</p> <p><input type="checkbox"/> The OIC may affect international or domestic trade obligations, and:</p> <p style="margin-left: 40px;"><input type="checkbox"/> Required notifications have been made and any comments received are:</p> <p style="margin-left: 40px;">_____</p> <p style="margin-left: 40px;"><input type="checkbox"/> Required notifications have not been made because:</p> <p style="margin-left: 40px;">_____</p>

Additional Details

Deputy Minister

Date Signed

Contact Name:

Title:

Phone Number:

Alternate Contact Name:

Title:

Phone Number:

Prepared By:

Phone Number:

Attached Appendices:

- ☐ Distribution Form
- ☐ Regulatory Impact Checklist Exemption Form
- ☐ Regulatory Impact Checklist and Regulatory Count Form
- ☐ Map(s)
- ☐ Other:

4. BUDGET DEVELOPMENT PROCESS

The *Budget Transparency and Accountability Act* (BTAA) requires government table a budget on or before the fourth Tuesday of February, or in election years, on or before March 23, or within 120 days of a in the appointment of the Premier (whichever date is later).

General Budget Development Timelines

Budgeting is a cyclical process, with management and reporting on the current fiscal year happening concurrently with future year budget planning.

Cabinet Confidences

Cabinet Confidences

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Withheld pursuant to/removed as

Cabinet Confidences

- In 2020/21, supplementary estimates were passed to create two new Contingencies votes (Vote 52 Contingencies for Pandemic Response and Economic Recovery and Vote 53 for Federal and Provincial Pandemic measures) to provide government with additional spending appropriation to respond to COVID-19.

Cabinet Confidences

BUDGET PREPARATION 2021

Cabinet Confidences

CURRENT FISCAL YEAR: BUDGET MANAGEMENT & PRESSURES

Cabinet Confidences

Ministry budgets as per the Budget and Fiscal Plan for 2020/21 – 2022/23 are shown below:

(\$ millions)	Updated Forecast 2019/20 ¹	Budget Estimate 2020/21	Plan 2021/22	Plan 2022/23
Office of the Premier	11	11	11	11
Advanced Education, Skills and Training	2,330	2,366	2,372	2,374
Agriculture	98	95	96	96
Attorney General	611	652	654	662
Children and Family Development	2,068	2,228	2,255	2,259
Citizens' Services	561	552	554	554
Education	6,577	6,697	6,758	6,765
Energy, Mines and Petroleum Resources	180	114	92	92
Environment and Climate Change Strategy	247	245	247	246
Finance	1,160	838	883	975
Forests, Lands, Natural Resource Operations and Rural Development	950	844	856	850
Health	20,846	22,190	23,130	23,875
Indigenous Relations and Reconciliation	108	97	108	108
Jobs, Economic Development and Competitiveness	97	93	94	94
Labour	16	17	17	17
Mental Health and Addictions	10	10	10	10
Municipal Affairs and Housing	828	650	842	812
Public Safety and Solicitor General	932	852	857	863
Social Development and Poverty Reduction	3,568	3,683	3,750	3,798
Tourism, Arts and Culture	164	161	161	161
Transportation and Infrastructure	914	929	932	932
Total ministries and Office of the Premier	42,276	43,324	44,679	45,554

Contingencies

The Minister of Finance is responsible for managing Contingencies vote(s) that support government in managing uncertain or volatile costs within the fiscal plan.

Cabinet Confidences

Cabinet Confidences

In 2020/21, there are three Contingencies Votes as shown in the following table.

Vote Name and Number	Description	2020/21 Appropriation	Current Forecast/ Allocation
Vote 45 Contingencies (All Ministries) and New Program Vote*	Cabinet Confidences		
Vote 52 Contingencies (All Ministries): Pandemic Response and Economic Recovery			
Vote 53 Contingencies (All Ministries): Federal and Provincial Pandemic			

Cabinet Confidences

Statutory Authority Pressures

A statutory appropriation is an authority to spend out of the Consolidated Revenue Fund through legislation and not a *Supply Act* (i.e. voted appropriation). The general rationale for statutory appropriations is to authorize spending for public policy reasons (e.g., required for immediate health and safety or protection of property such as fighting wildfires or the provision of emergency services in response to natural disasters) for situations that are unpredictable or and difficult to budget for.

Cabinet Confidences

Cabinet Confidences

Special Accounts also have statutory authority to make expenditures above the amounts published in the Estimates. A special account is an account in the general fund of the consolidated revenue fund where the authority to spend money from the account is located in an Act other than the *Supply Act*. Legislation specifies the dedicated revenue sources and eligible expenditures/specific purposes for each special account.

Cabinet Confidences

Cabinet Confidences

5. CENTRAL AGENCIES OF GOVERNMENT

BC Public Service Agency

The BC Public Service Agency (BCPSA) was formed in April 2003 as a central agency to provide a consolidated human resource management service to the BC Public Service. The organization is responsible for leading a strategic government-wide human resource agenda and supporting the operational business needs of government ministries and agencies through providing human resource management policies, frameworks and guidelines, and a variety of human resource services, products, and programs.

The BC Public Service is one of the largest employers in the province, serving all communities across B.C. The BCPSA is mandated to support this workforce by providing human resources services such as hiring, payroll, labour relations, occupational health and safety, learning and development, workforce planning, and employee engagement supports. The BCPSA also leads corporate human resource strategy and the development of a corporate plan for the BC Public Service that supports a “one-employer” approach to ensure government continues to have the skilled professional public service needed to meet the evolving needs of British Columbians.

As a central agency, the BCPSA most recently fell within the responsibility of the Minister of Finance as the minister responsible for the *Public Service Act*. The Deputy Minister (or Head of the BCPSA) reports to the Minister. Like all deputy ministers, the Head of the BCPSA also has a reporting relationship to the Deputy Minister to the Premier, who is the Head of the BC Public Service. The BCPSA is accountable to government ministries and agencies through its relationship with ministry executives.

Crown Agencies and Board Resourcing Office

The Crown Agencies and Board Resourcing Office (CABRO) is responsible for Public Sector Organization (PSOs) governance support. CABRO provides oversight of and support regarding Crown governance and corporate accountability in relation to public sector organizations.

CABRO co-ordinates the legislated performance, planning and reporting annual cycle for Crown Corporations under the *Budget Transparency and Accountability Act*, oversees the recruitment and recommendation of candidates for appointments to Crown corporations, agencies, boards and commissions and provides public sector governance advice and training for appointees. CABRO is the secretariat for the Appointment Orders Cabinet Committee, issues cross government drafting instructions for appointments and coordinates the Order in Council board appointments for Cabinet agendas.

Governance support includes:

- overseeing appointments to 264 public sector organizations – which encompasses nearly 2,000 appointees, with a firm commitment to reflecting the Province’s diversity in Provincial appointments (see diversity statement below);

- overseeing the delivery of mandate letters, service plans and annual service plan reports for PSOs;
- provision of guidance on the creation and dissolution of public sector organizations;
- conducting analysis, establishing best practices, providing advice and recommendations on governance issues;
- providing training on governance, public sector transparency, strategic Government priorities, performance planning and reporting; and
- maintaining and updating the Government's Crown Agency Registry and Shareholder's Expectations Manual for British Columbia Crown Agencies.

CABRO supports government's commitment to diversity in board appointments by ensuring:

- To support strong boards that reflect the diversity of our province, women, visible minorities, Indigenous Peoples, persons with disabilities, persons of diverse sexual orientation, gender identity or expression (LGBTQ2S+), and others who may contribute to diversity in public sector board appointments are encouraged to put their names forward for appointments.
- Consideration will be given to individuals with a broad range of backgrounds in community, labour and business environments. The selection process will recognize lived experience and volunteer roles as well as paid employment and academic achievements.

CABRO is headed by a Senior Executive Lead and is within the mandate of the Ministry of Finance.

Government Communications and Public Engagement

The primary role of Government Communications and Public Engagement (GCPE) is to inform the public about government programs, services, policies and priorities.

GCPE is staffed by professionals with experience and education in government and/or corporate communications, media relations, public relations, marketing, social media and digital content. Employees provide a variety of services and expertise, and work closely with other provincial, federal and municipal government representatives, media, industries, associations, interest groups, and the general public.

Through traditional communications practices and, increasingly, through direct engagement and online services, we provide:

- Communications Services
- Corporate Online Services
- Social Media
- Citizen Engagement

- Marketing Services
- Graphic Design Services
- Emergency Communications
- Ministry Communications Offices
- Media Relations
- Writing & Editorial Services
- Event Planning
- Media Monitoring

GCPE is headed by a Deputy Minister and is part of the mandate of the Ministry of Finance. Communications Directors are embedded within each of the individual ministries but report centrally through GCPE. The priority for the ministry-based communication teams is proactive strategic planning and delivering quality, services and products.

Intergovernmental Relations Secretariat

The Intergovernmental Relations Secretariat (IGRS) provides strategic advice and support to the Premier for meetings with the Prime Minister, other Premiers, U.S. leaders, heads of states and governments, and foreign dignitaries. IGRS gathers intelligence on pertinent issues and interests, participates in intergovernmental negotiations in advance of meetings, ensures that B.C.'s interests are represented in defining the agendas, and creates strategic alliances, as required, to influence the direction of policies or programs that affect the province.

The Secretariat is also responsible for the Francophone Affairs Program which is governed by a federal-provincial cooperation agreement on services in French. Collaboration between the B.C. government and the federal government supports ministries, Crown corporations and municipalities in their investments and efforts to ensure access and delivery of French language services.

The Office of Protocol is a division within IGRS that leads and coordinates ceremonial, protocol, honours and diplomatic activities, and manages and administers the *Provincial Symbols and Honours Act* which establishes the Order of BC and the Medal of Good Citizenship. It is also responsible for relations with the Consular corps.

IGRS is headed by a Deputy Minister and is within the mandate of the Office of the Premier.

Public Sector Employers' Council Secretariat

The Public Sector Employers' Council Secretariat is created under the *Public Sector Employers Act* and reports directly to the Minister of Finance as the Minister Responsible for the Act.

Secretariat Mandate:

The Public Sector Employers' Council Secretariat is the central agency supporting government on all

issues related to public sector collective bargaining, non-union compensation, appointee remuneration, and pension plans.

Labour Relations — provides strategic advice and the development of bargaining mandates, and implements those mandates and strategies through employers' associations by coordinating employers across the provincial public sector, including health, K-12 public schools, Crown corporations, community social services, post-secondary institutions (colleges, institutes, teaching universities) and research universities, as well as the core Public Service.

Non-Union Compensation — works with public sector employers to establish and implement compensation policies and plans for non-union employees such as managers and executives (including CEOs). PSEC Secretariat is responsible for coordinating the two annual statutory disclosures of executive compensation for 123 public sector employers.

Public Sector Pension Plans — represents government in its role as a partner under the *Public Sector Pension Plans Act* and the joint trust arrangements established for the four major public sector pension plans. This includes working with other partners to the pension plans to achieve the goals of the plans in a sustainable manner, monitoring government's risk exposure and providing policy advice to both government and public sector employers.

Board Appointee Remuneration — supports Treasury Board by chairing and providing secretariat support to the Appointee Remuneration Committee established pursuant to the by Treasury Board Directives that set remuneration guidelines for government appointees to Crown agency boards and administrative tribunals.

The Public Sector Employers' Council Secretariat is created under the *Public Sector Employers Act* and led by a President and CEO who reports directly to the Minister of Finance as the Minister Responsible for the Act.

Legal Services Branch

The Legal Services Branch's mandate is to deliver legal services to the Government of British Columbia in accordance with the *Attorney General Act*. The Branch provides comprehensive legal and legislative services to government including alternate dispute resolution services; acting for government in civil suits and tribunal proceedings; drafting all government bills and regulations; and preparing the Revised Statutes of British Columbia.

The Branch is a centralized government service, consisting of lawyers, paralegals and administrative staff. Lawyers in the Branch provide legal and legislative services to the Provincial government. The Branch was recently reorganized to consist of five legal group practices (Central Services Group, Litigation Group, Natural Resource, Transportation and Indigenous Legal Group, Justice, Health, and Revenue Group and the Vancouver Group), and the Office of Legislative Counsel and Director's Counsel. More information is available at L@w Matters at <http://www.legalservices.gov.bc.ca/>.

Central Agencies in Support of Cabinet

Cabinet Operations

Cabinet Operations is a non-partisan office that facilitates government decision-making and is the secretariat for Cabinet and its Committees. To fulfil this role, Cabinet Operations acts as the bridge between elected officials and the Public Service, moving information, material and decisions between the two groups. Specific activities include, but are not limited to:

- Providing independent, strategic advice to the Cabinet Secretary on the development of Cabinet agendas.
- Managing the government's strategic policy and legislative processes, including regulations and Orders in Council.
- Liaising with ministries to schedule submissions for review by Cabinet and its Committees and providing advice on appropriate format and content.
- Preparation, scheduling and logistics around all Cabinet and Cabinet Committee meetings (with the exception of Treasury Board).
- Preparation and distribution of Cabinet and Committee materials to members.
- Preparation and distribution of Cabinet and Committee meeting minutes to members and appropriate ministries.
- Office of record for Cabinet and Cabinet Committee meeting documents and decisions.
- Cabinet Operations is also responsible for providing advice and support to ensure continuity of core government operations related to Cabinet during government transition.

Cabinet Operations is headed by a Deputy Cabinet Secretary who reports directly to the Deputy Premier/Cabinet Secretary in the Office of the Premier.

Treasury Board Staff

Treasury Board Staff (TBS) develops, manages, and produces the Budget and Fiscal Plan, the 10-year Corporate Capital Plan, the Estimates, Quarterly Reports, the Financial and Economic Review, and other related documents.

TBS provides financial management advice to support well-informed decisions by Treasury Board and the Minister of Finance, including advice on economic performance, and management of ministry and agency spending, capital plans and spending, revenue and debt. TBS is responsible for developing the economic forecast as well as the 3-year fiscal plan. TBS also develops revenue and spending forecasts and plans; and makes recommendations to Treasury Board and government on expenditure management and related strategies as needed to keep the fiscal plan on track throughout the year.

TBS supports the operations of Treasury Board meetings throughout the year and advises the Board on budgetary requests and spending management issues brought forward by ministries and other government agencies.

TBS is headed by a Deputy Minister who is also the Secretary to Treasury Board.

