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MINISTRY OF LABOUR

The mission of the Ministry of Labour is to promote fair, healthy, and safe labour and employment relationships in support of a strong, sustainable, and inclusive economy and to ensure provincial employment standards reflect the needs of British Columbians.

MINISTRY SUMMARY

(\$000)

	Estimates 2022/23 ¹	Estimates 2023/24
VOTED APPROPRIATION		
Vote 38 — Ministry Operations.....	17,423	21,489
OPERATING EXPENSES	<u>17,423</u>	<u>21,489</u>
CAPITAL EXPENDITURES ²	3	3
LOANS, INVESTMENTS AND OTHER REQUIREMENTS ³	—	—
REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES ⁴	—	—

NOTES

¹ For comparative purposes, figures shown for the 2022/23 operating expenses; capital expenditures; loans, investments and other requirements; and revenue collected for, and transferred to, other entities are restated to be consistent with the presentation of the 2023/24 *Estimates*. A reconciliation of restated operating expenses and capital expenditures is presented in Schedule A.

² A listing of estimated capital expenditures by ministry is presented in Schedule C.

³ A summary of loans, investments and other requirements by ministry is presented in Schedule D.

⁴ A summary of revenue collected for, and transferred to, other entities by ministry is presented in Schedule E.

MINISTRY OF LABOUR
SUMMARY BY CORE BUSINESS
(\$000)

	2022/23	2023/24 ESTIMATES		
OPERATING EXPENSES	Net	Gross	External Recoveries	Net
Core Business				
Labour Programs.....	15,828	52,904	(33,286)	19,618
Executive and Support Services.....	1,595	2,226	(355)	1,871
TOTAL OPERATING EXPENSES	17,423	55,130	(33,641)	21,489
	Capital Expenditures	Capital Expenditures	Receipts and P3 Liabilities	Net
CAPITAL EXPENDITURES				
Core Business				
Labour Programs.....	3	3	—	3
TOTAL	3	3	—	3

MINISTRY OF LABOUR

VOTE DESCRIPTIONS

(\$000)

	Estimates 2022/23	Estimates 2023/24
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VOTE 38 — MINISTRY OPERATIONS

This vote provides for the programs, operations, and other activities described in the voted appropriations under the following core businesses: Labour Programs and Executive and Support Services.

LABOUR PROGRAMS

Voted Appropriations

Employment Standards.....	14,010	17,702
WorkSafeBC Funded Services.....	1	1
Labour Policy and Legislation.....	1,817	1,915
	<u>15,828</u>	<u>19,618</u>

Voted Appropriations Description: This sub-vote provides for services promoting harmonious labour and employment relations through the administration of the *Workers Compensation Act*, the *Employment Standards Act*, the *Temporary Foreign Worker Protection Act*, and the *Labour Relations Code*; the operations of the Workers' Compensation Appeal Tribunal, Compensation Advisory Services, and other employment and labour relations initiatives; and worker support programs. This sub-vote also provides for legislative and policy support for activities described within this sub-vote. Costs associated with the Workers' Compensation Appeal Tribunal and Compensation Advisory Services are fully recovered from the accident fund established pursuant to the *Workers Compensation Act*. Costs may also be recovered from ministries, Crown corporations and agencies, and parties external to government for other activities described within this sub-vote.

EXECUTIVE AND SUPPORT SERVICES

Voted Appropriations

Minister's Office.....	638	718
Corporate Services.....	957	1,153
	<u>1,595</u>	<u>1,871</u>

Voted Appropriations Description: This sub-vote provides for the office for the Minister of Labour and for the Parliamentary Secretary for Labour. This sub-vote also provides for executive direction of the Ministry of Labour; and administrative services for the operating programs of the Ministry of Labour, including financial administration and budget coordination, strategic and business planning and reporting, human resources, office management, accommodation, and information systems, some of which are provided by the Ministry of Jobs, Economic Development and Innovation and the Ministry of Municipal Affairs. Costs may be recovered from ministries, Crown corporations and agencies, other levels of government, and parties external to government for activities described within this sub-vote.

VOTE 38 — MINISTRY OPERATIONS	17,423	21,489
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MINISTRY GROUP ACCOUNT CLASSIFICATION SUMMARY

GROUP ACCOUNT CLASSIFICATION

Salaries and Benefits	38,308	42,945
Operating Costs	10,260	11,675
Government Transfers	59	59
Other Expenses	456	456
Internal Recoveries	(5)	(5)
External Recoveries	(31,655)	(33,641)
TOTAL OPERATING EXPENSES.....	17,423	21,489

Budget 2023/24 Questions and Answers

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1. Why has the Ministry of Labour's budget increased by \$4.066 million from 2022/23

The Ministry of Labour's 2023/24 budget is \$21.489 million, an increase of \$4.066 million from the 2022/23 Restated Estimates budget of \$17.423 million.

Labour's overall budget increase of \$4.066 million is due to the following:

- The Employment Standards Branch received a base budget increase of \$3.135 million to implement and support a sustainable complaints management strategy and eliminate the historical complaints (backlog reduction).
- \$851,000 increase is attributed to a base budget lift for compensation increases under the Shared Recovery Mandate.
- \$80,000 increase was approved by the Premier's Office to better align the Minister's Office budget with current staffing complement. There is no change to the actual staffing complement (Minister, Parliamentary secretary and five support staff) in comparison to the prior year.

2. Why has the Ministers' Office budget increased by \$80,000 in 2023/24?

- In 2023/24, the Minister's Office budget was increased by \$80,000 to better align the Minister's Office budget with current staffing complement and bring budgets in line with approved budgets set by the Office of the Premier.
- The Minister's Office budget includes funding for the Legislative salaries of the Minister and Parliamentary Secretary as well as budget for five support staff. There is no change to the actual staffing complement from the prior year.
- The approved increase includes \$5,000 for training under office and business.

- Any questions on the review of Minister's Office budgets should be directed to the Minister of Finance.

3. How is the Labour Relations Board funded?

- B.C.'s Labour Relations Code provides important protections for workers such as the right to unionize and job security when a unionized business changes ownership.
- In 2019, we modernized the Labour Relations Code after it hadn't been substantially reviewed since 1992; the changes we made improved job security for contracted service workers while delivering more stable and harmonious labour relations for employers and unions.
- Any questions relating to LRB's budget should be directed to the Ministry of Attorney General (AG).
- The Labour Relations Board transferred to AG in 2017/18 as part of the Tribunal Transformation Initiative. This initiative consolidated various tribunal budgets (excluding WCAT) to ensure tribunal processes are efficient, costs effective and meet users' needs.

4. Is there continued funding for the Forestry Worker Support Programs in 2023/24?

- Budget 2022 provided more than \$185 million over three years to bring forth coordinated and comprehensive supports to help forestry workers and contractors, industry, communities, and First Nations to adapt and respond to impacts of old growth deferrals. \$44M of this funding was allocated to 2023/24.
- Part of this funding includes support for the Bridging to Retirement program, which supports eligible forestry workers and contractors 55 years or older who are impacted by the old growth deferral process. The program helps them to transition to retirement and create jobs for younger or junior employees in working mills.
- The program is open for impacted and voluntary workers of B.C. forestry mills, forestry-dependent contractors and their employees.

- Previous Years Funding - Early Retirement Bridging Program:

In \$ Millions	2019/20	2020/21	2021/22	Total
ERBP Budget (Funded through FOR)	20.000	16.000	4.000	40.000
Forest Worker Support Program				0.000
StrongerBC Funding		18.000		18.000
Total Budget*	20.000	34.000	4.000	58.000
Actual Spend 2019/20 to 2021/22	10.822	33.715	2.321	46.858
Variance	9.178	0.285	1.679	11.142

Cabinet Confidences

- Current Years Funding - Early Retirement Bridging Program:

Actual spending for 2022/23 will be released this Summer with the Public Accounts.

5. Does Budget 2023 provide any incremental funding to address the backlog of Workers' Complaints under the Employment Standards Branch?

- As a demand-driven complaint process, the Employment Standards Branch's (Branch) workload is variable and reflects what is happening in BC's workplaces; the pandemic has increased demand by workers and employers for access to the Branch's services. In addition, legislative and regulatory improvements made since 2018 have made the Branch more accessible to people who need it.
- Supporting BC's workers and employers by investigating and resolving complaints and eliminating the historical complaints (backlog) is a priority for the Ministry.
- The Ministry received a base budget increase of almost \$12 million over three years to implement a long term, sustainable complaints management strategy and to eliminate the historical complaints (backlog reduction). Funding was received to support incremental Full Time Equivalents (FTEs) and supporting operating costs.

The funding breakdown by fiscal year is as follows:

- \$3.135 million in 2023/24 to support 20 FTEs,
- \$3.984 million in 2024/25 to support 27.5 FTEs, and
- \$4.821 million in 2025/26 to support 33 FTEs.

MANDATE LETTER COMMITMENTS DECEMBER 2022

Mandate Letter Commitments December 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
1. Work to improve the timeliness of employment standards dispute resolution.	Underway	<ul style="list-style-type: none"> In 2019, government began modernizing the Employment Standards Branch to make it easier for people to access needed services, because over the previous 16 years there were barriers and it was difficult to get help. As barriers were removed, the volume of complaints rose. To address the increase in complaints, the Ministry has: <ul style="list-style-type: none"> developed new, streamlined intake and triage processes to provide better outcomes for workers, improved the use of technology as part of its overall digital transformation strategy, and improved information gathering. As of February 15, 2023, the backlog was reduced to 4,584. The branch is actively recruiting and onboarding new permanent and temporary staff in all roles that support complaints processing, including Data Integrity Clerks, Employment Standards Officers, Industrial Relations Officers and Decision Makers. Budget 2023 was tabled in the Legislature on February 28, 2023, and included an increase of nearly \$12 million over three years for the Employment Standards Branch (ESB). This funding will increase the capacity of ESB, including the hiring of as many as 33 more full-time staff in response to the growing demand for its services, including resolving disputes between workers and employers, providing guidance on BC's employment standards, and processing registrations for employers who wish to hire temporary foreign workers through the federal Temporary Foreign Worker Program.
2. Continue engaging with affected parties on implementation of the recommendations of the Industrial Inquiry	Underway	<ul style="list-style-type: none"> The Industrial Inquiry Commission's (IIC) report and recommendations regarding successorship in the forestry sector was publicly released in July 2022. The IIC recommended expanding the Code's successorship provisions so that they apply when Government initiates a transfer of harvesting rights, including to First Nations.

Mandate Letter Commitments December 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
Commission regarding Forest Industry Successorship.		<ul style="list-style-type: none"> Following the public release of the report, the Ministry engaged with BC First Nations and forest sector employee organizations and employers by inviting them to make submissions regarding the IIC report and their recommendations. In Fall 2022, the Ministry held five information sessions for interested First Nations, primarily attended by First Nations forestry staff. In addition, the Minister of Labour met directly with the First Nations Leadership Council, and Ministry staff engaged with the BC Alliance for Modern Treaty Nations. Cabinet Confidences
3. Work with WorkSafeBC to ensure meaningful programs are in place to support the return of injured workers to their workplaces.	Underway	<ul style="list-style-type: none"> Bill 41, the <i>Workers Compensation Amendment Act (No. 2), 2022</i>, adds new legal duties for employers to maintain employment for injured workers, and for the worker and employer to cooperate in an injured worker's return to work. These provisions will come into force by regulation on a date still to be determined. WorkSafeBC is undertaking the necessary policy and program development work to support the successful implementation of these duties.
4. Support WorkSafeBC, with involvement of the Minister of Health and the Minister of Mental Health and Addictions, to develop better options for chronic work-related pain, including improving pain management practices for	Underway	<p>Cabinet Confidences</p> <ul style="list-style-type: none"> WorkSafeBC is conducting a review of the chronic pain policies to improve consistency in the adjudication, management, and treatment of chronic pain. Work on this policy review will continue through 2023.

Mandate Letter Commitments December 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
injured workers and providing treatment on demand to those with chronic pain as a result of workplace injuries.		
5. Ensure our labour law is keeping up with modern workplaces through the upcoming review of the Labour Code, providing stable labour relations and supporting the exercise of collective bargaining rights.	Underway	<ul style="list-style-type: none"> The <i>Labour Relations Code</i> (the Code) was last reviewed in 2018 by the Labour Relations Code Review Panel (the Review Panel), as appointed by the Minister of Labour (the Minister). The Review Panel recommended a number of amendments to the Code, several of which were implemented in 2019. This includes amendments requiring the Minister to, every five years, appoint a committee of special advisors to review the Code and make recommendations. This is to ensure that there are regular, transparent, and public consultative reviews of the Code. As such, in 2024, the Minister will be required to appoint a committee of special advisors to review the Code and make recommendations for amendments. Over the coming year the Ministry of Labour will be working on the appointment of the committee and developing the terms of reference for the upcoming review.