CABINET MEMBERS' REFERENCE GUIDE – OCTOBER 2020

D. Advice to Ministers

1. Advice to Ministers on Responsibilities and Conduct

- a. Political Staff Standards of Conduct
- b. Public Service Standards of Conduct
- c. Conflict of Interest Disclosure Form
- d. Guide to Gifts and Personal Benefits
- e. Records Management Responsibilities of Ministers
- f. Use of Personal Email Accounts
- g. Are You Lobbying?

2. Ministers' Salaries, Benefits & Expenses

1. ADVICE TO MINISTERS ON RESPONSIBILITIES AND CONDUCT

Introduction

This section sets out the roles and responsibilities of Ministers and outlines some of the key considerations in standards of conduct for Ministers. It discusses conflict of interest, freedom of information and privacy, lobbying, judiciary matters and legal advice and administrative matters. The information is intended to act as a guide to help ministers in conducting their business and in supporting the Premier in managing the business of government.

Roles and Responsibilities

The Transition Process

Following an election, the Premier will be faced with a significant number of decisions. Some of the more important tasks are:

- determine the size of Cabinet;
- determine the scope of different ministerial portfolios;
- select members of Cabinet;
- prepare mandate letters for each Minister;
- prepare an action plan to implement the policy platform; and
- develop an approach to the public service including key appointments.

In this case, the Premier and their team will have already considered many of these issues during the preparatory process leading up to the election. However, some of the tasks - like selecting Cabinet members - can take place only after the election is over.

Many Ministers will be new to political life. Some of the early tasks they face will include:

- establishing a working relationship with other Cabinet members as well as with the Premier;
- understanding the role and structure of Cabinet and its committees;
- setting up their own office;
- getting to know key public servants, including the Deputy Minister and Assistant Deputy Ministers;
- reviewing the briefing documents prepared by the public service; and
- making an assessment of the status of programs and policies in place.

The accomplishment of these tasks depends on having clear understanding of the roles, powers, and limitations of the various actors in the Westminster political system. The following notes provide a quick overview of some of the crucial "building blocks" of the Westminster system.

The Role of the Premier

The role of the Premier is to provide overall political leadership to the government. As head of government, the Premier has both a political role and an administrative one. Political priorities do not always correspond to administrative resources and constraints. As a result, most governments are organized to provide separate but coordinated streams of advice to the Premier.

The political stream of advice normally comes from the Chief of Staff, Office of the Premier, while the administrative (non-partisan) advice comes from the Deputy Minister to the Premier. Both are deliberately located in the Office of the West Annex in order to keep coordination and cooperation to a maximum.

One way of summarizing the difference is that the Chief of Staff and their team are politically driven and administratively sensitive, while the Deputy Minister to the Premier and their team are administratively driven and politically sensitive.

Below is a general description of each office.

The Office of the Premier: Chief of Staff

- is politically driven;
- is the Premier's personal support or service centre;
- is headed by a close personal and political aide to the Premier;
- assists the Premier in their political roles – as the leader of the government and as a member of the legislature;
- plays a lead role in setting the government's agenda;
- determines whether a policy meets the needs and wishes of the government's external constituencies, i.e. its political soundness; and
- develops a strategy and programs to ensure government policy is adequately communicated.

The Office of the Premier: Deputy Minister to the Premier

- is strategically driven, to meet the public policy program set out by Premier and Cabinet;
- is headed by the Deputy Minister to the Premier, who is also the Head of the BC Public Service and the Cabinet Secretary;
- is responsible for managing the decision-making process of Cabinet and ensuring implementation;

- advises on soundness of proposed policy, legislation and expenditures;
- advises the Premier on issues of government organization and structure; and
- advises the Premier on senior full-time appointments to the public service and its agencies.

The Role of the Minister

Cabinet Ministers are accountable to the Premier and to the Legislative Assembly for the exercise of two fundamental responsibilities:

1. individual performance related to their portfolio responsibilities within the government; and
2. the collective performance of the government.

A useful aid to achieving this is a mandate letter to each Cabinet Minister specific to their portfolio from the Premier outlining the main issues the Premier wants the Minister to focus on.

The mandate letter would normally include:

- the Premier's expectations for Cabinet Ministers' conduct;
- priority areas for the Cabinet Minister's specific portfolios;
- issues to focus on within specific timeframes;
- responsibilities within the portfolios; and
- any immediate action that, in the Premier's view, must be taken in the portfolio.

Individual Responsibility and Accountability

Ministers are:

- sworn to carry out the powers, duties and functions of their portfolios;
- responsible for the policies, programs, and administration of their Ministries;
- a source of policy and program initiatives;
- vested with ministerial powers, duties and functions through various acts (officials have the required knowledge to advise Ministers on the nature and extent of such powers, obligations and constraints);
- individually responsible to the Legislative Assembly for:
 - their own actions;
 - the policies and practices of their Ministry, including the actions of all officials under their management and direction; and
 - the policies and practices of any non-ministerial bodies, such as agencies, boards and

commissions within the Minister's portfolio.

Collective Responsibility

Ministers are:

- appointed by the Premier and serve at the Premier's pleasure;
- expected to participate fully in Cabinet decision making, including appropriate Cabinet committees;
- expected to defend the government's actions and policies; and
- solemnly obliged to uphold the rule of Cabinet confidentiality.

Participation in Cabinet Decision Making

The Cabinet is the forum in which Ministers reach a consensus and coordinate their views and decisions on issues. It is chaired by the Premier and supported by the Secretary to the Cabinet and their staff. It provides a strategic direction and sets priorities for the government, in addition to addressing specific program and policy issues.

Cabinet decision making will also involve Cabinet Committees and, if established, Working Groups, as determined by the Premier. Working Groups are typically very focused Committees of Cabinet and have equal decision-making powers as other Committees of Cabinet. Committees and Working Groups receive and evaluate submissions and make recommendations to Cabinet, which makes the final decision on the issue.

Consensus

- Cabinet works through a process of presentation, discussion and consensus in order to reach decisions.
- Through discussion and debate by Cabinet, and following any final thoughts expressed by Ministers, the Premier will sum up the consensus among the Cabinet members.
- The Secretary to the Cabinet Committee, typically the Deputy Cabinet Secretary, then records the decision and communicates it to appropriate Deputy Ministers for implementation.

Consultation

- Policy and legislation proposals are brought to Cabinet through a formal process and set out in documents called Cabinet Submissions. Cabinet Operations establishes a common format for submissions, and routes the submission to the appropriate Cabinet Committee.
- Meetings are not the forum to verbally introduce new policy issues for decision.
- Consultations among relevant Ministers (or among their ministries) often precedes the submission of a proposal to Cabinet.
- Cabinet focuses on the need to resolve differing points of view, or to confirm the course a Minister proposes to follow.

- Officials are expected to ensure that other ministries are informed in advance so that their Ministers can be prepared for Cabinet discussions.

The Public Service

This section discusses the distinct but complementary roles of public servants and exempt staff in supporting Ministers in performing duties related to their portfolio responsibilities.

The BC Public Service is non-political and non-partisan and is expected to serve the politically elected government of the day to the best of its ability. Its three main roles include:

- Providing policy advice and functional expertise to Ministers;
- Implementing government policy and programs; and
- Delivering government services to citizens.

Public Service versus Political Positions/Roles

There is a distinction between public service employees and employees considered to have political affiliation.

BC Public Service employees are appointed under the *Public Service Act* and are governed by its provisions. Public service employees are expected to be non-political and non-partisan.

Staff in Ministers' Offices, including ministerial assistants, executive assistants, administrative co-ordinators and support staff, are appointed by Order in Council (OIC) under section 15 of the *Public Service Act*, which excludes them as public service employees. Their terms and conditions of employment are established by OIC and they are designated as appointees. As such, application of the merit requirement does not apply in their hiring, nor must they remain non-political/non-partisan in their working roles. However, ministers' office staff must inform themselves about the standards of conduct that apply to them, as well as the standards for public service employees, and their actions must respect the non-partisanship and impartiality of public service employees. (See attached *Standards of Conduct* documents.)

Ministers and Deputy Ministers

For both Ministers and Deputy Ministers to be successful in their respective roles, a good working relationship, based on trust and mutual understanding, is critical. Each Deputy Minister must be well versed in their Minister's priorities and work styles; conversely, in developing a relationship with their Deputy, each new minister should remember that Deputy Ministers are:

- professional, non-partisan public servants who are expected to serve and advise their Ministers with integrity, expertise, and frankness;
- accountable to the Minister, the Premier, and the Cabinet Secretary;
- the official entry point/channel through which the Minister should typically access the public service and its employees; and
- governed by the *Standards of Conduct* for public service employees.

Ministers are also bound by ethical standards, including those outlined in the *Members' Conflict of Interest Act*; however, there are several differences between the provisions of this Act and the *Standards of Conduct* for public service employees. These differences include scope, the non-partisan emphasis of the latter, and mechanisms for addressing potential conflicts/issues as they arise.

Conflict of Interest

The *Members' Conflict of Interest Act* ("the Act") prohibits acting in an official capacity if a conflict of interest or an apparent conflict of interest exists. A conflict of interest exists if the Member exercises an official power or performs an official duty or function and at the same time knows that in the performance of the duty or function there is the opportunity to further their private interest. A private interest does not include an interest that applies to the general public or affects a Member as a broad class of people.

The Conflict of Interest Commissioner is an independent, non-partisan Officer of the Legislative Assembly who is responsible for independently and impartially interpreting and administering the Act. Members of the Legislative Assembly are expected to act in the public interest at all times, and must not use their official position for personal gain or advantage. The rules governing conflict of interest for Members are set out in the Act and ensure that those who are elected to public office are held to high standards of conduct.

Members must avoid both actual and apparent conflicts of interest, and must arrange their private affairs to prevent such conflicts from arising. Members are expected to resolve any conflicts which do arise promptly and transparently. In determining whether an apparent conflict of interest exists, the Commissioner must consider not only whether the Member is in receipt of a benefit amounting to a private interest, but also whether in all of the circumstances a reasonably well informed person could perceive that this private interest could affect the exercise or performance of an official power, duty or function.

The Act includes the following prohibitions:

- A general prohibition against **conflicts of interest**
- A prohibition against using **insider information**
- A prohibition against using one's **influence** inappropriately
- A prohibition against accepting **extra benefits**.

Section 16(1) of the Act requires that all Members of the Legislative Assembly of BC file a confidential disclosure statement with the Commissioner within 60 days of being elected, and after that annually. Members must complete a confidential disclosure form pursuant to the regulations to the Act which contains a statement of the nature of the assets, liabilities and financial interests belonging to the Member and their spouse. Separate disclosure forms are required if the Member has any minor children, and if the Member, their spouse or minor child has a controlled private corporation.

Once the contents of the confidential disclosure statement have been finalized, a Public Disclosure Statement (PDS) is prepared. The PDS contains most, but not all, of the information contained in the Member's confidential disclosure statement. It is filed with the Clerk of the House and is available for public inspection.

The following members' forms can be found on the Conflict of Interest Commissioner's website at www.coibc.ca.

- Member's Confidential Disclosure Statement
- Disclosure Statement for Minor Children
- Controlled Private Corporation Statement
- Member's Statement of Material Change
- Member's Statement of Gifts and Personal Benefits

Declaring a conflict that arises at a Cabinet or Committee of Cabinet meeting

The Act requires that Ministers who have a conflict of interest or an apparent conflict of interest, or have reasonable grounds to believe that they have a conflict of interest must, if present at a meeting of Cabinet or any Committee of Cabinet:

1. Disclose the general nature of the conflict of interest or the private interest; and
2. Withdraw from the meeting without voting or participating in the discussion of the matter.

Ministers should ensure that the Cabinet Secretary or the Secretary to Treasury Board is made aware of any conflict issues that may arise in meetings of Cabinet, Cabinet Committees, or Treasury Board. Cabinet Operations and Treasury Board Staff will provide forms to Ministers and members of Cabinet Committees to ensure that they record their conflict, and their withdrawal from the meeting. (See attached Conflict of Interest Disclosure Form.)

The Cabinet Secretary and the Secretary to Treasury Board are required to file monthly reports with the Conflict of Interest Commissioner that record conflicts of interest that have been identified by members of Cabinet and Treasury Board, and the nature of the conflict. The conflicts identified are only reported to the Commissioner AFTER the matter on which the conflict was identified, becomes public.

Questions should be discussed with the Conflict of Interest Commissioner.

Gifts and Personal Benefits

Members are prohibited from accepting gifts or personal benefits in connection with the performance of their official duties. However, there is an exception for gifts or personal benefits received "as an incident of protocol or social obligations". In most cases this means a token expression of appreciation or complimentary hospitality in the context of some official interaction.

Before accepting a gift, Members must consider whether the donor is someone whose interests could be affected by a decision the Member may be called upon to make, and whether accepting the gift would – or would appear – to place the Member under an obligation to the donor. Generally, if the donor has any official dealings with the government, the gift should not be accepted.

Members are required to disclose and provide details of any gifts or personal benefits they have received, if the value of the gift exceeds \$250 or if the combined value of multiple gifts from the same

donor exceeds \$250 in a twelve-month period. A summary of gifts received is included in the Member's Public Disclosure Statement.

The Office has published a booklet "Accepting and Disclosing Gifts: A Guide for Members". The Guide provides general information to assist Members to understand their obligations, but Members are still encouraged to seek the Commissioner's advice if in any doubt about the propriety of accepting a gift or personal benefit.

See the attached *Guide to Gifts and Personal Benefits*. It is also available at <https://coibc.ca/resources-for-members/>

For further information contact the Conflict of Interest Commissioner, Victoria Gray, Q.C., at:

Telephone: (250) 356-0750

Email: conflictofinterest@coibc.ca

Web site: www.coibc.ca

Freedom of Information and Protection of Privacy Legislation

The Office of the Information and Privacy Commissioner (OIPC) provides independent oversight and enforcement of B.C.'s access and privacy laws, including:

The *Freedom of Information and Protection of Privacy Act* (FOIPPA), which applies to over 2,900 public bodies, including ministries, local governments, schools, crown corporations, hospitals, municipal police forces, and more.

The Commissioner has the power to:

- Investigate, mediate and resolve appeals concerning access to information disputes, including issuing binding orders;
- Investigate and resolve privacy complaints;
- Initiate Commissioner-led investigations and audits of public bodies or organizations, if there are reasonable grounds of non-compliance or if it is in the public interest;
- Comment on the access and privacy implications of proposed legislation, programs or policies;
- Comment on the privacy implications of new technologies;
- Conduct research into anything affecting access and privacy rights; and
- Educate the public about their access and privacy rights and the relevant laws.