Mandate Letter Commitments December 2022	Completed or Underway	Status
Minister Janet Routledge Mandate Letter		
1. Support development and maintenance of relationships with organized labour to ensure	Underway	<ul style="list-style-type: none"> The ministry has prepared a work plan for Parliamentary Secretary Routledge that includes proposed quarterly meeting with key labour stakeholders.

Mandate Letter Commitments December 2022	Completed or Underway	Status
Minister Janet Routledge Mandate Letter		
their feedback is considered in policy development.		<ul style="list-style-type: none"> Parliamentary Secretary Routledge is meeting with labour stakeholders for their feedback on specific labour policy issues (e.g., employment standards for app-based ride-hail and food delivery workers).
2. Continue work to develop a precarious work strategy that reflects the diverse needs and unique situations of today's workers and workplaces.	Underway	<ul style="list-style-type: none"> The ministry has prepared a work plan for Parliamentary Secretary Routledge. The ministry has implemented a number of initiatives over the past five years as part of the precarious work strategy, including increasing the minimum wage, improved workers' compensation benefits and support for workers, workplace safety measures, enhanced employment standards and access to the Employment Standards Branch, and improved access to collective bargaining. Advice/Recommendations
3. Propose employment standards and other protections relevant to app-based ride hail and food delivery drivers.	Underway	<ul style="list-style-type: none"> The ministry has had initial consultations with ride-hail and food delivery workers, platform companies, academics and labour organizations, and conducted online survey of ride-hail and food delivery workers and the public, to identify the benefits and challenges of app-based ride-hail and food delivery work. The themes heard in the consultations and the online survey are summarized in a "What We Heard" report. Advice/Recommendations
4. Investigate the feasibility of a government-backed collective benefit fund and	Underway	<ul style="list-style-type: none"> The ministry has prepared a work plan for Parliamentary Secretary Routledge. Work on the feasibility review is expected to begin later this year.

Mandate Letter Commitments December 2022	Completed or Underway	Status
Minister Janet Routledge Mandate Letter		
access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.		
5. Review labour policy innovations in other jurisdictions related to the emerging economy and precarious work to identify trends that may inform the development of labour policy in British Columbia.	Underway	<ul style="list-style-type: none"> • In order to inform the development of employment standards and other protections for app-based ride-hail and food delivery workers, the ministry has prepared a detailed scan of approaches taken in other jurisdictions with regard to these workers. • Trends and innovations in other jurisdictions will continue to be monitored in order to ensure that the information contained in the scan remains relevant and timely, and to alert BC to any other labour policy issues of interest that may arise. • The ministry proactively examines and considers innovations and trends in other jurisdictions to inform all active labour policy reviews.
6. Work with the Minister of Post-Secondary Education and Future Skills to develop partnerships between labour and business organizations to identify and advance in-demand programs that will ensure workers have the skills they need to participate in the new economy.	Underway.	<ul style="list-style-type: none"> • The ministry has prepared a work plan for Parliamentary Secretary Routledge. • Requires engagement with the Ministry of Post Secondary Education and Future Skills on timing and next steps.

MANDATE LETTER COMMITMENTS PRIOR TO DECEMBER 2022 TRANSITION

Mandate Letter Commitments February 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
1. Continue a collaborative approach in working with representatives of workers and employers to address the impacts of the COVID-19 pandemic on people and businesses.	Completed	<ul style="list-style-type: none"> Through the pandemic the Ministry worked with worker and employer representatives, other ministries and governments, WorkSafeBC and the Employments Standards Branch to develop legislation, regulations and programs to support workers and employers to address the impacts of COVID-19. This includes the development of workplace safety plans, job-protected leaves related to COVID-19 and vaccinations, and temporary lay-off extensions.
2. Continue working with the federal government on a paid sick leave program to protect workers and businesses during the COVID-19 pandemic and beyond.	Underway	<ul style="list-style-type: none"> BC supported Canada's initiatives for federal leave programs related to COVID-19. BC is leading the provinces and territories in establishing five days of employer-paid permanent sick leave per calendar year. The Minister and ministry continue to engage with federal, provincial and territorial colleagues on paid sick leave from a national perspective.
3. Create new consultative mechanisms to engage employer and worker representatives in consideration of any changes proposed to workplace legislation to ensure the widest possible support.	Underway	<ul style="list-style-type: none"> The ministry consults with worker and employer representatives in appropriate ways on a project-by-project basis, including group and individual meetings, roundtables, on-line surveys and opportunities to make written submissions.
4. Once the minimum wage reaches \$15.20 per hour in June 2021, provide	Underway	<ul style="list-style-type: none"> Minimum wage rates in the Employment Standards Regulation will increase this year by 6.9%, which was the rate of inflation for 2022, as measured in the average change in the BC Consumer Price Index.

Mandate Letter Commitments February 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
predictability for employers and workers by tying the minimum wage to the rate of inflation.		<ul style="list-style-type: none"> • The increase will apply to all minimum wage rates set in the Employment Standards Regulation, which include the: general minimum hourly wage; minimum daily wages for live-in home support workers and live-in camp leaders; minimum monthly wages for residential caretakers; and minimum agriculture piece rates for hand harvesting 15 specific crops. • The increase will be effective June 1, 2023, except for the increase to the minimum agricultural piece rates, which come into force January 1, 2024 to minimize disruptions and not occur during the main harvesting season. • This year's increase ensures that minimum wages keep pace with rising costs of living, and aligns with last year's increase of 2.8%, which was the annual change in the BC Consumer Price Index in 2021.
5. Ensure that every worker has the right to join a union and bargain for fair working conditions.	Underway	<ul style="list-style-type: none"> • In 2018, the Labour Relations Code Review Panel reviewed the <i>Labour Relations Code</i> (the Code) and recommended amendments. Based on these recommendations, Bill 30, the <i>Labour Relations Code Amendment Act, 2019</i>, amended the Code to improve workers' ability to exercise their right to join a union and bargain for fair working conditions by: <ul style="list-style-type: none"> ○ Improving the fairness of the certification process by shortening the time between certification applications and the secret ballot vote (from 10 calendar days to 5 business days), strengthening the restrictions on employer communication during an organizing campaign, and expanding the Labour Relations Board's ability to impose certification in response to employer unfair practices; and ○ Extending union successorship rights (i.e., the right of a union to maintain its certification when a business is sold or transferred) to situations where contracted services in specified sectors are retendered to another service provider. • In 2022, Bill 10, the <i>Labour Relations Code Amendment Act, 2022</i>, built on these changes by implementing a single-step union certification system. This allows workers to join a union when a clear majority of 55% of all workers indicate they wish to do so, instead of requiring a secret ballot vote, and reduces opportunities for employer interference.

Mandate Letter Commitments February 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
		<ul style="list-style-type: none"> Examining ways to enable gig economy workers to exercise their right to join a union and bargain for fair working conditions is under consideration as part of the precarious work strategy. Advice/Recommendations
6. Increase the number of WorkSafeBC caseworkers and increase workplace safety inspections.	Completed	<ul style="list-style-type: none"> In 2022, there were 383 prevention and investigations officers budgeted at WorkSafeBC. This is a 51% increase from a decade earlier (254 officers in 2013). WorkSafeBC employs various enforcement tools to ensure compliance with the <i>Workers Compensation Act</i> and the <i>Occupational Health and Safety Regulation</i>, including orders, warning letters, stop-work orders, compliance agreements, and citations and penalties, where necessary. Enforcement resources are focused on industries and employers at greatest risk for serious injuries, fatalities, or occupational disease. In 2022, WorkSafeBC conducted approx. 53,000 workplace inspections, issued almost 34,000 orders for health and safety violations, and imposed 377 administrative penalties on employers, totalling \$7.1 million.
7. In partnership with WorkSafeBC and with support from the Minister of Mental Health and Addictions, work to develop better options for chronic work-related	Underway	<p>Cabinet Confidences</p> <ul style="list-style-type: none"> WorkSafeBC is conducting a review of the chronic pain policies to improve consistency in the adjudication, management, and treatment of chronic pain. Work on this policy review will continue through 2023.

Mandate Letter Commitments February 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
pain, including improving pain management practices for injured workers and providing treatment on demand to those with chronic pain as a result of workplace injuries.		
8. Support the work of the Minister of Advanced Education to restore the compulsory trades system to improve safety and give more workers a path to apprenticeship completion.	Completed	<ul style="list-style-type: none"> • In March 2022, the new Skilled Trades BC Act was passed, which establishes a made-in-BC system to support and train apprentices and modernize the Crown agency responsible for trades training. • The Ministry of Post Secondary Education and Future Skills can address questions on the Act and compulsory trades.
9. Support the Parliamentary Secretary for Gender Equity's work to close the gender pay gap by addressing systemic discrimination in the workplace and through new pay transparency legislation.	Underway	<ul style="list-style-type: none"> • The Ministry of Labour has been supporting the Ministry of Finance in developing pay transparency legislation. The <i>Pay Transparency Act</i> (the Act) was introduced in the BC Legislative Assembly in March 2023. • This legislation is aimed at closing the gender pay gap by requiring employers of a certain size to report on their employees' pay on the basis of gender. Starting in November 2023, BC employers will gradually be required to publicly post reports on their gender pay gap. This requirement will apply to employers as follows: <ul style="list-style-type: none"> ○ Nov. 1, 2023: BC Public Service Agency and Crown corporations with more than 1,000 employees (ICBC, BC Hydro, WorkSafeBC, BC Housing, BC Lottery Corporation and BC Transit). ○ Nov. 1, 2024: all employers with 1,000 employees or more ○ Nov. 1, 2025: all employers with 300 employees or more

Mandate Letter Commitments February 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
		<ul style="list-style-type: none"> ○ Nov. 1, 2026: all employers with 50 employees or more • The Act also requires employers to include an expected pay range in job postings and prohibits employers from asking job applicants for pay history information and retaliating against employees who disclose their pay to co-workers or potential job applicants. • Regulations are being developed for the fall that will provide employers with more details about how they will be required to report pay information.
10. Support the work of the Minister of Agriculture and Food to continue improving working conditions for all workers including temporary foreign workers and temporary domestic workers working in farming communities.	Underway	<ul style="list-style-type: none"> • On January 1, 2023, minimum piece rates for agriculture workers were increased by 2.8%, which was the rate of inflation for 2021, as measured in the average change in the BC Consumer Price Index. • Effective January 1, 2024, minimum piece rates for agriculture workers will increase by 6.9%, which was the rate of inflation for 2022, as measured in the average change in the BC Consumer Price Index. The changes increase minimum wages paid to hand-harvesters of 15 crops specified in the Employment Standards Regulation. • The Ministry continues to engage with the Ministry of Agriculture and Food as part of the review of the piece rate system, including options to change or repeal existing provisions. • The Ministry remains engaged with the Ministry Agriculture and Food on potential ways in which the Ministry of Labour can support other improvements for farm workers.
11. Support the Parliamentary Secretary for Rural and Regional Development to establish a Worker Training and Job Opportunity Office to maximize the impact of our economic recovery plan for workers and communities during	Completed	<ul style="list-style-type: none"> • The 2022 mandate letter for the Parliamentary Secretary for Rural Development does not include this item nor require further progress to be made on previous mandate letter items. The mandate letter does, however, include direction to “Support the Minister of Post-Secondary Education and Future Skills and engage with sector partners to continue to expand access to skills training for people in rural, remote, and First Nations communities.” • Related questions should be referred to the Minister of Post-Secondary Education and Future Skills.

Mandate Letter Commitments February 2022	Completed or Underway	Status
Minister Harry Bains Mandate Letter		
COVID-19 and beyond – with a focus on retraining workers, supporting resource communities facing job loss, developing higher value goods, and accessing new global markets and opportunities for BC products.		

Mandate Letter Commitments November 2020	Completed or Underway	Status
Parliamentary Secretary Adam Walker Mandate Letter		
1. Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.	Completed (PS Walker's work)	<ul style="list-style-type: none"> The ministry implemented a number of initiatives over the past five years as part of the precarious work strategy, including increasing the minimum wage, improved workers' compensation benefits and support for workers, workplace safety measures, enhanced employment standards and access to the Employment Standards Branch, and improved access to collective bargaining. Parliamentary Secretary Walker began the Ministry's work to propose employment standards and other protections for app-based ride-hail and food delivery workers (see next item). Parliamentary Secretary Adam Walker's work on this priority is complete, as he is no longer Parliamentary Secretary with the Ministry of Labour.

Mandate Letter Commitments November 2020	Completed or Underway	Status
Parliamentary Secretary Adam Walker Mandate Letter		
2. As part of the precarious work strategy, propose employment standards targeted to precarious and gig economy workers, and investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.	Completed (PS Walker's work)	<ul style="list-style-type: none"> • The Ministry began its review of employment standards for gig workers with an initial focus on app-based ride-hail and food delivery workers. • Parliamentary Secretary Walker led the initial consultations with app-based ride-hail and food delivery workers, platform companies, academics and labour organizations, as well as an online survey of ride-hail and food delivery workers and the public, to identify the benefits and challenges of app-based ride-hail and food delivery work. • Parliamentary Secretary Adam Walker's work on this priority is complete, as he is no longer Parliamentary Secretary with the Ministry of Labour. • Advice/Recommendations



December 7, 2022

Honourable Harry Bains
Minister of Labour
Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Bains:

Thank you for agreeing to continue to serve as Minister of Labour. I trust in your leadership at this critical time to deliver results for the people of British Columbia.

British Columbians continue to recover from and respond to the upheaval caused by the COVID-19 pandemic and climate related natural disasters, while global inflation is driving up costs for more households and the world's economic outlook is concerning. Now more than ever, we need to focus on building a secure, low emission, sustainable economy, and a province where everyone can find a good home – whether you live in a rural area, in a city, or in an Indigenous community. We will continue working toward true and meaningful reconciliation by supporting opportunities for Indigenous Peoples to be full partners in the inclusive and sustainable province we are building together.

Our government is committed to delivering on the mandate British Columbians gave us in 2020. Together we can make life better for people in B.C., improve the services we all rely on, and ensure a sustainable province for future generations.

As we renew our work, my priority as Premier is to deliver results that people can see and feel in four key areas:

- **Attainable and affordable housing:** In the wake of soaring prices and record migration to B.C., we will take on the important work of building new homes that are actually attainable for the middle class, while continuing our work to address the housing crisis for those in distress on our streets.

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- **Safer communities:** To address concerns about public safety, both for the people struggling with mental health and addiction on our streets, as well as the feeling that downtown centres are not as safe as they were before the pandemic, we will work with our partners at all levels of government, the justice and health care systems, the non-profit sector, and community leaders to find solutions for this complex challenge facing our province, and work overtime to seize the assets of high-level criminals.
- **Improved health care:** Amid unprecedented pressures we will continue to work to strengthen our public health care system, from family doctors to new hospitals, so care is there for each of us when we need it.
- **A sustainable, clean, secure, and fair economy:** We will continue our work investing in British Columbians, fighting racism and promoting equity, and building a clean economy that addresses our obligations to combat climate change by driving down emissions, while creating good, family supporting jobs.

A strong, sustainable, and inclusive economy in British Columbia is impossible without a strong and resilient workforce where people are the core focus. Part of ensuring a resilient workforce is guaranteeing the rights of workers to organize to ensure safe and fair workplaces, and setting baseline rights guarantees for workers, including a fair minimum wage, a right to stay home if you're sick, and decent benefits if you're injured on the job.

Our province is growing at historic rates as people move here for new opportunities. Our government must continue to support skills training for new arrivals as we respond to rural and urban community growth across the province with improved infrastructure and amenities like schools, roads, transit, and hospitals.

We will need more trained and efficient workers to deliver public services of the high quality British Columbians rightly expect. Private sector employers are prioritizing skills training, too, as they look for workers to respond to the increasing demand for British Columbia's services and products.

All these challenges demand strongly balanced partnerships and relationships between labour, government, and business to ensure our province remains a great place to live.

Since 2020, our government has made considerable progress on important initiatives including:

- Implementing paid sick leave for all workers in British Columbia, allowing people to stay home when sick in order to protect their co-workers and the public and prevent spread of illness in workplaces.

- Raising the minimum wage to help lift more people out of poverty, make life more affordable, and build a strong economy for British Columbia.
- Introducing the single-step certification to protect a worker's right to join a union and bargain collectively for workplace safety, compensation, and benefits.
- Strengthening employment standards to better protect young people in the workplace and preventing hazardous work.
- Improving the workers' compensation system by protecting benefits from inflation, protecting injured workers' right to return to work, and creating a new Fair Practices Office, while maintaining stable premiums for employers.

As you continue to make progress on items in your previous mandate letter, over the remaining period of this mandate I expect you to prioritize making progress on the following:

- Work to improve the timeliness of employment standards dispute resolution.
- Continue engaging with affected parties on implementation of the recommendations of the Industrial Inquiry Commission regarding Forest Industry Successorship.
- Work with WorkSafeBC to ensure meaningful programs are in place to support the return of injured workers to their workplaces.
- Support WorkSafeBC, with involvement of the Minister of Health and the Minister of Mental Health and Addictions, to develop better options for chronic work-related pain, including improving pain management practices for injured workers and providing treatment on demand to those with chronic pain as a result of workplace injuries.
- Ensure our labour law is keeping up with modern workplaces through the upcoming review of the Labour Code, providing stable labour relations and supporting the exercise of collective bargaining rights.

To assist you in meeting the commitments we have made to British Columbians, you are assigned a Parliamentary Secretary for Labour. You will work closely together and ensure your Parliamentary Secretary receives appropriate support to deliver on the priorities outlined in the mandate letter issued to them.

Our work together must continue to evolve to meet the changing needs of people in this province. Issues not contemplated by this letter will come forward for government action

and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of Cabinet, with the expectation that any proposed initiatives will be subject to the usual Cabinet and Treasury Board oversight and include measurable outcomes for British Columbians. Your ministry's priorities must reflect our government's overall strategic plan as determined by Cabinet.

British Columbians expect their elected representatives to work together to advance the public good. That means seeking out, fostering, and championing good ideas regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships both with title holders and through public and stakeholder engagement plans that incorporate diverse perspectives early in the policy development process. Federal partnerships and resources will be particularly important and, on behalf of our government, you will engage with the federal government on advancing priorities to improve the lives of British Columbians.

As a Cabinet, we will uphold the highest standards of ethics, collaboration, and good conduct in service of the public, and as a Minister of the Crown, you are expected to review, understand, and act according to the *Members' Conflict of Interest Act*. You will establish a collaborative working relationship with your Deputy Minister, and the public servants under their direction, who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. Your Minister's Office must meet the highest standards for integrity and provide a respectful, rewarding environment for all staff.

The rural and urban challenges that we face are urgent and complex. In response, we must be forward-thinking, strategic, and ready to work across disciplines and old divisions in new ways. Labour shortages are a major issue globally, and British Columbia is no exception, including in the public service. Maintaining the BC Public Service as an employer of excellence will be key to retaining and recruiting the diverse professionals we rely on to deliver essential services, advice, and analysis.

At the core of this work is listening and responding to the priorities of people in B.C. Together, we can deliver results in very real ways – ways that people can see, feel, and touch, and that change their lives for the better. Thank you for doing this important work with me.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Eby', with a long, sweeping horizontal line extending to the right.

David Eby, KC
Premier



February 25, 2022

Honourable Harry Bains
Minister of Labour
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Minister Bains:

Thank you for agreeing to serve British Columbians as Minister of Labour.

In this past year, as a member of Cabinet, your work has contributed to this government's efforts to support British Columbians as they face the impacts of COVID-19. People throughout the province continue to work together to stay safe and rebuild their lives and communities from the effects of the pandemic. Our government remains committed to getting through the pandemic and its aftereffects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you –with support of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.

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- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.
- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government, and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

The pandemic has reminded us that we're strongest when we work together. Delivering on our commitments to people will require a coordinated effort with your cabinet and caucus colleagues, supported by the skilled professionals in the public service. You will also support your cabinet colleagues to do their work, particularly where commitments cross ministry lines.

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British Columbians expect their elected representatives to work together to advance the broader public good despite their partisan perspectives. That means seeking out, fostering, and championing good ideas, regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships through public and stakeholder engagement plans that connect with people to incorporate their perspectives early in the policy development process. These plans must include measurable outcomes and ensure active dialogue and ongoing outreach in your ministry's actions and priorities.

Over the course of our mandate, I expect you will make progress on the following items:

- Continue a collaborative approach in working with representatives of workers and employers to address the impacts of the COVID-19 pandemic on people and businesses.
- Continue working with the federal government on a paid sick leave program to protect workers and businesses during the COVID-19 pandemic and beyond.
- Create new consultative mechanisms to engage employer and worker representatives in consideration of any changes proposed to workplace legislation to ensure the widest possible support.
- Once the minimum wage reaches \$15.20 per hour in June 2021, provide predictability for employers and workers by tying the minimum wage to the rate of inflation.
- Ensure that every worker has the right to join a union and bargain for fair working conditions.
- Increase the number of WorkSafeBC caseworkers and increase workplace safety inspections.
- In partnership with WorkSafeBC and with support from the Minister of Mental Health and Addictions, work to develop better options for chronic work-related pain, including improving pain management practices for injured workers and providing treatment on demand to those with chronic pain as a result of workplace injuries.
- Support the work of the Minister of Advanced Education to restore the compulsory trades system to improve safety and give more workers a path to apprenticeship completion.

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- Support the Parliamentary Secretary for Gender Equity's work to close the gender pay gap by addressing systemic discrimination in the workplace and through new pay transparency legislation.
- Support the work of the Minister of Agriculture and Food to continue improving working conditions for all workers including temporary foreign workers and temporary domestic workers working in farming communities.
- Support the Parliamentary Secretary for Rural and Regional Development to establish a Worker Training and Job Opportunity Office to maximize the impact of our economic recovery plan for workers and communities during COVID-19 and beyond – with a focus on retraining workers, supporting resource communities facing job loss, developing higher value goods, and accessing new global markets and opportunities for BC products.

To assist you in meeting the commitments we have made to British Columbians, you are assigned a Parliamentary Secretary for the New Economy. You will work closely together and ensure your Parliamentary Secretary receives appropriate support to deliver on the following priorities, outlined in the mandate letter issued to them:

- Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.
- As part of the precarious work strategy, propose employment standards targeted to precarious and gig economy workers, and investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.

Our work as a government must continually evolve to meet the changing needs of people in this province. Issues not contemplated in this letter will come forward for government action and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of cabinet, with the expectation that any proposed initiatives will be subject to the usual cabinet and Treasury Board oversight. Your ministry's priorities must reflect our government's overall strategic plan as determined by cabinet.

All cabinet members are expected to review, understand and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a minister of the Crown, your conduct will reflect not only on you, but on cabinet and our government.

You are responsible for providing strong, professional, and ethical leadership within cabinet and your ministry. You will establish a collaborative working relationship with your

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deputy minister and the public servants under their direction who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. You must ensure your minister's office meets the highest standards for integrity and provides a respectful and rewarding environment for all staff.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer, and more affordable. I believe the challenges we face can and will be overcome by working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

A handwritten signature in black ink, reading "John J. Horgan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Horgan
Premier



December 7, 2022

Janet Routledge, MLA
Parliamentary Secretary for Labour
Parliament Buildings
Victoria, BC V8V 1X4

Dear Parliamentary Secretary Routledge:

Thank you for agreeing to serve as Parliamentary Secretary for Labour. I trust in your leadership at this critical time to deliver results for the people of British Columbia.

British Columbians continue to recover from and respond to the upheaval caused by the COVID-19 pandemic and climate related natural disasters, while global inflation is driving up costs for more households and the world's economic outlook is concerning. Now more than ever, we need to focus on building a secure, low emission, sustainable economy, and a province where everyone can find a good home – whether you live in a rural area, in a city, or in an Indigenous community. We will continue working toward true and meaningful reconciliation by supporting opportunities for Indigenous Peoples to be full partners in the inclusive and sustainable province we are building together.

Our government is committed to delivering on the mandate British Columbians gave us in 2020. Together we can make life better for people in B.C., improve the services we all rely on, and ensure a sustainable province for future generations.

As we renew our work, my priority as Premier is to deliver results that people can see and feel in four key areas:

- **Attainable and affordable housing:** In the wake of soaring prices and record migration to B.C., we will take on the important work of building new homes that are actually attainable for the middle class, while continuing our work to address the housing crisis for those in distress on our streets.

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- **Safer communities:** To address concerns about public safety, both for the people struggling with mental health and addiction on our streets, as well as the feeling that downtown centres are not as safe as they were before the pandemic, we will work with our partners at all levels of government, the justice and health care systems, the non-profit sector, and community leaders to find solutions for this complex challenge facing our province, and work overtime to seize the assets of high-level criminals.
- **Improved health care:** Amid unprecedented pressures we will continue to work to strengthen our public health care system, from family doctors to new hospitals, so care is there for each of us when we need it.
- **A sustainable, clean, secure, and fair economy:** We will continue our work investing in British Columbians, fighting racism and promoting equity, and building a clean economy that addresses our obligations to combat climate change by driving down emissions, while creating good, family supporting jobs.

As Parliamentary Secretary, you will assist the Minister of Labour in carrying out ministerial duties in the House and speaking on the government's behalf when issues arise in the absence of the Minister. You will also play an important role in engaging British Columbians by representing the Minister at public events, delivering speeches on behalf of the Minister, or acting as a spokesperson for the government's position. You will reach out to stakeholders, businesses, civil society, and people across B.C. to better understand their perspectives and bring their views to the Minister.