Disclosure

FOIPPA creates a broad-based obligation to disclose information that is in the possession of a ministry or a Minister's Office, upon request for disclosure. It is the duty of a ministry to respond to this request in

a timely way. Normally the time limitation is 30 days. Consideration and coordination of ministry responses to requests to disclose information are supported by the central Corporate Information and Records Management Office.

There are 12 exceptions to the requirement to disclose. Some exceptions are mandatory while others are discretionary and/or require a test to be met. Among the most important exceptions are:

- Any material that could reveal the substance of deliberations of Cabinet or any of its committees, including any advice, recommendations, policy considerations, or draft legislation or regulations submitted or prepared for submission to the Cabinet or any of its committees;
- Personal information;
- Legal advice to a minister or ministry;
- Policy advice to a minister or ministry;
- Information harmful to law enforcement;
- Information harmful to intergovernmental negotiations; and
- Information harmful to government's economic interests, or the business interests of a third party.

Persons denied access to information can appeal the denial to the Information and Privacy Commissioner. While some of the exceptions noted above may appear to be broad, the Commissioner may give them a narrower interpretation. Information Access Operations staff are familiar with the Office of the Information and Privacy Commissioner case law and will work with ministry staff to respond to any requests.

Careful attention should also be paid to private or personal information about third parties. It is never appropriate to disclose such information without the consent of the third party.

Ministers' calendars are proactively disclosed each month and published on Open Information after appropriate severing of information that might be "excepted" under one of the categories noted above. Consider carefully the amount of information contained in a calendar, on the assumption that such information might become accessible to the public.

Guidance on Use of personal Email accounts for Public Business

The Office of the Information and Privacy Commissioner also publishes guidance documents to inform citizens and promote compliance with B.C.'s access and privacy laws. For example, see the attached *Use of Personal Email Accounts*. This document explains the implications under the FOIPPA for use of personal email accounts for work purposes by employees of public bodies.

For further Information Contact Michael McEvoy, the Information Privacy Commissioner at:

Telephone: (250) 387-5629

E-mail: info@oipc.bc.ca

Website: <http://www.oipc.bc.ca/>

Lobbyists and Lobbying

The Office of the Registrar of Lobbyists (“ORL”) is responsible for monitoring compliance with British Columbia’s *Lobbyists Registration Act* (“LRA”) and the associated regulations. The underlying objective of the LRA is to ensure transparency of legitimate lobbying activities so that members of the public are made aware of who is attempting to influence government decisions. Lobbyists are required by the LRA, to register. This is done by filing a return with the Registrar for Lobbyists.

The LRA regulates lobbying in British Columbia. “Lobbyists” are persons who, on behalf of their employers or clients, communicate with public office holders in an attempt to influence their decisions. The LRA promotes transparency in the lobbying process by requiring lobbyists to declare details of their lobbying effort, including on whose behalf they are lobbying, who they are targeting, on what subject matter and toward what outcome. All of this information is available for the public to view, free, at any time.

Under the Act, lobbying is broadly defined. It includes individuals who are paid to lobby (“consultant lobbyists”), or whose duties as an employee include lobbying as a significant component. The act of lobbying includes communicating with an office holder to influence the development of legislation, regulations, policy and the awarding of contracts or conferral of benefits. In relation to a consultant lobbyist, it can include simply trying to arrange a meeting between office holder and any other person.

Ministers may choose to meet with lobbyists whether they are registered or not. While it is the lobbyist’s duty to comply with the Act and ensure appropriate registration, problems may be avoided by asking or having staff ask about registration of any person who might be considered to be “lobbying”. For a guide on how to determine if someone is lobbying the attached *Are You Lobbying?*

The Information and Privacy Commissioner for the Province of B.C. is also the registrar of lobbyists. For further information contact Michael McEvoy at the Office of Registrar for Lobbyists at:

Telephone: (250) 387-2686

Email: info@bcorl.ca

Web site: <http://www.lobbyistsregistrar.bc.ca>

Judiciary/Matters before the Courts

Ministers should not comment publicly on matters that are before the Courts, or before administrative tribunals that are acting in a “judicial” capacity. Comments that are strictly regarding the facts of the matter may be appropriate. Before commenting, however, the Attorney General or Deputy Attorney General should be consulted.

Ministers should not communicate with:

- Members of the judiciary or administrative tribunals that are making judicial decisions concerning any matter that is before the court of tribunal;
- Crown prosecutors (without prior consultation with the Ministry of Attorney General); and
- Police officers or law enforcement agencies (without prior consultation with the Ministry of Attorney General) concerning matters under investigation (unless the Minister has been asked to assist).

Ministers should refrain from writing letters of character reference for persons involved in the proceedings.

Legal Advice and Legal Proceedings

The Attorney General is government's chief law officer. Legal advice to Ministers and their ministries must be obtained from or through Ministry of Attorney General staff. The confidentiality of legal advice is protected by solicitor/client privilege, and should not be shared or discussed with any individual who is not an employee of the Province of British Columbia.

The Ministry of Attorney General represents government in litigation before courts and administrative tribunals. Lawyers who represent government in these proceedings must be employed or retained by the Ministry of Attorney General.

A Minister may be eligible for indemnity coverage under the Excluded Employees (Legal Proceedings) Indemnity Regulation if, as a result of the performance of their ministerial duties, legal proceedings are brought or likely to be brought against the Minister. Legal proceedings covered by the Regulation are civil proceedings (including defamation), professional body proceedings, human rights proceedings, penalty proceedings and criminal prosecutions. Where a Minister becomes aware that proceedings have been or are likely to be commenced, the Minister (in order to obtain coverage) must immediately notify the Deputy Minister to the Premier in writing of the proceedings and that they are likely to be seeking coverage, and, within a reasonable time thereafter, must make a written request for coverage in the form required by the Deputy Minister to the Premier. A Minister may also be eligible for coverage under the Regulation in connection with their ministerial duties if the Minister is to appear as a witness in proceedings or if the Minister wishes to bring proceedings against someone for defamation. For details about the coverage, the Regulation can be found at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/62_2012

Members of Executive Council are disqualified from jury duty.

Administrative Matters

Within the Ministry of Finance is the Ministers' Office Support Services (MOSS) group. MOSS provides Ministers with guidance and support on administrative matters. Their intranet site at <http://gww.fin.gov.bc.ca/gws/camss/moss/> provides Minister's Offices with information related to financial, human resources, information systems and other administrative policies and procedures on the following subjects:

- Accounts Payable

- Budget Information
- Information Technology (IT)
- Facilities
- Freedom of Information
- Payroll
- Records Management
- Human Resources
- Telecommunications
- Travel
- Vehicles

Standards of Conduct for Political Staff

"Political staff" are persons appointed under section 15(1)(a) of the Public Service Act who report through to the Chief of Staff to the Premier or provide support to a Minister, and who are not assigned job duties of a primarily administrative, technical or communications nature. Most appointees working in the Office of the Premier and supporting Minister's Offices are political staff (e.g., Ministerial Assistants and Executive Assistants). Appointees to Government Communications and Public Engagement are not political staff.

Political staff will exhibit the highest standards of conduct. Their conduct must instill confidence and trust and not bring the Province of British Columbia into disrepute.

The requirement to comply with these standards of conduct is a condition of employment. Political staff who fail to comply with these standards may be subject to disciplinary action up to and including dismissal.

The Standards of Conduct for Political Staff closely resemble the Standards of Conduct applicable to employees of the BC Public Service. However, the Standards of Conduct for Political Staff recognize the unique partisan role performed by political staff and provide guidance on how political staff may exercise their partisan duties while also respecting the non-partisan role of employees in the BC Public Service.

Role of Political Staff

Political staff are generally employed to help Ministers on matters where the non-political and political work of Government overlap and where it would be inappropriate for permanent public servants to become involved. Political staff serve as advisors and assistants who share the ruling party's political commitment, and who can complement the professional, expert and non-partisan advice and support of the permanent public service.

Political staff should ask the manager to whom they report, or the Chief of Staff to the Premier, if they have any questions regarding their role and responsibilities.

Loyalty

Political staff have a duty of loyalty to the government as their employer. They must act honestly and in good faith and place the interests of the employer ahead of their own private interests. The duty committed to in the Political Staff Oath requires political staff to serve the government of the day to the best of their ability.

Confidentiality

Confidential information, in any form, that political staff receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Political staff with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Staff who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

The proper handling and protection of confidential information is applicable both within and outside of government and continues to apply after the employment relationship ends.

Confidential information that political staff receive through their employment must not be used for the purpose of furthering any private interest, or as a means of making personal gains. (See the Conflicts of Interest section below for details.)

Public Comments

Political staff may comment on public issues but must not engage in any activity or speak publicly where this could be perceived as an official act or representation (unless authorized to do so). Staff must not use their position in government to lend weight to the public expression of their personal opinions.

Service to the Public

Political staff must provide service to the public in a manner that is courteous, professional, equitable, efficient, and effective. Staff must be sensitive and responsive to the changing needs, expectations, and rights of a diverse public in the proper performance of their duties.

Workplace Behaviour

Political staff are to treat each other with respect and dignity and must not engage in discriminatory conduct prohibited by the Human Rights Code. The prohibited grounds are race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, political belief and conviction of a criminal or summary offence unrelated to the individual's employment.

Further, the conduct of political staff in the workplace must meet acceptable social standards and must contribute to a positive work environment. Bullying or any other inappropriate conduct compromising the integrity of the Province of BC will not be tolerated.

All political staff may expect and have the responsibility to contribute to a safe workplace. Violence in the workplace is unacceptable. Violence is any use of physical force on an individual that causes or could cause injury and includes attempted and threatened use of force.

Political staff must report any incident of violence. Any staff who become aware of a threat must report that threat if there is reasonable cause to believe that the threat poses a risk of injury. Any incident or threat of violence in the workplace must be addressed immediately. Staff must report a safety hazard or unsafe condition or act in accordance with the provisions of the WorkSafeBC Occupational Health and Safety Regulation.

Political staff must conduct themselves professionally, be fit for duty, and be free from impairment (e.g., from alcohol or drugs).

Interactions with the Permanent Public Service

In meeting their responsibility to respect the non-partisanship of ministry staff, political staff have an obligation to inform themselves about the appropriate parameters of conduct set out in the Standards of Conduct for Public Service Employees, and to actively assess their own conduct and any requests they make to ministry employees in light of these parameters.

To the extent possible, relations between political staff and ministry staff should be conducted through the Deputy Minister's Office. The Deputy Minister's Office should be informed about any significant contact between political staff and ministry employees. Ministers, Deputy Ministers, the Chief of Staff to the Premier, and other managers to whom political staff may report should be vigilant in ensuring the appropriate parameters of interaction between political staff and ministry staff are observed.

Political staff may ask ministry employees for information, transmit the Minister's instructions, or be informed of decisions in order to address communications and strategic issues. However, they do not have a direct role in ministry operations and have no legal basis for exercising the delegated authority of Ministers. Nor may political staff give direction to ministry employees on the discharge of their responsibilities.

Examples of appropriate and inappropriate conduct include, but are not limited to, the following:

Appropriate Conduct	Inappropriate Conduct
<ul style="list-style-type: none"> ▶ Convey to ministry employees the Minister's view of issues and direction on work priorities; ▶ Request ministry employees prepare information and analyses; ▶ Hold meetings with ministry employees to discuss advice being prepared for the Minister. 	<ul style="list-style-type: none"> ▶ Ask a ministry employee to do anything inconsistent with their obligations under the Standards of Conduct; ▶ Authorize the expenditure of public funds, have responsibility for budgets, or have any involvement in the award of external contracts; ▶ Exercise any power in relation to the management of employees within their ministry (except in relation to other political staff), including but not limited to playing any role in human resource decisions affecting a public service employee; ▶ Suppress or supplant advice prepared for the Minister by ministry employees (although they may comment on such advice); or substitute advice for that of ministry employees.

Conflicts of Interest

A conflict of interest occurs when a political staff member's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the staff member's duties or responsibilities in such a way that:

- the staff member's ability to act in the public interest could be impaired; or
- the staff member's actions or conduct could undermine or compromise:
 - the public's confidence in the staff member's ability to discharge work responsibilities; or
 - the trust that the public places in the Province of BC.

While the government recognizes the right of political staff to be involved in activities as citizens of the community, conflict must not exist between their private interests and the discharge of their employment duties. Upon appointment, political staff must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising.

Political staff who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their manager or the Chief of Staff to the Premier. Examples of conflicts of interest include, but are not limited to, the following:

- A staff member uses government property or equipment or their position, office, or government affiliation to pursue personal interests or the interests of another organization;
- A staff member is in a situation where they are under obligation to a person who might benefit from or seek to gain special consideration or favour;
- A staff member, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which the staff member, or a relative or friend, has an interest, financial or otherwise;
- A staff member benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of their employment;
- A staff member benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which they can influence decisions (e.g., investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- A staff member accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of their employment with the Province of BC, other than:
 - the exchange of hospitality between persons doing business together;

- tokens exchanged as part of protocol;
- the normal presentation of gifts to persons participating in public functions; or
- the normal exchange of gifts between friends; or
- A staff member accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

The following four criteria, when taken together, are intended to guide the judgment of political staff who are considering the acceptance of a gift:

- The benefit is of nominal value;
- The exchange creates no obligation;
- Reciprocation is easy; and
- It occurs infrequently.

Political staff will not solicit a gift, benefit, or service on behalf of themselves or other employees.

Conflict of Interest Guidelines for Political Staff

Guidelines have been established to assist political staff, their managers and the Chief of Staff to the Premier in managing conflict of interest issues. Please see the MyHR section of the BC Government website for more information.

Allegations of Wrongdoing

Political staff have a duty to report any situation relevant to their employment that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Staff can expect such matters to be treated in confidence, unless disclosure of information is authorized or required by law (e.g., the Freedom of Information and Protection of Privacy Act). Staff will not be subject to discipline or reprisal for bringing forward, in good faith, allegations of wrongdoing in accordance with this policy statement.

Political staff must report their allegations or concerns in writing to the manager to whom they report or the Chief of Staff to the Premier, who will acknowledge receipt of the submission and have the matter reviewed and responded to in writing within 30 days of receiving the staff member's submission. Where an allegation involves the staff member's manager, the employee must forward the allegation to the Chief of Staff to the Premier. Where an allegation involves the Chief of Staff to the Premier, the allegation must be forwarded to the Deputy Minister to the Premier.

In addition to these reporting requirements, it is expected political staff will also report to the Comptroller General any irregularities related to the expenditure of public funds as outlined in Section 33.2 of the Financial Administration Act.

Where a political staff member believes that the matter requires a resolution and it has not been reasonably resolved by their employer, they may then refer the allegation to the appropriate authority.

If the staff member decides to pursue the matter further, then:

- Allegations of criminal activity are to be referred to the police in accordance with the Procedure for Reporting Employee Misconduct in Non-Emergency Situations to the Police;
- Allegations of a misuse of public funds are to be referred to the Auditor General;
- Allegations of a danger to public health must be brought to the attention of health authorities; and
- Allegations of a significant danger to the environment must be brought to the attention of the Deputy Minister, Ministry of Environment and Climate Change Strategy.

Employees may also report wrongdoing under the Public Interest Disclosure Act to their supervisor, Chief of Staff to the Premier, designated officer or the Ombudsperson. Employees can find information about

what types of wrongdoing may be reported under PIDA and the process for reporting in the HR Policy on Public Interest Disclosure, and the Managing Public Interest Disclosure Procedures for Political Staff.

Employees who are unsure about whether their concerns could be considered under PIDA can seek advice from their supervisor, designated officer or the Ombudsperson.

An employee reporting a wrongdoing under the Public Interest Disclosure Act to the Ombudsperson is not required to report the same wrongdoing to their employer unless the Ombudsperson does not investigate or does not refer their disclosure. Reporting a wrongdoing to the Ombudsperson does not affect an employee's obligations to cooperate in any investigation into the subject matter of the wrongdoing.

Legal Proceedings

Political staff must not sign affidavits relating to facts that have come to their knowledge in the course of their employment duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for government in that proceeding or unless it has been approved by a ministry solicitor in the Legal Services Branch, Ministry of Attorney General. Political staff are obliged to cooperate with lawyers defending the Crown's interest during legal proceedings.

A written opinion prepared on behalf of government by any legal counsel is privileged and is, therefore, not to be released without prior approval of the Legal Services Branch.

Working Relationships

Political staff involved in a personal relationship outside work that compromises objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another. For example, staff who are direct relatives or who permanently reside together may not be employed in situations where:

- A reporting relationship exists where one staff member has influence, input, or decision-making power over the other's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- The working relationship affords an opportunity for collusion between the two staff members that would have a detrimental effect on the employer's interest.

The above restriction on working relationships may be waived provided that the Chief of Staff to the Premier is satisfied that sufficient safeguards are in place to ensure that the employer's interests are not compromised.

Human Resource Decisions

Political staff are to disqualify themselves as participants in human resource decisions when their objectivity would be compromised for any reason or a benefit or perceived benefit could accrue to them.

For example, staff are not to participate in staffing actions involving direct relatives or persons living in the same household.

Outside Remunerative and Volunteer Work

Political staff may hold jobs outside government, carry on a business, receive remuneration from public funds for activities outside their position, and engage in volunteer activities provided it does not:

- Interfere with the performance of their employment duties;
- Bring the government into disrepute;
- Represent a conflict of interest or create the reasonable perception of a conflict of interest;
- Appear to be an official act or to represent government opinion or policy;

- Involve the unauthorized use of work time or government premises, services, equipment, or supplies; or
- Gain an advantage that is derived from their employment with the Province of BC.

Political staff who are appointed as directors or officers of Crown corporations are not to receive any additional remuneration beyond the reimbursement of appropriate travel expenses except as approved by the Lieutenant Governor in Council.

Responsibilities

Chief of Staff to the Premier and Deputy Chief of Staff to the Premier

- Advise managers of political staff of the required standards of conduct and the consequences of non-compliance, including providing comprehensive orientation to new managers of political staff regarding the Standards of Conduct for Political Staff;
- Provide timely advice and direction to managers of political staff and political staff respecting the application of this policy statement, including guidance on an appropriate employer response to transgressions of this policy;
- Coordinate the development of awareness, training, and communication programs in support of this policy;
- Seek out advice as required on issues that are complex or cannot easily be resolved (e.g., advice from legal counsel, or the Head of the BC Public Service Agency);
- Where a political staff member has no other direct manager to whom they report, the Chief of Staff to the Premier or Deputy Chief of Staff to the Premier assumes the responsibilities assigned below to managers of political staff; and
- Establish procedures for providing advice and managing investigations of serious wrongdoing under the Public Interest Disclosure Act and reporting annually.

Managers of Political Staff

- Provide comprehensive orientation to new political staff regarding the Standards of Conduct for Political Staff;
- Advise political staff of the required standards of conduct and the consequences of non-compliance;
- Promote a work environment that is free of discrimination;
- Respond to reports of bullying, breaches of the Standards of Conduct for Political Staff, and wrongdoing, or refer them to the next level of manager not involved in the manner;
- Deal with breaches of this policy in a timely manner, taking the appropriate action based upon the facts and circumstances, and conferring with the Chief of Staff to the Premier as appropriate;
- Waive the provision on working relationships under the circumstances indicated;
- Delegate authority and responsibility, where applicable, to apply this policy within their organization; and
- Provide advice to and receive disclosures from political staff under the Public Interest Disclosure Act.

Political Staff

- Fulfill their assigned duties and responsibilities, regardless of the party or persons in power and regardless of their personal opinions;
- Disclose and resolve conflicts of interest or potential conflict of interest situations in which they find themselves;
- Maintain appropriate workplace behaviour;
- Report incidents of bullying, breaches of the Standards of Conduct for Political Staff, and wrongdoing.
- Avoid engaging in discriminatory conduct or comment; and,

- Check with their manager or Chief of Staff to the Premier when they are uncertain about any aspect of this policy.

STANDARDS OF CONDUCT



Where ideas work

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This policy statement applies to all persons and organizations covered by the Public Service Act. The policy statement supports the core policy objective that “public service employees exhibit the highest standards of conduct.”

Employees will exhibit the highest standards of conduct. Their conduct must instill confidence and trust and not bring the BC Public Service into disrepute. The honesty and integrity of the BC Public Service demands the impartiality of employees in the conduct of their duties.

The requirement to comply with these standards of conduct is a condition of employment. Employees who fail to comply with these standards may be subject to disciplinary action up to and including dismissal.

Loyalty

Public service employees have a duty of loyalty to the government as their employer. They must act honestly and in good faith and place the interests of the employer ahead of their own private interests. The duty committed to in the Oath of Employment requires BC Public Service employees to serve the government of the day to the best of their ability.

Confidentiality

Confidential information, in any form, that employees receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Employees with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

The proper handling and protection of confidential information is applicable both within and outside of government and continues to apply after the employment relationship ends.

Confidential information that employees receive through their employment must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. (See the Conflicts of Interest section of this policy statement for details.)

Public Comments

BC Public Service employees may comment on public issues but must not engage in any activity or speak publicly where this could be perceived as an official act or representation (unless authorized to do so).

Employees must not jeopardize the perception of impartiality in the performance of their duties through making public comments or entering into public debate regarding ministry policies. BC Public Service employees must not use their position in government to lend weight to the public expression of their personal opinions.

Political Activity

BC Public Service employees may participate in political activities including membership in a political party, supporting a candidate for elected office, or seeking elected office. Employees' political activities, however, must be clearly separated from activities related to their employment.

If engaging in political activities, employees must remain impartial and retain the perception of impartiality in relation to their duties and responsibilities. Employees must not engage in political activities during working hours or use government facilities, equipment, or resources in support of these activities.

Partisan politics are not to be introduced into the workplace; however, informal private discussions among co-workers are acceptable.

Service to the Public

BC Public Service employees must provide service to the public in a manner that is courteous, professional, equitable, efficient, and effective. Employees must be sensitive and responsive to the changing needs, expectations, and rights of a diverse public in the proper performance of their duties.

Workplace Behaviour

Employees are to treat each other with respect and dignity and must not engage in discriminatory conduct prohibited by the Human Rights Code. The prohibited grounds are race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, political belief or conviction of a criminal or summary offence unrelated to the individual's employment.

Further, the conduct of BC Public Service employees in the workplace must meet acceptable social standards and must contribute to a positive work environment. Bullying or any other inappropriate conduct compromising the integrity of the BC Public Service will not be tolerated.

All employees may expect and have the responsibility to contribute to a safe workplace. Violence in the workplace is unacceptable. Violence is any use of physical force on an individual that causes or could cause injury and includes an attempt or threatened use of force.

Employees must report any incident of violence. Any employee who becomes aware of a threat must report that threat if there is reasonable cause to believe that the threat poses a risk of injury. Any incident or threat of violence in the workplace must be addressed immediately.

Employees must report a safety hazard or unsafe condition or act in accordance with the provisions of the WorkSafeBC Occupational Health and Safety Regulations.

Employees must conduct themselves professionally, be fit for duty, and be free from impairment (for example: from alcohol or drugs).

Conflicts of Interest

A conflict of interest occurs when an employee's private affairs or financial interests are in conflict, or could result in a perception of conflict, with the employee's duties or responsibilities in such a way that:

- the employee's ability to act in the public interest could be impaired; or
- the employee's actions or conduct could undermine or compromise:
 - the public's confidence in the employee's ability to discharge work responsibilities; or
 - the trust that the public places in the BC Public Service.

While the government recognizes the right of BC Public Service employees to be involved in activities as citizens of the community, conflict must not exist between employees' private interests and the discharge of their BC Public Service duties. Upon appointment to the BC Public Service, employees must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising. Employees who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their supervisor, manager, or ethics advisor. Examples of conflicts of interest include, but are not limited to, the following:

- An employee uses government property or equipment or the employee's position, office, or government affiliation to pursue personal interests or the interests of another organization;
- An employee is in a situation where the employee is under obligation to a person who might benefit from or seek to gain special consideration or favour;

- An employee, in the performance of official duties, gives preferential treatment to an individual, corporation, or organization, including a non-profit organization, in which the employee, or a relative or friend of the employee, has an interest, financial or otherwise;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, the use of information acquired solely by reason of the employee's employment;
- An employee benefits from, or is reasonably perceived by the public to have benefited from, a government transaction over which the employee can influence decisions (for example, investments, sales, purchases, borrowing, grants, contracts, regulatory or discretionary approvals, appointments);
- An employee accepts from an individual, corporation, or organization, directly or indirectly, a personal gift or benefit that arises out of employment in the BC Public Service, other than:
 - the exchange of hospitality between persons doing business together;
 - tokens exchanged as part of protocol;
 - the normal presentation of gifts to persons participating in public functions; or
 - the normal exchange of gifts between friends; or
- An employee accepts gifts, donations, or free services for work-related leisure activities other than in situations outlined above.

The following four criteria, when taken together, are intended to guide the judgment of employees who are considering the acceptance of a gift:

- The benefit is of nominal value;
- The exchange creates no obligation;
- Reciprocation is easy; and
- It occurs infrequently.

Employees will not solicit a gift, benefit, or service on behalf of themselves or other employees.

Conflict of Interest Guidelines

To assist employees, managers, ethics advisors and deputy ministers in managing conflict of interest issues, the BC Public Service has established guidelines, tools and other resources. Please see the MyHR section of the BC Government website for more information.

Allegations of Wrongdoing

Employees have a duty to report any situation relevant to the BC Public Service that they believe contravenes the law, misuses public funds or assets, or represents a danger to public health and safety or a significant danger to the environment. Employees can expect such matters to be treated in confidence, unless disclosure of information is authorized or required

by law (for example, the Freedom of Information and Protection of Privacy Act). Employees will not be subject to discipline or reprisal for bringing forward to a Deputy Minister, in good faith, allegations of wrongdoing in accordance with this policy statement.

Employees must report their allegations or concerns as follows:

- Members of the BCGEU must report in accordance with Article 32.13;
- PEA members must report in accordance with Article 36.12; or
- Other employees must report in writing to their Deputy Minister or other executive member of the ministry, who will acknowledge receipt of the submission and have the matter reviewed and responded to in writing within 30 days of receiving the employee's submission. Where an allegation involves a Deputy Minister, the employee must forward the allegation to the Deputy Minister to the Premier.

These reporting requirements are in addition to an employee's obligation to report to the Comptroller General as outlined in Section 33.2 of the Financial Administration Act. Where an employee believes that the matter requires a resolution and it has not been reasonably resolved by the ministry, the employee may then refer the allegation to the appropriate authority.

If the employee decides to pursue the matter further then:

- Allegations of criminal activity are to be referred to the police in accordance with the Procedure for Reporting Employee Misconduct in Non-Emergency Situations to the Police (please see the MyHR section of the BC Government website for more information);
- Allegations of a misuse of public funds are to be referred to the Auditor General;
- Allegations of a danger to public health must be brought to the attention of health authorities; and
- Allegations of a significant danger to the environment must be brought to the attention of the Deputy Minister, Ministry of Environment.

Employees may also report wrongdoing under the Public Interest Disclosure Act to their supervisor, ministry designated officer, Agency designated officer or the Ombudsperson. Employees can find information about what types of wrongdoing may be reported under the Act and the process for reporting in the HR Policy on Public Interest Disclosure and the Procedures for Managing Disclosures. Please see the MyHR section of the BC Government website for more information.

Employees who are unsure about whether their concerns could be considered under the Public Interest Disclosure Act can seek advice from a supervisor, a designated officer or the Ombudsperson.

An employee reporting a wrongdoing under the Public Interest Disclosure Act to the Ombudsperson is not required to report the same wrongdoing to their employer unless the

Ombudsperson does not investigate or does not refer their disclosure. Reporting a wrongdoing to the Ombudsperson does not affect an employee's obligations to co-operate in any investigation into the subject matter of the wrongdoing

Legal Proceedings

Employees must not sign affidavits relating to facts that have come to their knowledge in the course of their duties for use in court proceedings unless the affidavit has been prepared by a lawyer acting for government in that proceeding or unless it has been approved by a ministry solicitor in the Legal Services Branch, Ministry of Attorney General. In the case of affidavits required for use in arbitrations or other proceedings related to employee relations, the Labour Relations Branch of the BC Public Service Agency will obtain any necessary approvals. Employees are obliged to cooperate with lawyers defending the Crown's interest during legal proceedings.

A written opinion prepared on behalf of government by any legal counsel is privileged and is, therefore, not to be released without prior approval of the Legal Services branch.

Working Relationships

Employees involved in a personal relationship outside work which compromises objectivity, or the perception of objectivity, should avoid being placed in a direct reporting relationship to one another.