You will work with your Minister to help advance these shared responsibilities:

- Support development and maintenance of relationships with organized labour to ensure their feedback is considered in policy development.
- Continue work to develop a precarious work strategy that reflects the diverse needs and unique situations of today's workers and workplaces.
- Propose employment standards and other protections relevant to app-based ride hail and food delivery drivers.
- Investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.
- Review labour policy innovations in other jurisdictions related to the emerging economy and precarious work to identify trends that may inform the development of labour policy in British Columbia.

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- Work with the Minister of Post-Secondary Education and Future Skills to develop partnerships between labour and business organizations to identify and advance in-demand programs that will ensure workers have the skills they need to participate in the new economy.

Your Minister is responsible and accountable for their ministry and their mandate; all key decisions will be made by them. You will understand your Minister's policy goals, develop a deep understanding of the issues, build thoughtful and sustained relationships both with title holders and through public and stakeholder engagement plans, and provide your best advice to the public service as they develop options for decision by the Minister.

You will collaborate with your Minister, ministry, and the Premier's Office to develop a workplan to guide your efforts, including detail on how the professional public service will support your work.

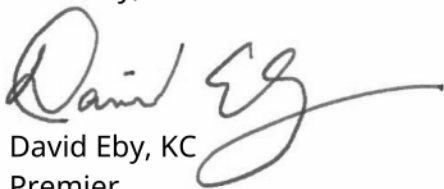
All members are expected to review, understand, and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a Parliamentary Secretary, your conduct will reflect not only on you, but on your Minister and our government.

You will establish a collaborative working relationship with your Minister, your Minister's staff, and the public servants who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities.

The rural and urban challenges that we face are urgent and complex. In response, we must be forward-thinking, strategic, and ready to work across disciplines and old divisions in new ways. Labour shortages are a major issue globally, and British Columbia is no exception, including in the public service. Maintaining the BC Public Service as an employer of excellence will be key to retaining and recruiting the diverse professionals we rely on to deliver essential services, advice, and analysis.

At the core of this work is listening and responding to the priorities of people in B.C. Together, we can deliver results in very real ways – ways that people can see, feel, and touch, and that change their lives for the better. Thank you for doing this important work with me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David Eby', with a long, sweeping horizontal line extending to the right.

David Eby, KC
Premier



November 26, 2020

Adam Walker, MLA
Parliamentary Secretary for the New Economy
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Parliamentary Secretary Walker:

Thank you for agreeing to serve British Columbians as Parliamentary Secretary for the New Economy, supporting the Minister of Labour. You are taking on this responsibility at a time when people in our province face significant challenges as a result of the global COVID-19 pandemic.

COVID-19 has turned the lives of British Columbians upside down. None of us expected to face the challenges of the past number of months, yet British Columbians have demonstrated incredible resilience, time and time again. We will get through the pandemic and its aftereffects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: fighting the COVID-19 pandemic, providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you – and the work of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.
- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True

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reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.

- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

As Parliamentary Secretary, you will assist your Minister in carrying out their duties. You may be asked to represent the Minister at public events, deliver speeches on behalf of the Minister, or act as a spokesperson for the government's position. You will reach out to stakeholders, businesses, civil society and individuals across B.C. to better understand their perspectives and bring their views to the Minister.

You are also being given special responsibility to support your Minister in specific areas within their mandate. You will work with, and be supported by, B.C.'s professional public service in this role.

Over the course of our mandate, I expect you will make progress on the following items:

- Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.

- As part of the precarious work strategy, propose employment standards targeted to precarious and gig economy workers, and investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.

Your Minister is ultimately responsible and accountable for their ministry and their mandate; thus, all key decisions will be made by them. Your role is to understand your Minister's policy goals, develop a deep understanding of the issues, participate in consultations with key stakeholders, Indigenous peoples and the broader public, in order to give your best advice to the public service as it develops options for a decision by the Minister.

You will collaborate with your Minister, Ministry and the Premier's Office to develop a workplan to guide your efforts, including detail on how the professional public service will support your work through briefings, supporting consultations, and keeping you apprised of policy development.

All members are expected to review, understand and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a Parliamentary Secretary, your conduct will reflect not only on you, but on your Minister and our government.

You are accountable for providing strong, professional and ethical leadership. I expect you to establish a positive, respectful and collaborative working relationship with your Minister, their staff and the public servants who provide the professional, non-partisan advice fundamental to delivering on our government's priorities.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer and more affordable. I believe the challenges we face can and will be overcome by working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

A handwritten signature in black ink, reading "John J. Horgan", followed by a long horizontal flourish.

John Horgan
Premier

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: COVID-19 Pandemic Response

Revised: February 22, 2023

Issue: Labour response to COVID-19

Response:

- During the unprecedented COVID-19 public health emergency, Government acted to ensure that workers were able to stay connected with their jobs, employers had increased flexibility to help them remain in business, and workplaces remained healthy and safe.
- Specifically:
 - Amendments to the *Employment Standards Act*:
 - provided employees with unpaid, job-protected COVID-19-related leave which aligned with relevant federal benefit programs such as the Canada Recovery Sickness Benefit and the Canada Recovery Caregiving Benefit;
 - allowed up to three hours of paid leave, per dose, to employees receiving their COVID-19 vaccination;
 - until December 31, 2021, provided employees with up to three days of COVID-19-related paid sick leave; and,
 - as of January 1, 2022, allow employees up to five days of employer-paid illness or injury leave (applies to any illness or injury, including COVID-19).
 - Amendments to the Employment Standards Regulation:
 - extended the maximum period for a temporary layoff, allowing employees and employers to maintain a longer employment relationship during a shut down;
 - established an expedited variance application process for employers and employees wishing to extend temporary layoff periods beyond August 30, 2020; and,
 - provided unpaid, job-protected leave for employees to receive, or support a dependant to receive, a COVID-19 vaccination.
 - Frequent updates to web content ensured that both employers and employees had access to current and relevant information regarding COVID-19.
 - WorkSafeBC:
 - used its authority and expertise to assist industry to develop appropriate back-to-work guidance and plans to support the continued health and safety of workplaces across the province; and,
 - introduced an occupational disease presumption for COVID-19 that allowed workers in occupations impacted by COVID-19 to have quicker access to benefits.

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Background/Status:

- Government acted to ensure that BC's labour policies and legislation were responsive to the challenges presented by the COVID-19 pandemic.

Employment Standards

- The following changes were made to BC's employment standards legislation in response to COVID-19:
 - *Employment Standards Amendment Act (No. 2), 2020 (Bill 16)*
 - Effective March 23, 2020, Bill 16 amended the *Employment Standards Act* (Act) to provide unpaid, job-protected leave to employees who, in relation to COVID-19, cannot work because:
 - they are ill;
 - they are required to self-isolate;
 - their employer is concerned they may place others at risk;
 - they are unable to return home to BC; or,
 - they need to care for their minor child or a dependent adult, including when a school or day care has closed.
 - Employees are entitled to this leave for as long as the specified COVID-19-related situation applies to them.
 - B.C. Reg 94/2020:
 - Effective May 4, 2020, the Employment Standards Regulation (Regulation) was amended to extend the maximum period for a temporary layoff to 16 weeks (formerly 13 weeks) if the layoff was due to COVID-19-related reasons and the employee agrees.
 - The 16-week layoff period coincided with what was then the period of time that the federal Canada Emergency Response Benefit of \$500 per week was available.
 - B.C. Reg 148/2020:
 - Effective June 25, 2020, the Regulation was amended to extend the maximum period for a temporary layoff to August 30, 2020, if the layoff was due to COVID-19-related reasons and the employee agrees.

2023/24 Estimates Note

Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

- B.C. Reg. 185/2020:
 - Employers and employees who wished to extend the layoff (see above) beyond August 30, 2020, were required to utilize the existing temporary layoff variance request process under the Act.
 - In order to expedite the application process, effective July 20, 2020, the Regulation was amended to streamline the approval process for temporary layoff variance requests, which included the development of an online application tool.
- B.C. Reg 216/2021:
 - Effective April 1, 2021, the Regulation was amended to expand the availability of the COVID-19-related leave to include the following employees:
 - those who have underlying conditions, are undergoing treatment, or have contracted another illness that makes them more susceptible to COVID-19; and,
 - those who are caring for a family member that requires care due to COVID-19.
 - Also effective April 1, 2021, the Regulation was amended to provide employees receiving a COVID-19 vaccination, or who are providing support to dependants receiving the COVID-19 vaccination, with unpaid, job-protected leave.
- *Employment Standards Amendment Act, 2021* (Bill 3)
 - Effective April 19, 2021, Bill 3 amended the Act to provide up to three hours of paid leave, per dose, to employees receiving their COVID-19 vaccination.
- *Employment Standards Amendment Act (No. 2), 2021* (Bill 13)
 - Effective May 20, 2021, and ending December 31, 2021, Bill 13 amended the Act to provide employees with up to three days of paid COVID-19-related leave. (Note: effective January 1, 2022, employees became eligible for five days per year of employer-paid illness and injury leave.)

WorkSafeBC

- WorkSafeBC introduced an occupational disease presumption for COVID-19 that allowed workers in occupations impacted by COVID-19 to have quicker access to workers' compensation benefits. [In August 2020, Government passed an

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

amendment to the *Workers Compensation Act* (Bill 23) which expedited the coming into force of this presumption.]

- WorkSafeBC actively monitored and adjusted to the COVID-19 pandemic to determine how best to support workers and employers, including launching a province-wide inspection initiative to ensure employers were taking the appropriate steps to reduce the risk of workplace COVID-19 exposure.
- WorkSafeBC has also been a key partner in ensuring the safe implementation of BC's "restart plan" through the development of detailed sector specific resources and guidelines for industries.
 - In spring of 2020, WorkSafeBC worked with employer groups to develop protocols for more than 30 industries to operate safely during the COVID-19 pandemic.
 - In support of the Provincial Health Officer's order that COVID-19 safety plans be required for all employers, in January 2022 WorkSafeBC posted COVID-19 safety plan resources online, including sector-specific protocols, checklists, planning templates, education and training materials, signage, and other tools.
- For more information on WorkSafeBC's activities to assist employers and workers during the COVID-19 pandemic, please see Estimates Note #40, "Protecting the Lives and Safety of Workers".

Contact:

Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: COVID-19 Pandemic Impacts

Revised: March 16, 2023

Issue: COVID-19 Impacts on the Ministry's Current Operations

Response:

- As a new normal is evolving following the COVID-19 pandemic, the BC Public Service and the Ministry of Labour continue to adapt to the impacts and lessons learned from COVID-19.
- On April 8, 2022, B.C. employers shifted away from COVID-19 safety plans and back to communicable disease plans, including the BC Public Service Agency.
- In November 2021, the BC Public Service introduced a COVID-19 Vaccination Policy for the BC Public Service. On March 10, 2023, considering the current status of the pandemic and the high rate of vaccination among BC Public Service employees, the policy will now be fully rescinded effective April 3, 2023.
- This means that beginning April 3, vaccination against COVID-19 will no longer be required to work in the BC Public Service.
- During the pandemic, many employees productively worked from home to reduce the spread of COVID-19. Consistent with BC Public Service Agency policy direction and guidance, the Ministry has finalized telework agreements with all Ministry staff who wish to continue to work from home part of the time.

Background/Status:

- On March 17, 2020, a public health emergency was declared in the province related to the novel coronavirus, COVID-19. This was followed by a province-wide state of emergency that was declared on March 18, 2020.
- Government swiftly implemented emergency measures to reduce the spread of the virus, including reduced social and economic activities.
- On May 6, 2020, Government announced a strategy for the gradual and safe resumption of social and economic activity for the people of B.C, the "Restart Plan".
- The Ministry of Labour developed a COVID-19 Safety Plan which outlined high-level procedures and guidelines to ensure that the risk of exposure to the virus that causes COVID-19 is minimized at the workplace.

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Minister Responsible: Hon. Harry Bains

- In November 2021, the BC Public Service introduced HR Policy 25, the COVID-19 Vaccination Policy for the BC Public Service. This was an essential step to help ensure the workplace safety of BC Public Service employees during the pandemic, and 99 percent of employees complied with the policy.
- On March 10, 2023, considering the current status of the pandemic and the high rate of vaccination among BC Public Service employees, the policy will now be fully rescinded effective April 3, 2023.
- This means that beginning April 3 vaccination against COVID-19 will no longer be required to work in the BC Public Service. Human Resources policy will also be amended to remove the related requirements for contractors and other non-employees to be vaccinated to enter BC Public Service workplaces.
- WorkSafeBC has provided information regarding communicable disease prevention which focuses on basic risk-reduction principles to lower the risk of workplace transmission of COVID-19 and other communicable diseases.
- To support employers, WorkSafeBC has developed a communicable disease prevention guide for employers. The Ministry of Labour has developed a communicable disease plan.
- In accordance with WorkSafeBC directives, the Ministry of Labour will continuously evaluate and update the communicable disease plan, as necessary, to reflect changing levels of risk and work practices.

Contact:

Michael Tanner Executive Director Policy and Legislation 778 974-2172

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Agriculture Sector Compliance

Revised: March 16, 2023

Issue: Employment Standards and Safety Protection for B.C Farm Workers

Response:

- Government is committed to ensuring that workplaces are safe, healthy and fair so that employers and workers can prosper and contribute to B.C.'s economic growth.
- Government fully appreciates the contributions that B.C. farm workers make to our domestic and export food production.
- Government is committed to protecting the health and safety of farm workers and to ensuring that vehicle safety and employment standards are enforced.
- The Employment Standards Branch (the Branch) plays an important role in protecting farm workers. The Branch:
 - has authority to cancel or suspend a farm labour contractor's licence where the relevant WorkSafeBC or motor vehicle laws have been violated;
 - maintains an agriculture compliance team that conducts site inspections – including worker interviews and payroll reviews;
 - participates in roadside vehicle inspections; and,
 - provides education to employers and workers in the agriculture sector.
- The Branch continues to work actively with employers, employees, stakeholder groups and the Ministry of Agriculture and Food in promoting compliance with the employment standards to which farm workers are entitled.

Background/Status:

- Farm workers are protected by most of the employment standards that apply to other workers in British Columbia. However, exemptions are provided in the areas of hours of work, overtime and statutory holiday pay.
- Farm workers are also fully covered by occupational health and safety standards. Employers in the agriculture sector are required to provide workers with a level of protection against a wide range of work-related hazards, including the handling of chemicals and pesticides.

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- Over the years, the Province has enhanced safety protections in its laws and regulations to better protect farm workers in B.C. This includes provisions in the *Employment Standards Act* to:
 - Prohibit farm producers from using the services of an unlicensed farm labour contractor.
 - Allow for the suspension or cancellation of a farm labour contractor's licence for significant WorkSafeBC or motor vehicle violations.
 - Allow farm labour contractors to be billed an administrative fee to recover government's costs to transport stranded farm workers when unsafe vehicles are taken out of service in roadside inspections.
- Under the Ministry of Transportation and Infrastructure, the *Motor Vehicle Act*:
 - allows swift and strong action against Designated Inspection Facilities that do not perform to standards; and,
 - requires a seatbelt for every passenger transported in a van or other passenger vehicle.
- Government has in place an interagency committee to coordinate enforcement, prevention and education activities with respect to farm workers. The interagency committee includes representatives from WorkSafeBC, Employment Standards Branch, Commercial Vehicle Safety and Enforcement (CVSE) (Ministry of Transportation and Infrastructure), the RCMP and the Superintendent of Motor Vehicles (Ministry of Public Safety and Solicitor General)[1].
- A key activity of the interagency committee is to conduct random roadside safety checks on vehicles used to transport farm workers.
- Statistics summarizing the interagency committee's activities are reported on the website: <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/farm-workers/iacc>
- Questions regarding the number of vehicles that failed CVSE inspections, and explanations for the number, can be referred to the Ministry of Transportation and Infrastructure, which has overall responsibility for motor vehicle safety.

Farm Labour Contractors

- The *Employment Standards Act* (ESA) requires farm labour contractors to be licensed by the Director of Employment Standards.
- Applicants must pass a written test on the ESA, and post security for wages equal to 80 hours at minimum wage for each employee. In addition, a WorkSafeBC clearance letter must be provided that shows the employer to be registered and in good standing, and current and valid vehicle inspection certificates must be submitted for any vehicle used to transport workers.
- The licence may be cancelled or suspended should the farm labour contractor be found to be in contravention of the ESA, certain provisions of the occupational health and safety regulations under the *Workers Compensation Act* or provisions of the *Motor Vehicle Act*.

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Ministry: Ministry of Labour
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- Farm labour contractors are required to deposit wages directly into the employee's bank account.
- The Employment Standards Branch (ESB) undertakes a combination of random roadside inspections, unannounced site inspections, worker interviews, payroll reviews and education sessions over the course of the growing and harvest season.
- In 2022 ESB conducted five education sessions with employers and recruiters to help them understand their obligations under both the ESA and the TFWPA. ESB also conducted two farm labour education seminars as well as eight general education sessions on the ESA.

ESB Agriculture Compliance Team, Selected Stats (Calendar Year 2022)

- 33 farm site inspections
- 81 vehicle inspections
- 17 determinations, resulting in 40 contraventions and \$26,000 in administrative penalties
- 41 total payroll audits (*figure includes above 33 site inspections audits)

Seasonal Agriculture Worker Program (SAWP)

- SAWP is a partnership between the Governments of Canada, Mexico, and certain Caribbean countries. There is no direct provincial involvement in negotiating SAWP agreements.
- Under SAWP, B.C. employers may hire temporary foreign workers (TFWs) from participating countries to assist during harvest when there is a shortage of available domestic agriculture workers in the province. Work permits are granted for up to eight months within a 12-month period.
- One of the main differences between SAWP and other TFW programs is the involvement of the countries supplying the workers. The source countries are responsible for recruitment and are also signatories to the workers' employment contracts. Source country consulates within Canada act as contact points and advocates for workers.
- B.C. employers participating in SAWP are required to pay round-trip transportation for workers and must ensure that they are registered for provincial health insurance as soon as they are eligible.
- Employers must provide SAWP workers with either on-farm or off-site housing (costs may be partially deducted from wages). Employers must provide proof that the housing is inspected annually by the appropriate provincial or municipal body, or by an authorized private inspector with appropriate certifications from the relevant level of government.
- The Ministry of Agriculture and Food is government's lead on housing issues and farm workers, and the British Columbia Agricultural Council organizes inspections of TFW housing, using updated industry-developed housing guidelines that exceed federal program requirements in many areas. The Industrial Camps Regulation (ICR), which falls within the purview of the Ministry

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of Health, prescribes general housing conditions. Health authorities are also involved under the authority of the ICR.

- Employers must agree to review and adjust the wage of the temporary foreign worker to ensure it meets or exceeds, at all times, the wage rates outlined in wage tables provided by the Federal government, or applicable federal/provincial/territorial minimum wage rates, whichever is higher. For 2023 the lowest rate in the wage tables for BC is \$16.05/hour (higher for some categories of work). Workers doing hand-harvesting work on a piece rate basis must be paid at least the equivalent of the SAWP contract hourly wage.
- In order to review program operations and discuss issues, an annual SAWP (Mexico) meeting is organized by the Mexican Consulate. Attendees include the BC Agriculture Council and various federal and provincial agencies.
- The Employment Standards Branch (ESB) provides information at educational seminars organized by the Mexican Consulate for SAWP employers and workers in the Lower Mainland and Interior.
- ESB attends meetings organized by the BC Fruit Growers' Association with the Jamaican Liaison Office and representatives from other Caribbean countries to review program operation and discuss issues.
- ESB also works collaboratively with the Mexican Consulate and Jamaican Liaison Office to proactively address issues and resolve complaints. In addition, senior ministry officials have met on an ad hoc basis with the Mexican Consul General to discuss issues and concerns within the Ministry's mandate.

Comparison with Other Jurisdictions

- In most jurisdictions, the employment standards for farm workers are different from those for other workers because of the unique nature of the industry and the harvesting season.
- Farm workers in B.C. are entitled to minimum employment standards that generally meet or exceed those in other provinces. While they are covered by most sections of the ESA, they are excluded from overtime and statutory holiday entitlements. Those who harvest specified crops by hand may be paid by piece rate but must be paid at least the minimum regulated piece rate for each crop. Vacation pay is included in the piece rates as set out in the Regulation. Farm workers not paid by piece rate are entitled to vacation pay over and above their wages.
- Other provinces exclude at least some farm workers from significant provisions of their employment standards.
- In Alberta, employment standards apply to some farm and ranch workers, but the following are excluded from employment standards:
 - Family members of the farm or ranch operator; and,
 - Farm and ranch operations with five or fewer waged, non-family employees.

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- In Saskatchewan, farm workers are generally excluded from employment standards coverage. As such, the Director of Employment Standards cannot enforce employment standards protections for farm workers but will provide assistance in recovering unpaid wages owed under employment contracts.
- Many of the same exclusions—minimum wage, hours of work and eating periods, overtime pay, vacation with pay and public holidays—apply to farm workers in Ontario, Quebec, and the Maritime provinces.

Contacts:

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Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172

[1] The RCMP and the Superintendent of Motor Vehicles have not actively participated on the committee in the past several years.

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Child Employment

Revised: February 22, 2023

Issue: Child Employment and Employment Standards

Response:

- The Ministry of Labour recognizes the significance of child and youth employment - both to the continuing operation of many British Columbia businesses and to the development of responsible, mature, and hard-working young people - as long as it is safe.
- The Ministry is committed to improving employment standards to better protect children in BC workplaces.
- Changes that came into effect on October 15, 2021:
 - require a permit from the Director of Employment Standards to employ a child 15 or younger – up from the previous requirement of 11 or younger; and,
 - as an exception, allow 14- and 15-year-olds to perform “light work” without a Director’s permit but with parental consent.
- These changes followed extensive consultations and a public engagement. They ensure that the work children and young people do is age-appropriate and safe for their health and development.
- On January 1, 2023, new regulations came into effect which prohibit the employment of children under 16 in work that is considered hazardous for young people, or under 18 for certain work.
- The new child employment provisions bring BC’s child labour laws into compliance with international child labour obligations. They are also more in line with the standards elsewhere in Canada.

Background/Status:

- In 2019, Government amended the *Employment Standards Act* to ensure that the work children and young people perform in this province is age appropriate and safe for their health and development. These changes:
 - increase the minimum age that a child can work without a permit from the Director of Employment Standards from 12 to 16 years of age, effectively increasing BC’s minimum age of employment from 12 to 16;

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- as an exception, allow 14- and 15-year-olds to perform “light work” that is defined in the regulations as appropriate for children that age, without a permit from the Director but with parental consent; and
- prohibit the employment of people 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.

These amendments help ensure that the work children and young people do is age-appropriate and safe for their health and development. With a minimum employment age of 12 that had been in place, BC had the least restrictive child employment laws in Canada. Young people in BC were working in jobs which were not suitable or safe for their age, and young workers under 19 were being injured every year at work.

The amendments bring BC into compliance with international labour standards aimed at protecting young people. As well, the amendments bring BC more in line with child employment standards in other Canadian jurisdictions.

Government implemented these improvements for the employment of young people in two phases.

First Phase: “Light Work”

In the first phase, which came into effect on October 15, 2021, the Government brought into force changes to:

- require a permit from the Director of Employment Standards to employ a child 15 or younger – up from the previous requirement of 11 or younger; and,
- as an exception, allow 14- and 15-year-olds to perform “light work” without a Director’s permit but with parental consent.

Examples of light work are:

- recreation and sports club work, such as lifeguard, coach, golf caddy, camp counsellor, referee, and umpire;
- light farm and yard work, such as gardening, harvesting by hand, clearing leaves and snow, and grass cutting;
- administrative and secretarial work;
- retail work, such as stocking shelves, packaging orders, laying out displays, sales, and cashier;
- food service work, such as bussing tables, preparing food, dishwashing and serving food and non-alcoholic drinks; and,
- skilled and technical work, such as computer programmer, visual artists, graphic designer, writer, and editor.

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Ministry: Ministry of Labour
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Also effective October 15, 2021, children 12 and over may work for a business or farm owned by an immediate family member without a permit from the Director. However, they may not perform work involving specific unsafe elements, including operating unsafe machinery and equipment; working at a construction, heavy manufacturing or heavy industry site; handling hazardous substances; entering confined spaces; or, heavy lifting.

Second Phase: “Hazardous Industry” and “Hazardous Work”

In the second phase, which came into effect on January 1, 2023, the Government brought the provisions relating to hazardous work into force and passed a regulation to define work that is too hazardous for young people to perform and set minimum ages of 18 or 16 for this work.

- Children under 18 cannot be hired to perform:
 - Tree falling or logging;
 - Work performed with a chainsaw;
 - Specific work in a fish, poultry or other animal processing facility;
 - Drilling or well servicing in the oil and gas industry;
 - Power line construction or maintenance involving potential electrical hazards;
 - Production work at a wood or metal processing facility;
 - Work in confined spaces (other than entering freezers or coolers to place and retrieve items;)
 - Work in underground tunnels or excavations;
 - Work in a silica process; and,
 - Work involving exposure to harmful levels of ionizing radiation, RCS dust, air contaminants or asbestos
- Children under 16 cannot be hired to perform:
 - Construction work;
 - Any silviculture work;
 - Forest firefighter work; and,
 - Work that requires the use of a fall protection system

Child Employment Enforcement

- Employers are legally responsible for proving a child’s age and getting the required parental consent or permission in writing before employment starts.