For example, employees who are direct relatives or who permanently reside together may not be employed in situations where:

- A reporting relationship exists where one employee has influence, input, or decision-making power over the other employee's performance evaluation, salary, premiums, special permissions, conditions of work, and similar matters; or
- The working relationship affords an opportunity for collusion between the two employees that would have a detrimental effect on the Employer's interest.

The above restriction on working relationships may be waived provided that the Deputy Minister is satisfied that sufficient safeguards are in place to ensure that the Employer's interests are not compromised.

Human Resource Decisions

Employees are to disqualify themselves as participants in human resource decisions when their objectivity would be compromised for any reason or a benefit or perceived benefit could accrue to them.

For example, employees are not to participate in staffing actions involving direct relatives or persons living in the same household.

Outside Remunerative and Volunteer Work

Employees may hold jobs outside government, carry on a business, receive remuneration from public funds for activities outside their position, or engage in volunteer activities provided it does not:

- interfere with the performance of their duties as a BC Public Service employee;
- bring the government into disrepute;
- represent a conflict of interest or create the reasonable perception of a conflict of interest;
- appear to be an official act or to represent government opinion or policy;
- involve the unauthorized use of work time or government premises, services, equipment, or supplies; or
- gain an advantage that is derived from their employment with the BC Public Service.

Employees who are appointed as directors or officers of Crown corporations are not to receive any additional remuneration beyond the reimbursement of appropriate travel expenses except as approved by the Lieutenant Governor in Council.

Responsibilities

Agency Head

- Provide timely advice to managers, ethics advisors and deputy ministers respecting the application of this policy statement including guidance on an appropriate employer response to transgressions of the policy statement;
- Coordinate the development of awareness, training, and communication programs in support of this policy statement; and,
- Establish procedures for managing investigations of serious wrongdoing under the Public Interest Disclosure Act and reporting annually.

Deputy Ministers

- Advise employees of the required standards of conduct and the consequences of non-compliance;
- Designate a senior staff member in their organization as ethics advisor for matters related to the standards of conduct;
- Promote a work environment that is free of discrimination;
- Deal with breaches of this policy statement in a timely manner, taking the appropriate action based upon the facts and circumstances;
- Seek out guidance and advice from the Agency Head on issues that are complex and/or cannot be easily resolved;
- Waive the provision on working relationships under the circumstances indicated; and
- Delegate authority and responsibility, where applicable, to apply this policy

- statement within their organization; and,
- Designate a ministry designated officer for the purposes of providing advice to employees and receiving disclosures from employees under the Public Interest Disclosure Act. The designated officer may be the ministry ethics advisor or another senior official.

Ethics Advisors

- Provide advice on standards of conduct issues to employees and managers in their organization, including in regards to assessing and addressing possible conflicts of interest;
- Seek out guidance and advice from the BC Public Service Agency on issues that are complex and/or cannot be easily resolved;
- Determine whether an issue requires consideration and/or decision by the deputy minister and provide briefings to the deputy as necessary;
- Document any advice provided and/or decisions made; and
- Participate as ministry representative in working with the Corporate Ethics Lead to ensure a consistent and coordinated approach to ethics management across the public service.

Ministry Designated Officers

- Receive disclosures and provide advice to employees under the Public Interest Disclosure Act.
- Transfer disclosures to the Agency Designated Officer in a timely manner.

Line Managers

- Provide comprehensive orientation to new employees related to the Standards of Conduct;
- Advise staff on standards of conduct issues, including in regards to assessing and addressing possible conflicts of interest;
- Respond to reports of bullying, breaches of the Standards of Conduct, and wrongdoing, or refer them to the next level of excluded manager not involved in the matter;
- Engage the ministry-designated ethics advisor and seek advice from the BC Public Service Agency as may be appropriate in the circumstances;
- Document any advice provided and/or decisions made;
- Contribute to a work environment that is free of discrimination;
- Provide advice to and receive disclosures from employees under the Public Interest Disclosure Act; and,
- Transfer disclosures to the Agency Designated Officer in a timely manner.

Employees

- Objectively and loyally fulfill their assigned duties and responsibilities, regardless of the party or persons in power and regardless of their personal opinions;

- Disclose and cooperate with the employer to resolve conflicts of interest or potential conflict of interest situations in which they find themselves;
- Maintain appropriate workplace behavior;
- Report incidents of bullying, breaches of the Standards of Conduct and wrongdoing.
- Avoid engaging in discriminatory conduct or comment; and
- Check with their supervisor or manager when they are uncertain about any aspect of this policy statement.

This document has been
checked for accessibility.



Conflict of Interest Disclosure

I, _____, withdrew from the
(Committee Member Name)

discussion of _____
(Topic / Description)

at _____ on _____ as I have a conflict
(Committee) *(Date)*

due to _____.
(General nature of the conflict, e.g. personal reasons)

(Signature of person making the disclosure)

Received by: _____ on _____
(Signature of Cabinet Committee Secretary) *(Date)*

Excerpt from the *Members' Conflict of Interest Act*

An excerpt from the *Members' Conflict of Interest Act* is noted below. **Section 10 (1)** outlines the responsibility of the committee member.

Procedure on conflict of interest¹

10 (1) A member who has reasonable grounds to believe that he or she has a conflict of interest in a matter that is before the Legislative Assembly or the Executive Council, or a committee of either of them, must, if present at a meeting considering the matter,

(a) disclose the general nature of the conflict of interest, and

(b) withdraw from the meeting without voting or participating in the consideration of the matter.

(2) If a member has complied with subsection (1), the Clerk of the Legislative Assembly or secretary of the meeting must record

(a) the disclosure,

(b) the general nature of the conflict of interest disclosed, and

(c) the withdrawal of the member from the meeting.

(3) The Clerk of the Legislative Assembly or secretary of the meeting must file the information recorded under subsection (2) with the commissioner,

(a) in the case of a meeting of the Legislative Assembly or a committee of the Legislative Assembly, as soon as practicable, and

(b) in the case of a meeting of the Executive Council or a committee of the Executive Council, as soon as practicable after the Executive Council's decision on the matter which has been the subject of the disclosure is made public.

(4) The commissioner must keep all information filed under subsection (3) in a central record kept for that purpose and must

(a) make the central record available for inspection by any person without charge during normal business hours, and

(b) on request by any person provide a copy of the record or portion of it on payment of a reasonable copying charge.

¹ *Members' Conflict of Interest Act*, [RSBC 1996] CHAPTER 287,

http://www.qp.gov.bc.ca/statreg/stat/M/96287_01.htm

RECORDS MANAGEMENT RESPONSIBILITIES OF MINISTERS

Government information created and held by BC's Cabinet ministers and their staff is a valuable public asset. The appropriate creation and maintenance of government information supports openness and transparency, facilitates effective decision making, provides evidence of government policies, programs and decisions, and contributes to the historical record for future generations.

Information is considered "Government information" if it is created or received by ministers and their staff *as ministers of the Crown*. Government information comes in many forms and includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise. Government information does not include MLA records or personal records.

"Transitory information" is information of temporary usefulness that is only needed for a limited period of time to complete a routine action, enter into a digital system, or prepare an official record. Transitory information does not have ongoing value for supporting or documenting the work of the Minister's Office, and therefore does not need to be maintained as part of the official records of the office. Note that it is the content and use of a record that determines its value, not its form (e.g. an email may be transitory or official.)

Next Steps

Like the rest of government, Ministers' Offices must adhere to legislative and policy requirements regarding information management, freedom of information, and privacy.

Shortly after taking office, Ministers and their staff should:

1. Familiarize themselves with the following:
 - a. [Appropriate Use Policy](#)
 - b. [Managing Government Information Policy \(MGIP\)](#)
 - c. [CRO Directive and Guidelines on Documenting Government Decisions](#) (also known as "Duty to Document"). A decision must be documented if it describes the evolution of government programs, protection of legal or financial rights or obligations and/or facilitates accountability
2. Develop procedures within their office for keeping government information separate from non-government information, including establishing the practice of using government accounts to conduct government business. More information can be found in Attachment A - [Government Records Service Guide to Managing Minister's Office Records](#).
3. Work closely with their Deputy Minister's Office to clarify what records will be held in the Minister's Office. While practices may vary somewhat among offices, the following are best practices: For most records received by or sent from a Minister's Office, the Office of Primary Responsibility (OPR) is the Deputy Minister's Office (i.e. most records are sent to the Deputy Minister's Office for retention, when no longer needed by the Minister's Office).

4. Develop practices around the regular deletion of transitory information. It is good practice for all offices to regularly dispose of transitory information when it is no longer useful, as this makes it easier to identify and manage the official records. Transitory information can and should be disposed of when it is no longer of value (e.g. deleted from an individual's email account). For further guidance see the Transitory Records Guide.

Summary

The Corporate Information and Records Management Office (CIRMO) is available to assist with Records Management and Freedom of Information questions. They offer dedicated, in-person training for Ministers and their staff and will be in touch in the early days of the administration to schedule a session. If you have questions in the meantime, please do not hesitate to reach out (contact information below).

Attachment(s): A – Government Records Service Guide to Managing Minister's Office Records

Contact: Kerry Pridmore, Assistant Deputy Minister
Corporate Information & Records Management, Ministry of Citizens' Services
778-698-1591



Managing Minister's Office Records

Overview

Government information created and held by British Columbia's cabinet ministers and their staff is a valuable public asset. The appropriate creation and maintenance of government information supports openness and transparency, facilitates effective decision making, provides evidence of government policies, programs and decisions, and contributes to the historical record for future generations.

Like the rest of government, ministers' offices are subject to statutory and policy requirements regarding information management, freedom of information, and privacy. They are also subject to the government-wide directive on appropriate use of information and information technology resources ("[Appropriate Use Policy](#)") and the Chief Records Officer Directive on [Documenting Government Decisions](#) (CRO 01-2019). Minister's Office employees must also adhere to their Oath and to the Standards of Conduct.

A minister's office typically has three categories of records:

- **Non-government Records** that relate to the private life and personal interests of the minister and staff.
- **Member of Legislative Assembly (MLA) Records**, which are the political and constituency records generated by ministers in their capacity as members of the Legislative Assembly.

Personal and MLA records should be managed separately from government records, in order to protect privacy and avoid having to separate them later on (it is unlikely that an incoming minister and staff would have access to the personal and MLA records of their predecessors).

- **Government information** that is created or received by ministers and their staff as ministers of the Crown. These include both official and transitory records and are subject to the [Information Management Act \(IMA\)](#) and the [Freedom of Information and Protection of Privacy Act \(FOIPPA\)](#).

Official Records

Given the level of responsibility of a minister's office, official records must be maintained in an appropriate recordkeeping system. This includes the master or file copies of records that document decisions, decision-making processes, and substantive activities of the office.

A government body should document a decision where a record would serve one or more of the following purposes:

- Informing the government body or others about the evolution of the government body's programs, policies or enactments;
- Protecting the legal or financial rights or obligations of the government body, the Crown, or any person, group of persons, government or organization that is directly and materially affected by the decision;
- Facilitating the government body's accountability for its decisions, including through internal or external evaluation, audit or review.

RECORDS MANAGEMENT GUIDE

For more information on how to identify decisions that should be documented, see the Chief Records Officer [Guidelines on Documenting Government Decisions](#). Minister's office records now are increasingly digital (e.g. electronic messages and documents) and are maintained in many locations by multiple responsible bodies. Records are typically received from many offices, acted upon by the minister's office, and then routed to other offices for action and/or retention.

While practices may vary somewhat among offices, the following are best practices: **For most records received by or sent from a minister's office, the Office of Primary Responsibility (OPR) is the deputy minister's office** (i.e. with such exceptions as listed below, most records are sent to the deputy minister's office for retention, when no longer needed by the minister's office).

The deputy minister's office is able to provide continuity and appropriate public service administration of the records of successive ministers. In some cases, certain minister's office records are best maintained along with other related records within the appropriate functional area.

- **Cabinet records go to Cabinet Operations.**
- **Expense records go the Ministry of Finance.**
- **Other types of records** (e.g. approved decision notes) may go to the **relevant ministry program area OPR** for the subject matter.

Recordkeeping Requirements for Official Records

Since ministers' office records are maintained by a variety of responsibility centres, it is important to maintain documentation of where specific types of records are routed. Best practice is to maintain this documentation within the deputy minister's office.

Appendix A provides an overview of the basic routing and documentation requirements, which are:

- **Identify the offices responsible for maintaining official records received from the minister's office.** See the records' location and types list at the end of Appendix A for an example of an easy way to track designated responsibility centres for various types of records.
- **Ensure that offices identified as responsibility centres are aware of their role.** Offices receiving the master "file copies" of minister's office records need to be aware that they are responsible for maintaining the records for the required length of time, in a secure, accessible manner. (Under current information schedules, official records of minister's offices must be retained at least 10 years). See the [Recordkeeping Systems](#) guide for more information on appropriate recordkeeping systems and practices.
- Keep Government Records separate from the records related to their personal affairs, caucus or political party work, constituency business, or Legislative Assembly business. This will avoid potential confusion should an FOI request be made for the government information
- **When a freedom of information (FOI) request or litigation search occurs, use the above documentation to provide relevant information about where the requested records are held.**

RECORDS MANAGEMENT GUIDE

Transitory Information

Transitory information is information of temporary usefulness that is only needed a limited period of time to complete a routine action, enter into a digital system, or prepare an official record. This information does not have ongoing value for supporting or documenting the work of the minister's office, and therefore does not need to be maintained as part of the official records of the office.

Note that it is the content and use of a record that determines its value, not its form (e.g. an email may be transitory or official.)

It is good practice for all offices to regularly dispose of transitory information when it is not longer useful. This makes it easier to identify and manage the official records. Transitory information can and should be disposed of when it is no longer of value (e.g. deleted from an individual's email account).

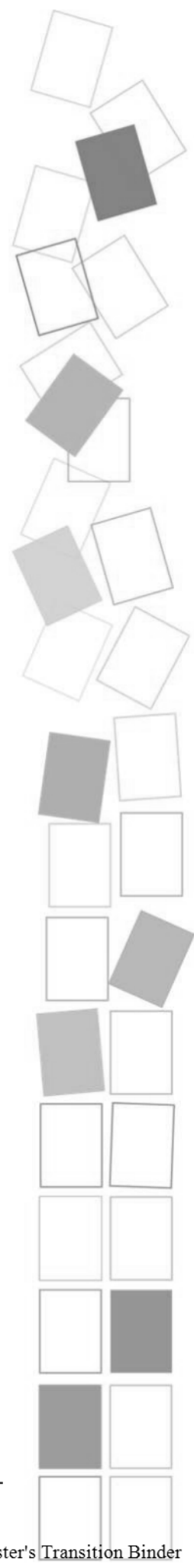
For further guidance see the [Transitory Records Guide](#). See **Appendix B** below for scenarios regarding transitory information and official records of minister's offices.