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- Employers found to have violated employment standards rules face penalties starting at \$500 and escalating to \$2,500 and \$10,000 for repeat offenses.
- The Employment Standards Branch continues to monitor child employment.
 - ESB received 193 child employment permit applications in 2022, 90 of which resulted in a permit being issued, compared to 102 applications in 2021 with 37 permits issued.
 - From 2020-2022, there were no contraventions of Section 9 of the *Employment Standards Act* (provisions in respect of hiring children), nor any contraventions of the provisions relating to children in the entertainment industry contained within Part 7.1 of the Employment Standards Regulation.

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour

Minister Responsible: Hon. Harry Bains

Title: *Employment Standards Act – Exclusions and Alternate Standards*

Revised: February 22, 2023

Issue: Full exclusions, partial exclusions, and alternate standards from the *Employment Standards Act*

Response:

- The *Employment Standards Act* (Act) allows Cabinet, by regulation, to exclude classes of persons from all or parts of the Act (such as the hours of work and overtime provisions), as well as to set alternate standards as appropriate.
- Full exclusions, partial exclusions, and alternate standards seek to accommodate the unique requirements of a particular sector.
- Government has made a commitment to review and update employment standards to recognize the changing nature of workplaces.
- The British Columbia Law Institute's 2018 report on the *Employment Standards Act* recommended that the existing exclusions from the Act should undergo a systematic review to determine whether they continue to be justified.
- While government's immediate focus is on specific employment standards improvements, including developing a precarious work strategy, we expect a review of exclusions and alternate standards to follow.

Background/Status:

- The *Employment Standards Act* (the Act) sets out the minimum employment standards that apply in most workplaces in British Columbia.
- The Act provides that Cabinet may, by regulation, exclude classes of persons from all or parts of the Act (e.g., hours of work and overtime provisions), as well as set alternate standards as appropriate.
- Advice/Recommendations; Cabinet Confidences

Full exclusions from the Act

- Certain professions where individuals are licensed by statute or who are self-governing by statute – including physicians, chartered professional accountants, professional engineers, architects, and lawyers – are excluded from the Act in its

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Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

entirety. Typically, such exclusions are long-standing and are intended to provide flexibility to accommodate the unique characteristics of the professions, as well as to facilitate economic growth and job opportunities.

- Sitters and home care workers who work for an employer for an average of 15 hours or less per week in any 4-week period, students and other participants in certain work study or workplace training programs, newspaper carriers still in school, and players on major junior ice hockey teams entitled to receive scholarships for post-secondary education are also excluded from the Act.
 - The latter exclusion, introduced in 2016, received considerable attention at the time from the sports-related media as a class action lawsuit against the Canada Hockey League (CHL) was before the courts. The claimants took the position that players should be classified as employees, not amateur athletes, who should receive minimum employment standards. In May 2020, a settlement was reached, with the CHL agreeing to pay out \$30 million to the former players who were members of the class.

Partial exclusions from the Act

- The approval of a partial exclusion is an acknowledgement that only select parts or sections of the Act create barriers for employers or workers. Except for the partial exclusion, all other provisions of the Act apply.
- Examples of workers subject to partial exclusions under the Act include:
 - Teachers, police officers, and firefighters – excluded from the hours of work and overtime provisions (Part 4), including those governing meal breaks, split shifts, minimum daily pay and hours free from work each week.
 - High technology professionals – excluded from the hours of work and overtime provisions (Part 4) and the statutory holidays provisions (Part 5).

Alternate Standards from the Act

- Advice/Recommendations; Cabinet Confidences
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- Examples of workers subject to alternate employment standards include:
 - Truck drivers – subject to alternate overtime provisions which provide both drivers and trucking companies with sufficient flexibility to deliver loads to

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their destinations, thereby supporting the retention and development of employment within the sector.

- Resident caretakers – subject to an alternate minimum wage that is paid monthly, and which is based on the number of suites in the apartment building where the resident caretaker lives.

British Columbia Law Institute Report on the Act

- The British Columbia Law Institute, a not-for-profit law reform agency, undertook a 4-year independent review of employment standards. Its “Report on the *Employment Standards Act*” (Report), released in December 2018, contains a number of recommendations for reform of the Act.
- The Report includes an examination of the current exclusions from the Act’s standards, with the Project Committee recommending that “*Principles should be developed to govern future applications for exclusion of an industry, activity, occupational group, or class of workers from all or part of the ESA in order to ensure that the interests of employers and employees are fully taken into account*” and “*Existing exclusions from ESA standards should undergo a systematic review by government to determine whether they continue to be justified.*”
- While government’s immediate focus is on specific employment standards improvements, including developing a precarious work strategy, a review of exclusions and alternate standards is expected to follow.

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Employment Standards Branch Budget, Resources and Service Levels

Revised: March 17, 2023

Issue: Employment Standards Branch budget and resourcing to transform employment standards service delivery

Response:

- The Ministry of Labour is committed to changes to restore confidence in the employment standards system for workers and employers in British Columbia.
- The Employment Standards Branch budget for 2023/2024 is \$17.702 million, an increase of \$3.692 million from the 2022/23 budget of \$14.010 million.
 - Approximately \$3 million was received to support the branch's sustainable complaints management strategy, and the remainder is attributed to compensation increases under the Shared Recovery Mandate.
- *Budget 2023* provides an increase of almost \$12 million over three years to support the Employment Standards Branch's sustainable complaints management strategy including to eliminate the historical complaints. Funding was received to support incremental hiring of 33 Full Time Equivalents (FTEs) and supporting operating costs:
 - Increase of approximately \$3.135* million in 2023/24 to support the hiring of 20 FTEs
 - Increases of \$3.984* million in 2024/25 to support hiring 8 FTEs for a total of 28 FTEs
 - Increase of \$4.821* million in 2025/26 to support hiring 5 FTEs for a total of 33 FTEs

* A portion of the increase in each year (\$152,000 in 2023/24, \$212,000 in 2023/25, and \$304,000 in 2025/26) is attributed to additional corporate services support required within the Information Systems Branch (under Executive and Support Services).
- With an effective employment standards system in place, B.C. can attract and retain the workers needed to grow our economy and employers can invest here knowing there is a level playing field.

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Minister Responsible: Hon. Harry Bains

Background/Status:

Situation before budget increases beginning in 2018

- In the recent past, Employment Standards Branch (ESB) budget and resourcing was often the subject of criticism.
- The ESB budget was relatively stable over several years, totalling between \$7.8-\$7.9 million per year from 2013/14 through 2017/18.
- Labour stakeholders claimed that ESB budget and staff reductions had led to a significant reduction in enforcement of the *Employment Standards Act* and protections for B.C. workers.
- In particular, labour stakeholders were critical that the ESB did very few proactive investigations and audits to ensure that workers were receiving their entitlements under the *Employment Standards Act*.

Budget increases beginning in 2018/19

- Beginning in 2018/19, the budget for the ESB increased. These increases supported the Minister of Labour's mandate letter commitment to ensure that employment standards are applied evenly and enforced.
- Through changes brought into force through the *Employment Standards Amendment Act, 2019* (Bill 8) including eliminating the Self-Help kit and increasing the wage recovery period to one year, workers now have increased access to the Branch and increased protections.
- The increases also recognized the ESB was given the responsibility to administer the *Temporary Foreign Worker Protection Act* (TFWPA) – including implementing licensing for foreign recruiters and a registry for employers seeking to hire temporary foreign workers.
- Budget 2018, provided an increase of \$4 million over three years. In the first year, \$750,000 was allocated to engage in planning activities for modernization and \$250,000 went to the Labour Policy and Legislation branch to support development of the *Temporary Foreign Worker Protection Act*. These funds were used to undertake service design research and help ready the ESB for transformation and to develop modern business tools to assist in the overall modernization of employment standards in B.C.
- Budget 2019 provided an increase of \$14 million over three years to support the transformation of the Employment Standards Branch – a base budget increase of approximately \$3.8 million in 2019/20 and an incremental increase of approximately \$1.2 million in 2020/21, for a total of \$14 million over three years.

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	18/19	19/20	20/21	21/22	Total
Budget 2018	\$1.000M	\$1.000M	\$1.000M	\$1.000M	\$4.000M
Budget 2019		\$3.786M	\$3.786M	\$3.786M	\$13.786M
			\$1.214M	\$1.214M	
Cumulative budget Increase	\$1.000M	\$4.786M	\$6.000M	\$6.000M	\$17.786M

ESB Transformation

- The increases in funding enabled ESB to make significant improvements to services for workers and employers including:
 - Streamlining the branch's process for receiving complaints;
 - Improve collection efforts of unpaid wages for workers;
 - Make technology upgrades to manage the new complaints process, improve data collection and reporting;
 - Improve the accessibility of services for those with different abilities and communication needs; and
 - Implement the *Temporary Foreign Worker Protection Act*, including the creation of the registries and a new unit to better protect temporary foreign workers.
- The ESB completed a systemic transformation project to meet an expanded mandate including:
 - Development of new tools, including a guided pathway to assist employees and employers to understand minimum standards;
 - Development and launching of a new, more accessible website;
 - Removing the Self-Help Kit as a requirement to filing complaints;
 - Development of a new integrated Case Management Information System;
 - Implementing a new investigation process to meet the new legislative direction of Bill 8 – *Employment Standards Amendment Act*;
 - Establishing more efficient staffing processes and improved training to increase complaints processing capacity;
 - Centralization of administrative functions to free up resources for complaint resolution;
 - Reviewing and streamlining processes to increase efficiency and consistency across the branch; and
 - Improving the intake process to better respond to incoming complaints.

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ESB Performance Measures

- The dedicated and hardworking ESB staff accomplish a significant amount with the resources they receive. Some examples include:
 - Staff resolve approximately 5,600 complaints per year and recover an average of \$8.35 million per year in wages for workers (5-year averages).
 - Staff answering multi-lingual and information line queries help approximately 95,000 callers per year (5-year average).
 - 91 per cent of decisions issued by ESB were upheld on appeal (five-year average).

ESB Budget and Staff Positions

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Budget Allocated	\$7.9M	\$8.7M	\$13.0M	\$13.8M	\$14M	\$14M	\$17.7M
Staff positions (includes vacancies)	96	99	135	142	142	142	162
Staffing budget (base salaries & benefits)	\$6.0M	\$8.0M	\$10.9M	\$11.8M	\$11.97 M	\$11.97 M	\$15.46 M

ESB Service Indicators

	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023 ⁱ (forecasted)
Individual complaints closed within 6 months (Service Plan Target was >85% but has been re-adjusted to account for ESB's aging backlog)	92%	73%	47%	51%	Advice/Recommendations; Cabinet Confidences

Contact:

Mary Walsh Executive Director

Employment Standards 604 398 6108
Branch

Advice/Recommendations; Cabinet Confidences

Employment Standards Branch - Statistical Summary							
Calendar Year (Jan 1-December 31)	2018	2019	2020	2021	2022	AVG.	Comments
							Advice/Recommendations; Government Financial Information
Complaints Received	4,958	7,294	7,403	6215	7723	6,719	
Complaints Closed	4,539	4,487	5,258	6169	7569	5,604	
Advice/Recommendations; Government Financial Information							
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2022/2023 Fiscal Year Service Plan Measures *

Advice/Recommendations

**Contact: Mary Walsh Executive Director
604-398-6108**

Employment
Standards Branch

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Employment Standards Transformation

Revised: March 17, 2023

Issue: Modernizing service delivery in the Employment Standards Branch

Response:

- The Employment Standards Branch (ESB) provides key services for both workers and employers in BC's workplaces.
- Budget 2023 includes an increase of \$11.939 million over three years for the ESB. This money will be used to hire as many as 33 more full-time staff in response to the growing demand for the ESB's services. This includes resolving disputes between workers and employers, providing guidance on employment standards, and processing employer registrations for temporary foreign workers (TFWs).
- We have prioritized improvements to the ESB's business to streamline processes and improve service delivery for all clients.
- In Budget 2019, \$14 million in new funds were invested over three years to increase employment standards protections and enforcement in the province.
- We have completed ESB's transformation, which included improving our offering of online services, such as our compliant intake, temporary layoff variance portal, and online child permitting process, and we have established a toll-free multi-lingual information line to better serve BC's workers and employers.
- We have removed barriers to accessing the ESB's services, like the "Self-Help Kit", and we have established public registries of foreign worker recruiters and employers who hire temporary foreign workers, so vulnerable workers can view the status of a recruiter's licence or an employer's certification.
- We have improved our advisory services to provide service in 140 languages, so workers know their rights and employers know their obligations under BC's employment standards law.
- We have created new tools, like the "guided pathway" to customize our web content to meet people's needs, and we have improved our web content to be accessible to those with visual impairments.

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- These, and other improvements we are making, will ensure that BC workplaces support an inclusive, sustainable economy that works for everyone.

If asked what other improvements have been made...

- In addition to the initiatives I just mentioned, we continue to focus on increasing our collections activity with a new telephone payment option and a dedicated collections team working to return wages and funds owed to workers.

Background/Status:

- The Minister articulated a vision for systemic improvement to the employment standards system that included:
 - removing barriers for workers to access their statutory entitlements;
 - streamlining the complaint process;
 - undertaking proactive enforcement activities (site visits, audits, investigations) in targeted sectors of industry to address bad actors and level the playing field for good employers;
 - focusing on improved collections outcomes for workers through improved data collection and ESB re-alignment; and,
 - protecting vulnerable temporary foreign workers working in BC.
- In Budget 2018, the ministry received \$1 million to undertake planning work to support the ESB business transformation, including planning for the new *Temporary Foreign Worker Protection Act* (TFWPA).
- In April 2019, the ESB increased capacity through a hiring process and added 36 new positions to support complaints processing, collections, and proactive enforcement. In addition, we completed a series of projects to pilot new services, improve current processes, and create new information tools and supports for workers and employers to begin the shift from a complaints-based system to one where more proactive enforcement of the law, investigations, and education will better support BC's workers, employers, and a sustainable growing economy.
- In 2021, the ministry hired 24 temporary Employment Standards Officers to support the complaints team and realigned its organizational structure to better-use its resources, continuing its focus on reducing the backlog of worker complaints.
- In 2022, the ministry continued actively recruiting into all base positions, including its investigator roles. The current labour climate has challenged the ministry's recruitment and retention efforts.

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- The ministry is implementing a new Case Management System to streamline work assignment and complaint processing and to improve service to clients, such as developing secure environments to upload documents.
- By late 2022, the ESB had accomplished its primary transformation objectives:
 - New legislation was implemented/incorporated into programming (*Employment Standards Act* amendments and introduction of the TFWPA).
 - Services shifted from a mediation-based model to an investigation model with the aim to reduce the risk that workers settle for less than they are legally entitled (i.e., often occurred in mediation).
 - Upgraded infrastructure/case management system moved ESB away from a paper-based intake process and introduced an online intake form for complaints, licensing, and registrations, as well as a backend system to support case intake, triage, evaluation, investigation, document storage, and decision-making.
 - The removal of barriers to accessing ESB services (all complaints must now be investigated) and modernized technology are contributing to more responsive service delivery.
- These are significant changes to the ESB business model and represent, in part, a return to an approach not taken since before 2002. The ambitious pace and scale of these service changes have contributed to caseload and budgetary pressures. Change management has been further complicated by COVID-19.
- Budget 2023, tabled in the Legislature on February 28, 2023, included an increase of \$11.939 million over three years for the ESB. This money will be used to hire as many as 33 more full-time staff in response to the growing demand for the ESB's services, including resolving disputes between workers and employers, providing guidance on employment standards, and processing employer registrations for TFWs.

Contact

Mary Walsh

Executive Director, ESB

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Protection of Foreign Workers

Revised: March 17, 2023

Issue: Protections for workers under the *Temporary Foreign Worker Protection Act* and the recent employer application surge

Response:

- **Protection of Foreign Workers**
 - The *Temporary Foreign Worker Protection Act* (TFWPA) is designed to curtail the exploitation and abuse of temporary foreign workers (TFWs), such as charging recruitment fees or retaining a worker's passport.
 - The TFWPA requires recruiters who recruit TFWs for employment in BC to be licenced, and employers who hire certain TFWs for employment in BC to be registered. The TFWPA also contains compliance and enforcement provisions to better protect these vulnerable workers.
 - As of December 31, 2022, there were:
 - 393 active foreign worker recruiter licenses (not TFW only).
 - 5,165 TFW employer certificates of registration issued.
- **Employer Application Surge**
 - Employers are required to have a certificate of registration before submitting an application to the Federal Government to access the TFW Program.
 - Due to the labour shortage, many employers have recently turned to TFWs, causing an unprecedented application surge for TFW registration, resulting in longer processing times at the Employment Standards Branch (ESB).
 - In just the last 4 months of 2022, the ESB received over 10,000 employer applications, as compared to 2,955 applications for all of 2021.
 - The ESB is currently working with the Federal Government to better coordinate service delivery to meet this increased demand, has doubled the size of the team responsible for processing employer applications for registration, and prioritized employer applications related to the agriculture industry, in light of possible impacts on the food supply.
 - Budget 2023 includes an increase of nearly \$12 million over three years for the ESB. This money will be used to hire as many as 33 more full-time staff in response to the growing demand for its services, including the processing of employer applications.

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- As the surge in applications is addressed, employers are encouraged to allocate more time for registration.

Protection of Foreign Workers

- The Premier's July 2017 mandate letter to the Minister of Labour included the following priority: "Create a TFW registry to help protect vulnerable workers from exploitation and to track the use of temporary workers in our economy."
- The TFWPA, which received Royal Assent on November 8, 2018, creates two new registries, one for TFW recruiters and one for employers wishing to employ TFWs. The legislation also contains compliance and enforcement provisions, which help protect vulnerable TFWs from exploitation and abuse, such as having their passport seized by their employer. The Director of Employment Standards (Director) is responsible for administering the TFWPA.
- On October 1, 2019, the requirement for TFW recruiters to be licenced by the Director came into effect. This includes a requirement for a \$20,000 bond against future unpaid penalties or other monies owing (for example, the bond could be used to reimburse a TFW if a recruiter illegally charges the worker a fee for recruitment services).
- Effective December 15, 2020, employers in BC who intend to hire TFWs under the federal TFW Program, or Home Child-Care Provider or Home Support Worker Pilot Programs, must hold a Certificate of Registration. The provincial employer registry is the initial level of screening and tracking for these employers. Prior to issuing a Certificate of Registration, the ESB verifies an employer's compliance with the applicable labour legislation.
- Once registered, an employer can apply to the applicable federal program through Employment and Social Development Canada (ESDC) for a Labour Market Impact Assessment (LMIA), which allows a TFW to apply for a permit to work in Canada.
- When violations occur, the TFWPA provides for strong enforcement, including monetary penalties and cancellation of recruiter licences and employer registrations, along with possible jail time.

Employer Application Surge

- Beginning in the fall of 2020, employers who sought to hire TFWs were able to register with the ESB to obtain a Certificate of Registration. This allowed for "early registration" ahead of the mid-December 2020 mandatory requirement under the TFWPA for employers to be registered.

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- Since the registry was created, incoming employer application volumes to the ESB have been variable. During the 15 months prior to October 2022, about 250 employer applications were received by the ESB each month with processing times typically of between one to four weeks.
- Recently, many employers have been turning to TFWs to help deal with the labour shortage. Combined with the federal government's relaxation on the TFW Program restrictions, and an increased awareness of the TFW program, applications to the ESB have surged. It also appears that many employers began the recruitment process and tried to initiate the LMIA process with ESDC before coming to the province to obtain (or renew) a Certificate of Registration.
- The unprecedented surge in applications to the ESB in the last four months of 2022 was that over 10,000 applications were received (compared to 2,955 applications for the whole of 2021). The current processing time is now up to three months (for 2021, the processing time for an application was typically one to four weeks).
- The ESB is now working with ESDC to better coordinate service delivery to meet this unprecedented employer demand. In addition, the ESB has doubled the size of the team responsible for processing employer applications.
- Agriculture-related applications have been prioritized due to the concerns of impacts to crops and the food supply. Between October 19, 2022 and January 16, 2023, the ESB received 721 applications from employers who self-identified as being in the agriculture sector; 632 have now been closed. There are 79 files which remain open and in-progress, with the oldest files actively being worked on. Some have required follow-up contact with the applicant.
- Since January 17, 2023, another 57 agriculture sector applications have been received and are in progress.
- Glen Lucas, General Manager of the BC Agriculture Council, sent a letter to the Ministry of Agriculture and Food on January 30, 2022, requesting actions to address the application processing delays.
- On February 2, 2023, the Greater Vancouver Board of Trade issued a report, "Solving B.C.'s Workforce Challenges", that lays out short, medium and long-term steps to address existing labour challenges in BC. One of the actions called for is to reduce the time it takes to process TFW applications, from 8-10 weeks to a maximum of 3 days.

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Ministry: Ministry of Labour
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Cross-Jurisdictional Comparison

Number of Temporary Foreign Worker (TFW) Positions on Positive Labour Market Impact Assessments (LMIAs) by Census subdivision (CSD) and Province/Territory 2022

Province/Territory	Jan- Mar	Apr- Jun	Jul- Sep	Totals	Popul ation	TFW per capita
Prince Edward Island Total	695	702	400	1,797	170,688	1.0528
Quebec Total	14,157	15,087	13,101	42,345	8,695,659	0.4870
Ontario Total	16,770	11,011	12,816	40,597	15,109,416	0.2687
Alberta Total	4,996	6,038	5,370	16,404	4,543,111	0.3611
British Columbia Total	15,231	12,110	10,372	37,713	5,319,324	0.7090
Canada Total	57,887	50,351	45,059	153,297		

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Updating Employment Standards

Revised: February 22, 2023

Issue: Recent amendments to employment standards legislation

Response:

- Major amendments were made to the *Employment Standards Act* (the Act) in 2019, with a focus on four priority amendment areas:
 - better protecting children and youth from dangerous work;
 - making it easier for workers to get help when they feel their rights have been violated;
 - ensuring people are paid the wages they are owed and that those who violate the law do not have an unfair economic advantage; and,
 - providing more job protection to people dealing with difficult personal circumstances.
- Other changes made to the Act since 2018 include introducing paid domestic or sexual violence leave, job-protected personal illness or injury leave, job-protected COVID-19-related leave, paid COVID-19 vaccination leave, paid COVID-19-related sick leave, and paid and unpaid personal illness or injury leave.
- A number of amendments have also been made to the Employment Standards Regulation, including those made in response to the COVID-19 public health emergency.
- Government continues to work to ensure that BC's employment standards legislation is responsive to the needs of employment in the 21st century.

Background/Status:

- Since 2018, the following amendments have been made to the *Employment Standards Act* (Act) and the Employment Standards Regulation (Regulation):

2018

- *Employment Standards Amendment Act, 2018* (Bill 6):
 - added two new leaves: leave for parents on the death of their child and leave for parents on the crime-related disappearance of their child;
 - increased the length of compassionate care leave;
 - allowed maternity leave to start earlier; and,
 - permitted parental leave to be taken for a longer period.

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- BC Reg 32/2018 involved housekeeping amendments to repeal and replace confusing or outdated references in the Regulation (part of “Red Tape Reduction Day 2018”).
- BC Reg 80/2018 increased the general minimum wage rates, effective June 1 of 2018, 2019, 2020, and 2021.

2019

- *Employment Standards Amendment Act, 2019* (Bill 8) made a number of changes to the Act (many in response to recommendations in the BC Law Institute’s 2018 “Report on the *Employment Standards Act*”), including:
 - requiring a permit from the Director of Employment Standards (Director) to employ a child under 16;
 - as an exception to the requirement for a permit, allowing 14 and 15-year-olds to perform “light work” that is safe for their health and development with parental or guardian consent only;
 - prohibiting the employment of persons under 16 in hazardous industries or in hazardous work, or up to under 19 if a higher age is specified for particular industries or work;
 - requiring licensing of temporary help agencies [not yet in force];
 - introducing unpaid domestic or sexual violence leave and critical illness or injury leave;
 - introducing provisions protecting workers’ rights with respect to tips and gratuities;
 - restoring the Act as the floor for new and renewed collective agreements;
 - modernizing the Employment Standards Branch and increasing the responsibilities of the Director;
 - eliminating the Self-Help Kit; and,
 - extending the wage recovery period to 12 months, with the Director having the discretion to extend to 24 months in prescribed circumstances.

While most of the amendments made by Bill 8 are now in force, regulations are still required to bring into force the provisions regarding the licensing of temporary help agencies and the waiving of monetary penalties by the Director. Advice/Recommendations
Advice/Recommendations

- BC Reg 36/2019 involved housekeeping amendments to repeal and replace confusing or outdated references in the Regulation (part of “Better Regulations for British Columbians 2019”).
- BC Reg 191/2019 excluded members of the Ambulance Paramedics and Ambulance Dispatchers Bargaining Association who work for BC Emergency Health Services from the hours of work and overtime provisions in Part 4 of the Act.