Freedom of Information and Protection of Privacy

Government records within a minister's office are subject to *the Freedom of Information and Protection of Privacy Act (FOIPPA)* and must be searched in response to an FOI request. Designated FOI contacts for ministers' offices are located within the deputy ministers' office. Ministers' offices are also subject to government-wide privacy policies.

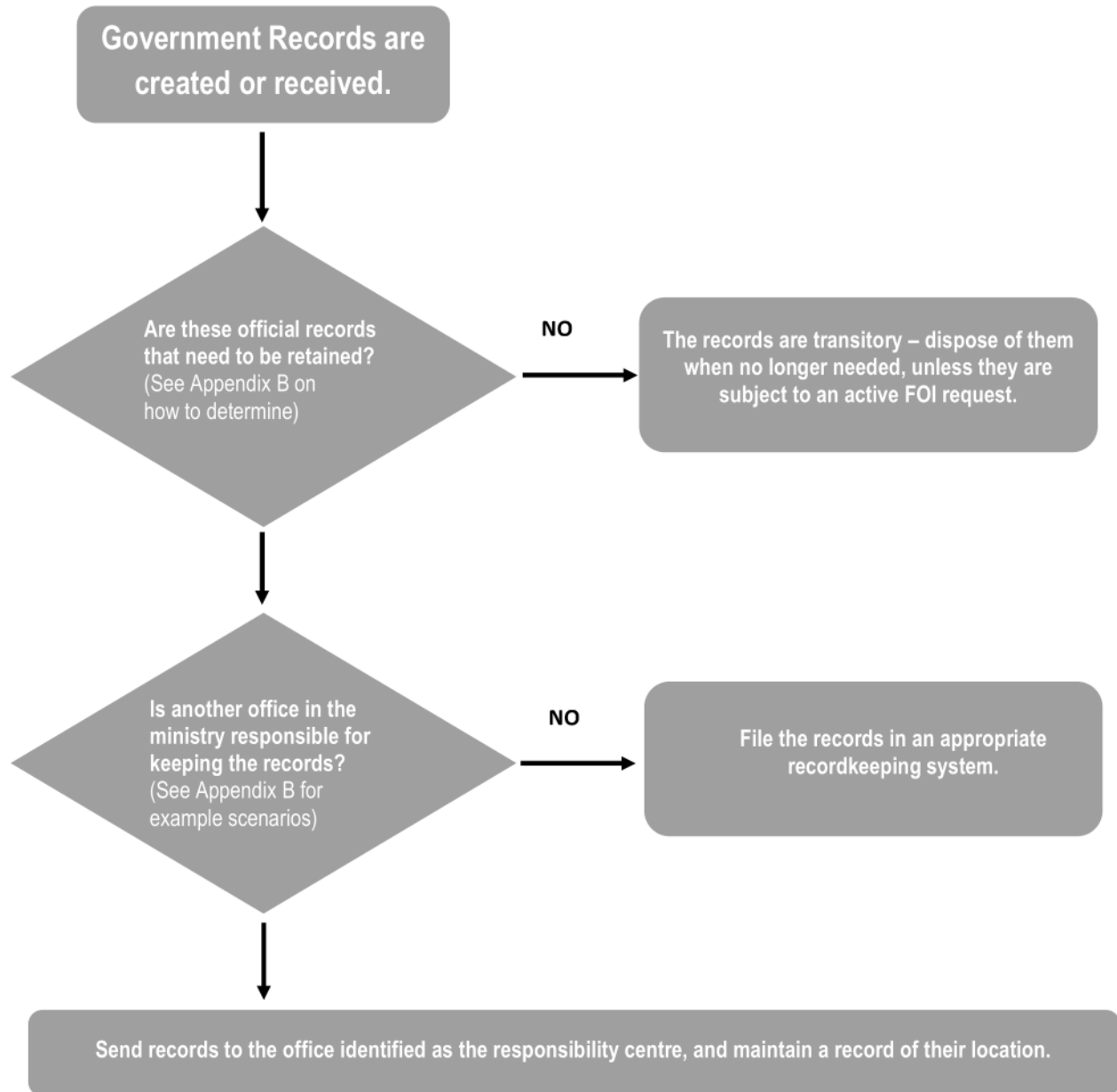
If the minister's office receives a freedom of information or litigation search request, ALL relevant records must be provided, including transitory information. Transitory information that is subject to such requests must be retained pending completion of the applicable FOI response process and review period or the applicable litigation activities (contact Information Access Operations and Legal Services Branch, respectively, for guidance on particular cases).

Where a single record (e.g. an email thread) contains information related to an MLA's personal affairs, caucus or political party work, constituency business, or Legislative Assembly business, and that information is inseparable from and integrated into a government record (e.g. in a single email thread or on the same page of a notebook), the entire record is subject to FOIPPA and must be treated as responsive to an FOI request.



APPENDIX A

Ministers' Office Records Processes



RECORDS MANAGEMENT GUIDE

APPENDIX B

Scenarios Regarding Transitory Information and Official Records

The following scenarios illustrate the variety of functions performed by a minister's office (MO) and the types of records it receives and creates. These scenarios assume that many of the official records for a minister's office will typically be filed and saved by the deputy minister's office (DMO) or other appropriate responsibility centre. Under this practice, residual copies remaining in the minister's office are transitory and may be disposed of when no longer needed.

Scenario 1 – Speeches and Presentations

The minister has been asked to speak about a new ministry initiative at a conference at UNBC. The MO works with the ministry program area on the speech/presentation.

Function/Process	Records are
Event planning correspondence (email strings around choices of hotel, flights, government vehicle use)	<u>Transitory</u> <ul style="list-style-type: none">• Dispose of when no longer useful.
Official invitations and itinerary (e.g. purpose for minister's attendance, background on the event, venue, dates)	<u>Official records</u> <ul style="list-style-type: none">• Retain records in MO or DMO.• Any attachments need to be removed from calendar entry and filed separately.
Minister's speech or presentation (e.g. text, audio-video)	<u>Official Records</u> <ul style="list-style-type: none">• Government Communications and Public Engagement (GCPE) retains the official record of the minister's speech or presentation.• Official copies of presentation material may be retained by the originating program area if they are of continuing value to that program. <u>Transitory</u> <ul style="list-style-type: none">• Residual copies may be retained by the MO or DMO for reference purposes until no longer useful.

RECORDS MANAGEMENT GUIDE

Scenario 2 – Travel Planning and Expenses

The minister is travelling to Ottawa to attend an annual meeting of Federal/Provincial/Territorial ministers.

Function/Process	Records are
Travel planning correspondence (Email strings relating to choice of flights, airport transports, car rentals, hotels etc.)	<u>Transitory</u> <ul style="list-style-type: none"> Dispose of when no longer useful.
Travel and meeting itineraries (e.g. purpose of trip, planned meetings, dates, venues, attendees)	<u>Official records</u> <ul style="list-style-type: none"> Retain records in either MO or DMO. If the official records are retained in the DMO, then residual MO copies are transitory.
Invitation logged in Outlook calendar	<u>Official records</u> <ul style="list-style-type: none"> MO will save a pdf of the calendar each month. These records will be retained in MO or DMO.
Meeting-related records prepared by ministry (e.g. briefing notes, handouts, slides)	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none"> Official records are retained in DMO and/or other appropriate responsibility centre. MO copies should be disposed of when no longer needed.
Meeting related records received before or at meeting (agenda, minutes, notes, content provided by other attendees)	<u>Official records</u> <ul style="list-style-type: none"> Retain records in either MO or DMO. If the official records are retained in the DMO, then residual MO copies are transitory.
Travel expenses for Minister and accompanying staff (e.g. transportation and accommodation costs, per diem, receipts)	<u>Official records</u> <ul style="list-style-type: none"> Travel vouchers and receipts are sent to Ministry of Finance. Residual MO copies are transitory.
Presentations or speeches by Minister	<ul style="list-style-type: none"> See Speeches and Presentations scenario.

RECORDS MANAGEMENT GUIDE

Scenario 3 – House briefing materials

Ministry program areas have been asked to provide the Minister with material for the budget estimates debate in the House.

Function/Process	Records are
Briefing materials and questions (e.g. hardcopy binders, documents attached in CLIFF)	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none">• Official records are retained in the DMO or other relevant responsibility centre.• Copies in MO should be disposed of when no longer useful.
Correspondence relating to direction on preparation of budget estimates	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none">• Official records are retained in the DMO.

Scenario 4 – Non-Cabinet Committees/Meetings

The minister is attending a meeting with key stakeholders about progress to date on a ministry-sponsored project.

Function/Process	Records are
Meeting invitation in Outlook Calendar	<u>Official records</u> <ul style="list-style-type: none">• The MO will save a PDF calendar each month for filing.• These records will be retained in the MO or DMO.
Meeting preparation (includes background/briefing materials and reports developed by the ministry, content prepared for meeting stakeholders)	<u>Transitory</u> (residual MO copies) <ul style="list-style-type: none">• Official records are retained in the DMO or other appropriate responsibility centre.• Minister's office copies should be disposed of when no longer useful.
Meeting records (includes agenda, records received from stakeholders, agenda, minutes, notes)	<u>Official records</u> <ul style="list-style-type: none">• These records will be retained in the MO or DMO. If the official records are retained in the DMO, then residual MO copies are transitory.

RECORDS MANAGEMENT GUIDE

Scenario 5 – Unfiled Minister's Office E-Mail

Due to volume, MO personnel have accumulated e-mail that has not been disposed of over time as clearly transitory or filed in other systems (e.g. EDRMS Content Manager).

Function/Process	Records are
Accumulation of email messages in Outlook folders	<p><u>Official records</u></p> <ul style="list-style-type: none">• MO retains these records until they have been either filed in another office system or transferred to the DMO (e.g. when the minister transfers to another portfolio).• MO personnel should continue to dispose of transitory messages (per the Transitory Records Guide) consistent with policy direction, except those identified in FOI and litigation searches, and to remove or dispose of any MLA or personal messages.• DMO will ultimately assume responsibility for these e-mail accumulations.

Additional Information

Contact your [Records Team](#) or check out the [Records Management website](#).



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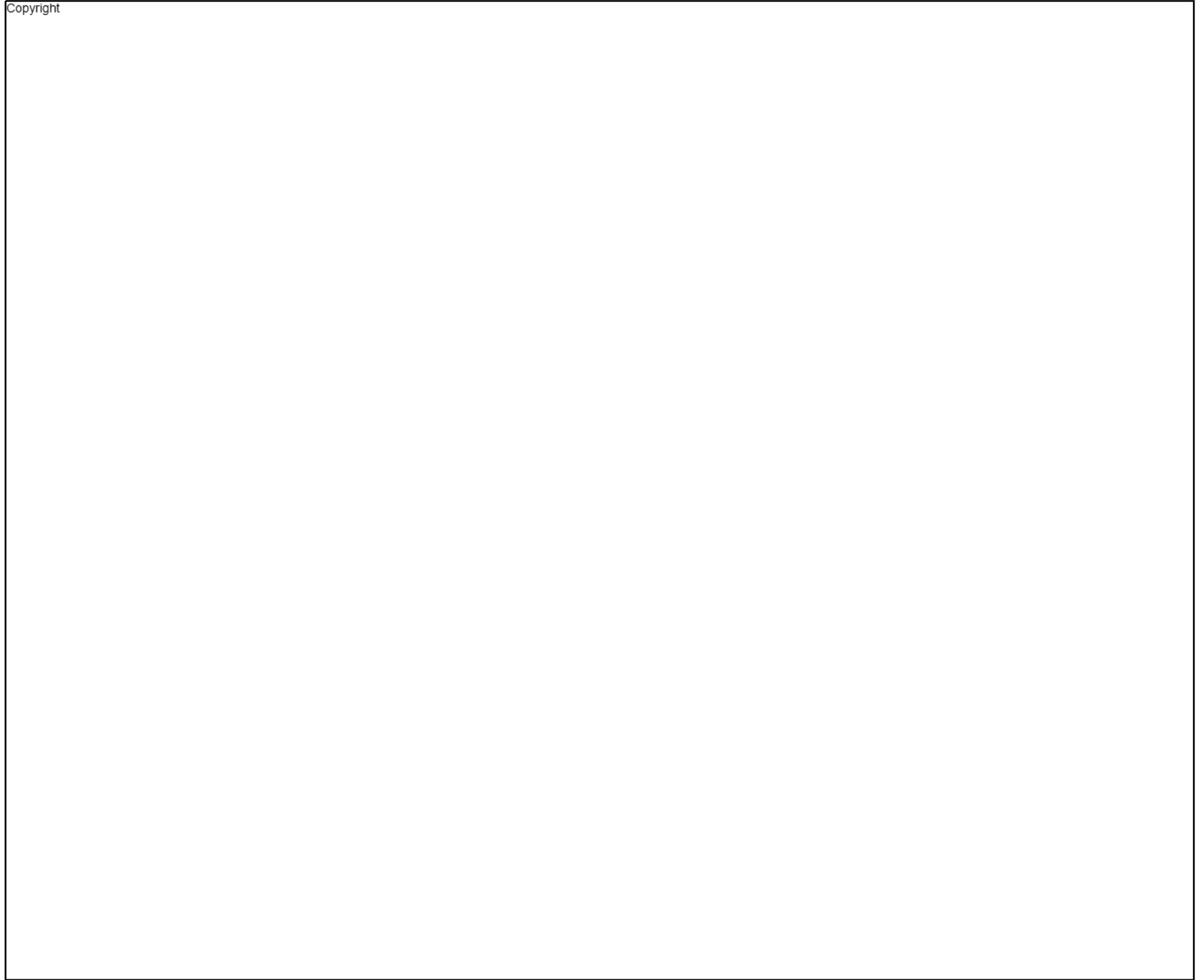
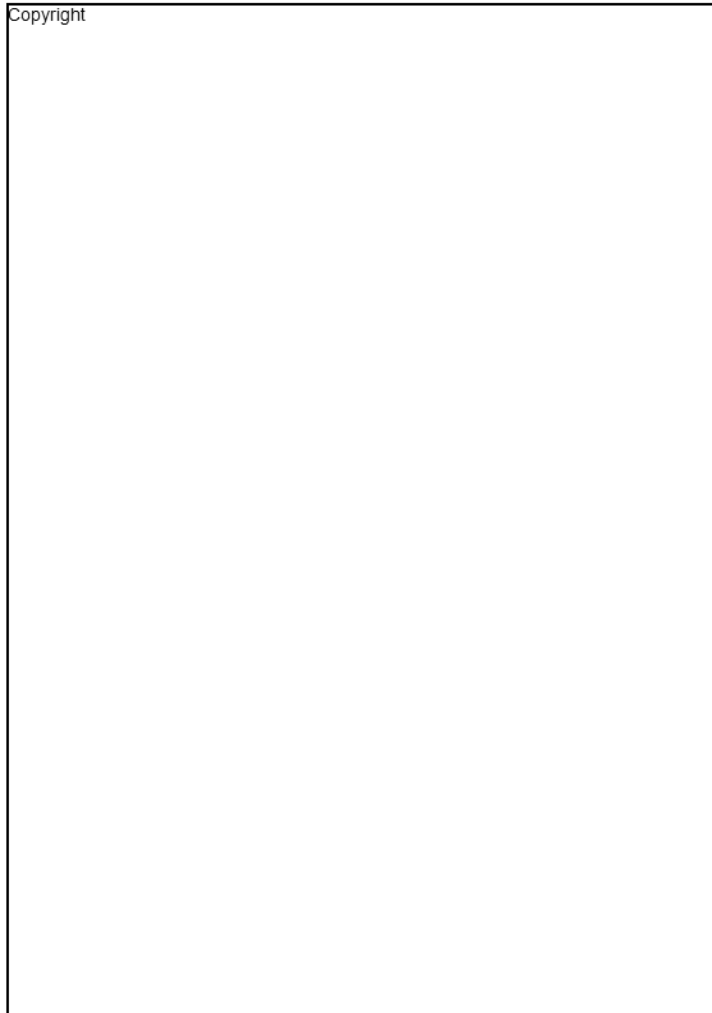
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Are you a
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2. MINISTERS' SALARIES, BENEFITS & EXPENSES

Pursuant to the *Members' Remuneration and Pensions Act*, each Member of the Legislative Assembly (MLA) receives basic compensation, with an additional salary if they hold a ministerial or parliamentary position. Information on Members' compensation is reported publicly on the Legislative Assembly website and annually in the provincial Public Accounts.

Members who hold ministerial or parliamentary office receive an additional salary that corresponds to a percentage of their basic compensation. If a Member holds two or more positions for which an additional salary is granted, the Member will receive only the higher amount.

The following table outlines the amount paid with respect to service in any of the listed positions. The amount is paid in addition to the basic compensation on the bi-weekly payroll and is fully taxable.

Please note that only salaries related to Ministers or parliamentary positions are listed in this Appendix. For MLA-specific information, including pension and other benefits, constituency travel, etc. please see the Legislative Assembly of BC Members' Guide to Policy and Resources at: <https://members.leg.bc.ca/home/remuneration-benefits/>.

Further information about Ministers' travel/vehicle expenses policies can be found on the website for Ministers' Office Support Services in the Ministry of Finance: <http://gwww.fin.gov.bc.ca/gws/camss/moss>.

Position	% of Basic Compensation	Additional Salary (annual)	(bi-weekly)
	100 %	\$111,024.19	\$ 4,258.46
Premier	90 %	\$ 99,921.77	\$ 3,832.62
Minister	50 %	\$ 55,512.10	\$ 2,129.23
Minister of State	35 %	\$ 38,858.47	\$ 1,490.46
Speaker	50 %	\$ 55,512.10	\$ 2,129.23
Deputy Speaker	35 %	\$ 38,858.47	\$ 1,490.46
Assistant Deputy Speaker	35 %	\$ 38,858.47	\$ 1,490.46
Government Whip	20 %	\$ 22,204.84	\$ 851.69
Deputy Government Whip	15 %	\$ 16,653.63	\$ 638.77

Government Caucus Chair	20 %	\$ 22,204.84	\$ 851.69
Deputy Chair, Committee of the Whole	20 %	\$ 22,204.84	\$ 851.69
Parliamentary Secretary	15 %	\$ 16,653.63	\$ 638.77
Leader of the Official Opposition	50 %	\$ 55,512.10	\$ 2,129.23
Official Opposition House Leader	20 %	\$ 22,204.84	\$ 851.69
Official Opposition Whip	20 %	\$ 22,204.84	\$ 851.69
Official Opposition Deputy Whip	15 %	\$ 16,653.63	\$ 638.77
Official Opposition Caucus Chair	20 %	\$ 22,204.84	\$ 851.69
Leader of the Third Party	25 %	\$ 27,756.05	\$ 1,064.62
Third Party House Leader	10 %	\$ 11,102.42	\$ 425.85
Third Party Whip	10 %	\$ 11,102.42	\$ 425.85
Third Party Caucus Chair	10 %	\$ 11,102.42	\$ 425.85
Chair, Select Standing or Special Committee	15 %	\$ 16,653.63	\$ 638.77
Deputy Chair, Select Standing or Special Committee	10 %	\$ 11,102.42	\$ 425.85

E. Statutory Officers of the Legislature

STATUTORY OFFICERS OF THE LEGISLATURE

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Overview of Current Statutory Officers

Position	Incumbent	Appointment and Term	Authority
Auditor General	Michael Pickup	Appointed: Resolution of Legislative Assembly Term: 8 years Start: July 27, 2020 End: July 26, 2028	<i>Auditor General Act</i> Ministry of Finance
Chief Electoral Officer	Anton Boegman	Appointed: Lieutenant Governor (Certificate) on recommendation of Legislative Assembly Term: Two elections plus 12 months Start: June 1, 2018 End: TBD	<i>Election Act</i> Ministry of Attorney General
Human Rights Commissioner	Kasari Govender	Appointed: Legislative Assembly Term: 5 years Start: September 2, 2019 End: September 3, 2024 (may be reappointed for one further term)	<i>Members' Conflict of Interest Act</i> Ministry of Attorney General
Information and Privacy Commissioner and Registrar for Lobbyists	Michael McEvoy	Appointed: Lieutenant Governor (Certificate) Term: 6 years Acting appointment: Lieutenant Governor in Council Start: April 1, 2018 End: March 30, 2024	<i>Freedom of Information and Protection of Privacy Act</i> Ministry of Citizens' Services <i>Lobbyists Registration Act</i> Ministry of Attorney General
Members' Conflict of Interest Commissioner	Victoria Gray, Q.C.	Appointed: Lieutenant Governor in Council Term: 5 years Start: January 6, 2020 End: January 5, 2025 (may be reappointed for further term or terms)	<i>Members' Conflict of Interest Act</i> Ministry of Attorney General
Merit Commissioner	Fiona Spencer	Appointed: Lieutenant Governor in Council Term: 3 years Start: April 5, 2016 End: April 5, 2019	<i>Public Service Act</i> Ministry of Finance
Ombudsperson	James (Jay) Michael Chalke, Q.C.	Appointed: Lieutenant Governor (Certificate) Term: 6 years Start: July 1, 2015 End: July 1, 2021	<i>Ombudsperson Act</i> Ministry of Attorney General
Police Complaint Commissioner	Clayton Pecknold	Appointed: Resolution of Legislative Assembly Term: 5 years Start: March 1, 2015 End: March 1, 2019	<i>Police Act</i> Ministry of Attorney General

Position	Incumbent	Appointment and Term	Authority
Representative for Children and Youth	Jennifer Charlesworth	Appointed: Resolution of Legislative Assembly Term: 5 years Start: October 1, 2018 End: September 30, 2023	<i>Representative for Children and Youth Act</i> Ministry of Attorney General

Statutory Officers of the Legislature

Statutory officers help the Members of the Legislative Assembly monitor and assess government programs, procedures and performance, or perform specific functions at arms-length from government. Statutory officers serve for fixed terms that vary according to the statute governing each position. The following section briefly summarizes the role of each statutory officer. There are nine Statutory Officers of the Legislative Assembly. They are:

- Auditor General;
- Chief Electoral Officer;
- Human Rights Commissioner;
- Information and Privacy Commissioner;
- Members' Conflict of Interest Commissioner;
- Merit Commissioner;
- Ombudsperson;
- Police Complaint Commissioner; and
- Representative for Children and Youth.

How the Officers are appointed

Of the nine positions, the four following Officers are appointed by resolution of the Legislative Assembly upon unanimous recommendation by a Special Committee of the Legislative Assembly:

- Auditor General;
- Human Rights Commissioner;
- Police Complaint Commissioner; and
- Representative of Children and Youth.

Of the remaining five Officer positions, three are appointed by the Lieutenant Governor upon unanimous recommendation of a Special Committee and recommendation by the Legislative Assembly:

- Chief Electoral Officer;

- Information and Privacy Commissioner; and
- Ombudsperson.

The last two Officer positions are appointed by the Lieutenant Governor in Council:

- Members' Conflict of Interest Commissioner (motion of the Premier in the Legislative Assembly and recommendation of 2/3 Members present); and
- Merit Commissioner (unanimous recommendation of a Special Committee and recommendation by the Legislative Assembly).

Office Budgets

Unlike government ministries, the independent statutory officers submit three-year rolling budget proposals each year to the Select Standing Committee on Finance and Government Services, which in turn reports to the Legislative Assembly with recommendations for funding.

Detailed information on each Officer follows.

Auditor General

Michael Pickup

Authority

Auditor General Act, Ministry of Finance

Profile

The Auditor General is the Legislative Assembly of British Columbia's independent auditor. Under the *Auditor General Act*, the Office of the Auditor General serves the people of British Columbia and their elected representatives by conducting independent audits and advising on how well government is managing its responsibilities and resources.

Term

Eight years. May not be reappointed.

Term Expiry

July 27, 2028.

Budget and Staff

For 2019/20, the Office's budget was \$18.2 million. There are 117 FTEs.

Remuneration, Pension and Expenses

The salary of the Auditor General is equal to the Chief Judge of the Provincial Court of British Columbia and the legislation provides for reimbursement for travelling and out of pocket expenses. The legislation also provides that the Public Sector Pension Plan applies to the Auditor General.

Mandate

Under the *Auditor General Act*, the auditor general has a mandate to audit the government reporting entity, which includes ministries, Crown corporations and other organizations controlled by, or accountable to, the provincial government. This includes school districts, universities, colleges, health societies and health authorities.

Financial audits are independent opinions on the financial statements of government organizations. Through these audits, the Auditor General can determine if those statements are presented fairly and free of material errors, misstatements and omissions. The largest financial audit is of the Summary Financial Statements of the Government of British Columbia, which encompasses 143 public sector entities and ministries.

Performance audits provide assurance to legislators that provincial programs, services and resources are operating with efficiency, economy and effectiveness. Through these audits, the office also makes recommendations for improvement. Topics include health care, education, transportation, information technology, the environment, financial management, and more. The performance audit team is dedicated to delivering the performance audit coverage plan. Similarly, auditors choose performance audits by considering the direct impact of programs on people in British Columbia, as well as the financial implications for taxpayers.

As well, the office may publicly report on work that is not an audit, such as a review or an examination.

Chief Electoral Officer

Anton Boegman

Authority

Election Act, Ministry of Attorney General

Local Elections Campaign and Financing Act, Ministry of Municipal Affairs and Housing

Profile

The Chief Electoral Officer (CEO) is responsible for the impartial administration of provincial electoral events and referendums, recalls and initiatives in accordance with the *Election Act*. The CEO is also responsible for the maintenance of the provincial voters list and voter education. The CEO ensures the fairness, openness and impartiality of the electoral process and cannot be a member of a political party, cannot give money to a political party or candidate and cannot vote in a provincial election.

Under the *Local Elections Campaign and Financing Act*, Elections BC administers campaign financing, disclosure and election advertising rules for local government elections. Elections BC does not administer voting or candidate nominations for these elections.

Term

The term is from the date of appointment until 12 months after the date set for the return of the last writ for the second general election for which the Chief Electoral Officer (CEO) is responsible. Mr. Boegman was appointed June 1, 2018 and the October 2020 election is Mr. Boegman's first. If the next provincial election is a scheduled election under the *Constitution Act* (i.e. October 2024), term expiry will be November 2025. The CEO may be reappointed to further terms of office.

Term Expiry

Unknown – see "Term".

Budget and Staff

For 2019/20, the budget for Elections BC was \$18.2 million. Uniquely among the officers, Elections BC's budget is highly event-driven and may fluctuate dramatically from year to year. For 2020/21 the budget will be significantly increased due to the conduct of the October 2020 general election – the 2017 general election cost \$39.45 million to administer. There are approximately 55 permanent employees.

Remuneration, Pension and Expenses

The salary of the CEO is equal to the Chief Judge of the Provincial Court of British Columbia and the legislation provides for reimbursement for travelling and out of pocket expenses. The legislation also provides that the Public Section Pension Plan applies to the CEO.

Mandate

Elections BC administers provincial general elections, by-elections, recall petitions, initiative petitions, initiative votes, referenda and plebiscites, and oversee campaign financing and advertising rules at the local level.

Elections BC is an independent and non-partisan Office of the Legislature, and its mandate comes from several Acts, including the *Election Act*, *Recall and Initiative Act*, *Referendum Act* and *Local Elections Campaign Financing Act*. Together, these Acts define the office's responsibilities and set out the duties of the Chief Electoral Officer.

Elections BC administers the most comprehensive range of electoral legislation in Canada, with the *Recall and Initiative Act* being unique in the Commonwealth.

Elections BC is responsible for maintaining the Provincial Voters List and regulating access to it.

The CEO is a member of the independent Electoral Boundaries Commission, and Elections BC has responsibility for maintaining a geospatial database of BC's electoral boundaries.

Human Rights Commissioner

Kasari Govender

Authority

Human Rights Code, Ministry of Attorney General

Profile

The Human Rights Commissioner and her office work to address the root causes of inequality, discrimination and injustice in B.C. by shifting laws, policies, practices and cultures through education, research, advocacy, inquiry and monitoring. The office was created in legislation in 2018.

Term

Five years.

Term Expiry

September 3, 2024.

Budget and Staff

For 2019/20 the budget for the Office of the Human Rights Commissioner was \$2 million, increasing to \$5.5 million in the current fiscal year as the office assumes its full responsibilities.

Remuneration, Pension and Expenses

The compensation of the Commissioner is set by the Lieutenant Governor in Council and the legislation provides for reimbursement for travelling and out of pocket expenses. The legislation also provides that the Public Sector Pension Plan applies to the Commissioner.

Mandate

- Identify and promote the elimination of discriminatory practices, policies and programs;
- Develop, deliver and support research and education about human rights;
- Create policies, guidelines and recommendations to prevent discrimination and ensure policies, programs and legislation are consistent with the BC Human Rights Code;
- Promote compliance with international human rights obligations;
- Approve special programs to improve conditions of disadvantaged individuals or groups;

- Intervene or represent complainants in human rights proceedings before the BC Human Rights Tribunal and other courts and tribunals;
- Conduct human rights investigations and inquiries and issue reports and recommendations;
- Make special reports to the Legislature about human rights in B.C.;
- Inquire into matters referred to BC's Human Rights Commissioner by the Legislative Assembly.

Information and Privacy Commissioner and Registrar of Lobbyists

Michael McEvoy

Authority

Freedom of Information and Protection of Privacy Act, Ministry of Citizens' Services

Lobbyists Registration Act, Ministry of Attorney General

Profile

This position is unique amongst the BC statutory officers in that it encompasses two sets of responsibilities. Under the *Freedom of Information and Protection of Privacy Act* ("FOIPPA") and the *Personal Information Protection Act* ("PIPA"), the Office of the Information and Privacy Commissioner is to review public bodies' decisions respecting access to information and protection of privacy, and to comment on information and privacy implications of government legislation and program.

Under the *Lobbyists Registration Act* ("LRA"), the Office of the Registrar of Lobbyists manages the publicly-accessible lobbyists registry and enforces compliance with the LRA.

Term

Six years.

Term Expiry

March 30, 2024.

Budget and Staff

For 2019/20, the Office of the Information and Privacy Commissioner's budget was \$6.7 million. There are approximately 40 employees.

Remuneration, Pension and Expenses

The salary of the Commissioner is equal to the Chief Judge of the Provincial Court of British Columbia and the legislation provides for reimbursement for travelling and out of pocket expenses. The legislation also provides that the Lieutenant Governor in Council may apply the Public Sector Pension Plan to the Commissioner.

Mandate

Under FOIPPA, the Commissioner has the power to:

- investigate, mediate and resolve appeals concerning access to information disputes, including issuing binding orders;
- investigate and resolve privacy complaints;
- initiate Commissioner-led investigations and audits of public bodies or organizations, if there are reasonable grounds of non-compliance or if it is in the public interest;
- comment on the access and privacy implications of proposed legislation, programs or policies;
- comment on the privacy implications of new technologies and/or data matching schemes;
- conduct research into anything affecting access and privacy rights; and
- educate and inform the public about their access and privacy rights and the relevant laws.

The Commissioner's jurisdiction extends to approximately 2,900 public bodies, including the core provincial government, provincial agencies, boards and commissions, and local governments. A full list of public bodies is set out in Schedule 2 of FOIPPA.

Under the Lobbyists Registration Act ("LRA"), the mandate of the Office of the Registrar of Lobbyists is to:

- Promote awareness among lobbyists of registration requirements;
- Promote awareness among the public of the existence of the lobbyists registry;
- Manage registrations submitted to the lobbyists registry; and
- Monitor and enforce compliance with the LRA.

Members' Conflict of Interest Commissioner

Victoria Gray, QC

Authority

Members' Conflict of Interest Act, Ministry of Attorney General

Profile

The Commissioner has three primary roles:

- to provide confidential advice to Members about their obligations under the Act;
- to oversee the disclosure process, including meeting with each Member at least annually to review the disclosure of the Member's financial interests;
- to respond to allegation that a Member has contravened the Act, and conduct an Inquiry if warranted.

Term

The Commissioner is appointed for a five-year term and may be reappointed for a further term or terms.

Term Expiry

January 5, 2025.

Budget and Staff

For 2019/20, the budget for the Office of the Conflict of Interest Commissioner was \$718,000. The office has five staff, three of whom are part-time.

Remuneration, Pension and Expenses

The salary of the Commissioner is specified in the appointment by the Lieutenant Governor in Council and is set at \$226,800 for 2020, with an annual cost of living adjustment of 2% per year. This initial salary is equal to 75% of the salary of the Chief Judge of the Provincial Court. The legislation does not provide for reimbursement for travelling and out of pocket expenses, nor does it provide for application of the Public Sector Pension Plan to the Commissioner. However, the Order in Council provides that all of the benefits received by the Auditor General may be received by the Conflict of Interest Commissioner and the Auditor General receives reimbursement for travelling, out of pocket expenses and that the Public Sector Pension Plan applies.

Mandate

The Commissioner performs three separate but related roles:

First, the Commissioner acts as an advisor to Members of the Legislative Assembly so the Members know what their obligations are and that the steps they have taken or propose to take will fulfill those obligations.

Second, the Commissioner meets with each Member at least annually to review the disclosure of the Member's interests and general obligations imposed by the Act.

Third, the Commissioner will undertake investigations and make inquiries into alleged contraventions of the *Members' Conflict of Interest Act* or section 25 of the *Constitution Act*. The Commissioner may provide written opinions on application by any individual Member, the Executive Council, the Legislative Assembly, or by a member of the public and may at the request of the Lieutenant Governor in Council, or of the Legislative Assembly undertake such special assignments as the Commissioner considers appropriate.

Merit Commissioner

Maureen Baird, QC

Authority

Public Service Act, Ministry of Finance

Profile

The Merit Commissioner provides oversight and insight into the conduct of merit-based hiring in the BC Public Service.

Term

The Commissioner is appointed for three years and may be reappointed for a further three years.

Term Expiry

January 13, 2023.

Budget and Staff

For 2019/20 the Office of the Merit Commissioner's budget was \$1.365 million. There are 4 full-time and two part-time employees.

Remuneration, Pension and Expenses

The salary of the Commissioner is specified in the appointment by the Lieutenant Governor in Council and is set at \$610 for each full day of work up to a maximum of \$79,910 in a calendar year. The legislation provides for reimbursement for travelling and out of pocket expenses. The legislation does not mention a pension plan.

Mandate

The Commissioner has responsibility for oversight which includes examining the extent to which the merit principle is being applied to public service hiring and promotions, whether there is compliance with the *Public Service Act* and related policies and, if not, what remedies exist to address non-compliance. Responsibility for oversight ensures decision-makers are provided with an independent assessment of appointment practices, policies, and results.

Ombudsperson

Jay Chalke, QC

Authority

Ombudsperson Act, Ministry of Attorney General

Public Interest Disclosure Act, Ministry of Attorney General

Profile

The Ombudsperson generally oversees the administrative actions of provincial and local government authorities. Thorough, impartial and independent investigations of complaints are conducted and possible resolutions of complaints are presented.

Term

The Ombudsperson is appointed for six years and may be reappointed for additional 6-year terms.

Term Expiry

July 1, 2021.

Budget and Staff

For 2019/20 the budget for the Office of the Ombudsperson was \$8.873 million. There are approximately 61 FTEs.

Remuneration, Pension and Expenses

The salary of the Ombudsperson is equal to the Chief Judge of the Provincial Court of British Columbia and the legislation provides for reimbursement for travelling and out of pocket expenses. The legislation also provides that the Public Sector Pension Plan applies to the Ombudsperson.

Mandate

The office oversees more than 1,500 provincial, regional and local public sector organizations.

Under the *Ombudsperson Act*, the office:

- Assesses and responds to enquiries and complaints from the public;
- Conducts thorough, impartial and independent investigations;
- Resolves complaints and recommends improvements to policies, procedures and practices;
- Educates citizens and public organizations about how to be fair in the delivery of services; and
- Reports publicly to bring attention to issues that impact the public.

Under BC's new whistleblower protection law (the *Public Interest Disclosure Act*) the Office investigates allegations of wrongdoing and reprisal brought forward by current and former provincial government employees.

Police Complaint Commissioner

Clayton Pecknold

Authority

Police Act, Ministry of Attorney General

Profile

The Office of the Police Complaint Commissioner (OPCC) is a civilian, independent office of the Legislature which oversees and monitors complaints and investigations involving municipal police in British Columbia and is responsible for the administration of discipline and proceedings under the *Police Act*.

Term

The Police Complaint Commissioner is appointed for five years and may be appointed for a second term of up to five years as specified in the reappointment.

Term Expiry

February 14, 2024.

Budget and Staff

For 2019/20 the budget for the Office of the Police Complaint Commissioner was \$3.822 million. There are 20 employees in addition to the Commissioner.

Remuneration, Pension and Expenses

The salary of the Commissioner is equal to the Chief Judge of the Provincial Court of British Columbia and the legislation provides for reimbursement for travelling and out of pocket expenses. The legislation also provides that the Public Sector Pension Plan applies to the Commissioner.

Mandate

The Office of the Police Complaint Commissioner (the OPCC) performs an active oversight function by determining the admissibility of complaints received from the public, initiating investigations and, when appropriate, referring matters for adjudicative review. The OPCC ensures that investigations by police agencies under the *Police Act* are thorough and professional and are undertaken with impartiality and fairness to all parties involved. The OPCC maintains records of all police complaints and *Police Act* investigations involving municipal police officers and the investigation outcomes. The office compiles statistical information and reports regularly to the public about these complaints and investigations.

The Police Complaint Commissioner (the Commissioner) is responsible for advising, informing and assisting all parties involved in the complaint process; this includes complainants, police officers, Discipline Authorities, police boards and adjudicators appointed under the *Police Act*.

Representative for Children and Youth

Dr. Jennifer Charlesworth

Authority

Representative for Children and Youth Act, Ministry of Attorney General

Profile

The Representative's role is to:

- Advocate on behalf of children, youth and young adults to improve their understanding of and access to designated services;
- Monitor, review, audit and publicly report on designated services for children and youth;
- Conduct independent reviews and investigations into the critical injuries or deaths of children receiving reviewable services.

Term

The representative is appointed for 5 years and may be reappointed for a further five years.

Term Expiry

September 30, 2023.

Budget and Staff

For 2019/20 the budget for the Office of the Representative for Children and Youth was \$9.75 million. There are approximately 61 FTEs.

Remuneration, Pension and Expenses

The salary of the Representative is equal to the Chief Judge of the Provincial Court of British Columbia and the legislation provides for reimbursement for travelling and out of pocket expenses. The legislation also provides that the Public Sector Pension Plan applies to the Representative.

Mandate

The mandate of the Representative for Children and Youth is to improve services and outcomes for children in B.C. through advocacy, accountability and review.

Advocacy: The Representative advocates on behalf of children and youth to ensure services meet their needs. The Representative also advocates for improvements to the system of services for children, youth and their families. It is the responsibility of the Representative to initiate reviews and investigate

government agencies that provide services to children in B.C.

Accountability: The Representative independently reviews and investigates deaths and critical injuries of children and youth receiving services, with an emphasis on preventing children and youth from being harmed in any way. The Representative also has the power to release reports that are independent of government approval and that uniquely focus on the child welfare system.

Review: The Representative holds the system of care to account by conducting independent audits, and monitoring and reviewing government services. The Representative has the power to investigate a child's critical injury or death.

CABINET MEMBERS' REFERENCE GUIDE – OCTOBER 2020

F. Statutory Decision-Makers

STATUTORY DECISION-MAKERS

Introduction

The resolution of disputes involving government laws and how they are applied is called administrative law.

Statutory decision-makers (SDMs), also frequently referred to as “administrative law decision-makers”, are a critical component of the civil justice system. SDMs make hundreds of decisions in individual circumstances about:

- licences, permits and benefits;
- compliance with regulations; and
- conduct of members of self-governing professions.

Many SDMs also have the authority to impose penalties.

The courts could not make all these decisions, nor would it be an appropriate use of resources for them to do so.

SDMs do not possess the same level of independence as the judiciary, and may be mandated to implement government policies. But like the courts, SDMs must make their decisions fairly and in accordance with the law. For this reason, and also because these decisions can have significant impacts on the affected individuals and businesses, it is important that the affected persons not only understand *why* a particular decision was made, but can also accept the decision as fairly made, even if they do not agree with the outcome.

Statutory/Administrative Decision-making Bodies and Government

There are many types of statutory decision-making bodies in BC including:

- tribunals;
- boards;
- agencies; and
- commissions.

In addition, there are regulatory branches of government that administer policy, programs, and enforcement in areas such as liquor control and licensing, gaming, the financial services industry, and residential tenancies. Employees of these offices are also decision-makers subject to the rule of law, including the rules of procedural fairness described below.

The number of administrative decision-making bodies in British Columbia varies over time, as the executive branch of government chooses to expand or contract the scope of its statutory delegation of authority. For a list of administrative decision-making bodies, see the BC Directory of Administrative Tribunals & Agencies at <https://www.adminlawbc.ca/tribunals>.

Most decision-making bodies report to the Legislature, and thus the public, through a government ministry. For example, the Property Assessment Appeal Board, which deals with parties who wish to appeal their property assessments, reports to the legislature through the Ministry of Attorney General. The responsible Minister and ministry are called the decision-making body's "host ministry".

A decision-making body is governed by:

- its enabling legislation (Act and Regulations);
- in BC, the *Administrative Tribunals Act*, a procedural statute of general application for specified decision-making bodies;
- rules enacted by the decision-making body in accordance with its enabling legislation; and
- the common-law requirements of procedural fairness.

Procedural fairness refers to the principles that govern the processes to be followed by administrative decision-makers. They have been described as "fair play in action". There are four fundamental principles:


- a person has the right to be heard before a decision affecting their interests is made;
- a person has the right to an impartial decision-maker;
- the person who hears the issue must decide it; and
- the decision-maker must provide reasons for the decision.

Decisions of SDMs may be subject to review, appeal, or reconsideration, and ultimately will always be subject to judicial review by the courts.

Independence of Decision-making Bodies and Decision-makers

SDMs are expected to ensure that they are not improperly influenced in their decision-making by other members of the body, the government, or external sources. Both decision-making bodies and individual members must have the independence within their statutory framework to decide each case on the basis of the relevant evidence and on its merits. In order to protect independence, there must be safeguards against various institutional pressures, including those resulting from the relationship with a decision-making body's host ministry.

[Source material excerpted from: *BC Administrative Decision-maker's Manual*, B.C. Council of Administrative Tribunals, May 1, 2016]



GUIDE TO GIFTS AND PERSONAL BENEFITS

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