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2020

- *Employment Standards Amendment Act, 2020* (Bill 5) provided a new employer-paid leave of up to five days for employees experiencing, or who have specified family members experiencing, domestic or sexual violence.
- *Employment Standards Amendment Act (No.2), 2020* (Bill 16) introduced:
 - unpaid, job-protected COVID-19-related leave; and,
 - three days' unpaid, job-protected leave for personal illness or injury each year.
- BC Reg 94/2020 extended the term for a temporary layoff to 16 weeks (previously 13) in any period of 20 consecutive weeks if the COVID-19 emergency is a cause of all or part of the layoff.
- BC Reg 148/2020 extended the term for a temporary layoff to 24 weeks, ending on or before August 30, 2020, in any period of 28 consecutive weeks if the COVID-19 emergency is a cause of all or part of the layoff.
- BC Reg 185/2020 streamlined the approval process for temporary layoff variances requests, including allowing for a joint employer-employee application and written approvals to be submitted to the Director in an on-line form.

2021

- *Employment Standards Amendment Act, 2021* (Bill 3) provided up to three hours of paid leave, per dose, to employees in BC receiving a COVID-19 vaccination.
- *Employment Standards Amendment Act (No.2), 2021* (Bill 13) introduced up to three days of paid COVID-19-related leave (ending December 31, 2021) and creating a permanent paid personal illness and injury leave (starting January 1, 2022), with the number of days to be prescribed by regulation.
- BC Reg 11/2021 approved a consequential amendment (brought forward by the Ministry of Attorney General) that repeals the reference to profession-specific statutes in s. 31 of the Regulation with regard to engineers and foresters, replacing them with references to the *Professional Governance Act*.
- BC Reg 64/2021 updated language to reflect Government's commitment to gender equity and recognition of non-binary people.
- BC Reg 215/2021 brought into force a number of sections of 2019's Bill 8, including:
 - making the complaint process more effective;
 - promoting proactive enforcement by the Employment Standards Branch;
 - establishing new definitions of "domestic worker" and "sitter";
 - increasing the general age for which a Director's permit is required (from under 12 to under 16) for a child to work in BC; and,
 - permitting 14- and 15-year-olds to perform "light work" without a permit but with parental or guardian consent.
- BC Reg 216/2021:
 - added two additional situations under which employees may qualify for COVID-19-related leave; and,

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- requires employers to provide unpaid leave to their employees to be vaccinated against COVID-19 or to assist a dependent family member to do the same.
- BC Reg 293/2021 created an employee entitlement of five days of employer-paid illness and injury leave per year, effective January 1, 2022.

2022

- *Employment Standards Amendment Act, 2022* (Bill 19) ensured that paid sick leave is applied on a calendar year basis and that workers are eligible for five days of paid sick leave for 2022 and subsequent calendar years; Bill 19 also removed paid sick leave from the “meet or exceed” clause in section 3 of the Act in order to ensure that eligible workers who did not previously receive at least five paid sick days under their collective agreement are entitled to that benefit.
- BC Reg 139/2022 increased the minimum wage rates, effective June 1, 2022 and January 1, 2023 (for piece rates).
- BC Reg 200/2022 specified work that is too hazardous for the health and safety of young workers and sets minimum ages of 16 or 18 for this work, effective January 1, 2023.
- BC Reg 208/2022 approved a consequential amendment (brought forward by the Ministry of Health) that repealed the reference to the “College of Dental Surgeons of British Columbia” in section 31 (e) of the Regulation, replacing it with a reference to the “British Columbia College of Oral Health Professionals”.

2023

- BC Reg 32/2023 approved a consequential amendment (brought forward by the Ministry of Post-Secondary Education and Future Skills) that, in the section that excluded specified professions from the Act, repealed the reference to “an architect, as defined in the *Architects Act*” in s. 31 (a) of the Regulation, updated the reference in s. 31 (f) to “professional licensee engineering”, and added a new s. (f.1) referencing “an architect, architectural technologist or intern architect under the *Professional Governance Act*”.
- BC Reg 53/2023 increased the length of the term for a licence issued to talent agencies and employment agencies from the previous one year to up to three years as specified by the Director (part of the “Better Regulations for British Columbians 2023”).

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Minimum Wage and the Fair Wages Commission

Revised: March 28, 2023

Issue: Minimum wage (including alternate minimum wages and agricultural piece rates) and the Fair Wages Commission

Response:

- Government has been raising the minimum wage and delivering on its commitments to help lift more people out of poverty, make life more affordable, and build a strong and fair economy for B.C.
- Last year, minimum wages were increased by the rate of inflation for the first time. On June 1, 2022, the general minimum wage was increased to \$15.65 an hour, based on the 2.8% increase in the B.C. Consumer Price Index (CPI).
- We also increased the alternate minimum wages (effective June 1, 2022) and agricultural piece rates for hand harvesting of specific crops by the same 2.8% (effective January 1, 2023).
- In the final phase of its mandate, the Fair Wages Commission (the Commission) has been 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.
- We expect to hear back soon from the Commission on the results of their research.

Background/Status:

- From 2018 to 2021, Government made four general annual increases to the minimum wage to raise it to at least \$15 an hour, as recommended by the Fair Wages Commission (the Commission). This goal was achieved in 2021, when the minimum wage was increased to \$15.20, the highest among Canadian provinces.
- Increases were also made to alternate minimum wages for certain sectors, agricultural piece rates and liquor server rates.

The number of British Columbia employees earning minimum wage or less in 2022 was 81,100. This represents 3.5% of paid employees in British Columbia (i.e., excluding the self-employed). In 2021, 6% of employees earned minimum wage or less.

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Ministry: Ministry of Labour
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Fair Wages Commission and commitment to reach at least \$15

- The Commission was established in October 2017 as a three member independent body to provide expert advice on how B.C. should achieve a \$15 an hour minimum wage, and also the timeline for implementation. The Commission's first chair was Dr. Marjorie Griffin Cohen and the two other members are Ivan Limpricht representing labour interests and Ken Peacock representing business interests.
- On October 1, 2018, the chair of the Commission was replaced with Professor Danielle van Jaarsveld of the UBC Sauder School of Business; the two other members remain in their roles.
- The Commission is provided funding for payment for appointees, costs for travel, consultations and contract writing/publication and support such as research and advisory services.
- The following is the Commission's expenditures to date that are managed within the Ministry's base budget: 2017/18 was \$240,000; 2018/19 was \$250,000; 2019/20 was \$71,000; 2020/21 was \$26,000; and 2021/22 was \$41,000. Expenditures for 2022/23 are not yet available.
- In a report delivered to government in January 2018, following public consultations and receipt of research and submissions, the Commission recommended the following four minimum wage increases over four years.
 - June 1, 2018: \$12.65 an hour (\$1.30 increase)
 - June 1, 2019: \$13.85 (\$1.20 increase)
 - June 1, 2020: \$14.60 (\$0.75 increase)
 - June 1, 2021: \$15.20 (\$0.60 increase)
- The Commission also recommended that, depending on economic conditions, government consider an additional hourly increase of up to \$0.20, to \$15.40 an hour in 2021. Given the economic situation with COVID-19, government did not provide this additional 20 cent increase in 2021.
- The Commission also provided recommendations and advice with respect to the ongoing role of a commission after 2021. This includes recommendations to:
 - Establish a permanent commission with staff to examine issues related to low wages in B.C. and give advice on increases to the minimum wage.
 - Provide for a permanent research function so that it can examine the changing nature of the labour market and how well new forms of work are protected with existing minimum wage coverage.
 - Have the permanent commission establish predictable indicators to guide future increases to the minimum wage, such as the CPI (or some other

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relationship such as between the minimum wage and the poverty level or average wage levels).

- Establish an advisory committee to the commission that is representative of the diversity of British Columbians.
- The Commission conducted online and in-person consultations across the province. During the consultations, 178 people presented at one of eight regional sessions in November and early December 2017; and 77 written submissions as well as over 3,000 emails were submitted.
- It is noteworthy that the Commission reported hearing concerns and ideas from those who are traditionally marginalized in the labour force and are over-represented among low-wage workers. These included women, young people, immigrants, visible minorities, temporary foreign workers, those who identify with the LGBTQ community, those with disabilities and those who identify as an Indigenous person.
- The Commission is currently reviewing the gap between living wages and the minimum wage in B.C. communities. As part of this review, a public engagement occurred from mid-April 2019 to June 28, 2019, which included in-person engagement sessions and email stakeholder submissions.
- The Commission has now completed its consultations and is finalizing its report, which is expected soon. This review will fulfil the third phase of its mandate.

Commitments on future increases to the minimum wage

- During the fall 2020 provincial general election, a campaign commitment was made to tie the minimum wage to inflation. The Minister's 2020 Mandate Letter included direction to do this once the minimum wage reached \$15.20 per hour, which occurred in June 2021.
- The Minister's December 2022 Mandate Letter further affirmed the importance of minimum wage increases to help lift more people out of poverty, make life more affordable and build a strong economy for B.C, and to make continued progress on the 2020 Mandate Letter priorities.

Other jurisdictions – current minimum wage rates

- B.C.'s current general minimum wage is \$15.65/hour, which, is first among the ten Canadian provinces. As of March 27, 2023, minimum wage rates among other Canadian jurisdictions range from \$13/hour (Saskatchewan) to \$15.50/hour (Ontario). Nunavut and Yukon's minimum wage of \$16.77/hour is the highest in Canada.
- While rules vary, most jurisdictions have passed legislation indexing their minimum wage to an external measurement, most commonly average annual CPI changes.

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- Only B.C., Alberta, Quebec, Prince Edward Island, and Nunavut currently have no legislative requirements for annual adjustments indexed to an external measure like CPI (see Appendix 1 for further details).

Fair Wages Commission Second Report on Alternative Minimum Wage Rates

- The Commission's second report, released on April 19, 2018, made recommendations on the alternative regulated minimum wage rates for: liquor servers, minimum piece rates for farm workers who harvest certain crops by hand, resident caretakers, live-in camp leaders and live-in home support workers.
- Government accepted many of the recommendations, including eliminating the lower liquor-server minimum wage by 2021, and raising the minimum wage of resident caretakers and live-in camp leaders at the same rate as the general minimum wage — with the first increases to these categories occurring on June 1, 2018. Further details on the alternate minimum wage rates are laid out in the sections below.

Liquor server wage

- Effective June 1, 2021, both the minimum wage and liquor server wage were increased to \$15.20 an hour, making this the highest minimum wage among Canadian provinces. This move brought an end to the lower minimum wage for liquor servers in B.C., 80% of whom are women.
- These wage increases were based on recommendations from the Commission's second report.

Minimum piece rates

- B.C. farm workers who hand harvest certain berry, fruit or vegetable crops, and who are employed on a piece work basis are paid for the amount they pick, and not in relation to a minimum hourly wage. The minimum piece rates for these crops are established in the Employment Standards Regulation.
- This system of regulated minimum piece rates, which is unique within Canada, was established in 1981 with the intent that an average, reasonably diligent hand harvester would be able to earn at least the equivalent of the general minimum hourly wage.
- In April 2018, the Commission made recommendations on B.C.'s piece rate system as part of its second report.
- The Commission recommended increasing all piece rates by 15 per cent on June 1, 2018, and then implementing the general minimum hourly wage for piece-rate workers as of June 1, 2019, with piece rates as additional incentives. The Ministry of Labour determined more information was needed on the details of the piece rate system and, instead, implemented an 11.5 per cent rate increase to piece rates as of January 1, 2019, and hired agricultural economist Dr. Karen Taylor to conduct an in-depth study.

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- Along with a historical study of piece rates, Dr. Taylor spoke directly with farmworkers and growers — consultations which were not possible during the consultations for the Commission's initial report. The study, which took place between September and December 2018, was submitted to government on January 10, 2019, and publicly released on December 10, 2019.
- No changes were made to the minimum piece rates in 2020 and 2021. For 2022, effective January 1, 2023, the minimum piece rates increased by the average percentage change to the BC CPI for 2021 (2.8%). This delayed implementation date for 2022 minimized disruption during the harvest season for the agricultural sector. The Ministry of Agriculture and Food has indicated their support for these measures. The two ministries remain engaged in further discussions respecting the future of minimum piece rates.

Other alternative minimum wage rates

- In addition to the minimum piece rates, the Employment Standards Regulation also establishes separate minimum pay provisions for “live-in camp leaders”, “resident caretakers”, and “live-in home support workers”. In 2021, based on recommendations from the commission, the rates for “live-in camp leaders” and “resident caretakers” were increased by the same percentage and on the same schedule as the general hourly minimum wage.
- This approach continued in 2022, when the minimum wage rates for live-in camp leaders and resident caretakers increased by the average percentage change to the BC CPI for 2021 (2.8%), effective June 1, 2022. This resulted in the following rates:
 - \$125.06 per day or part day worked for live-in camp leaders.
 - \$937.82 per month plus \$76.58 per suite for resident caretakers with nine to 60 residential suites - or \$3,194.43 per month for resident caretakers with 61 or more units.
- Advice/Recommendations

- For 2022, the minimum wage rate for live-in home support workers increased by the average percentage change to the BC CPI for 2021 (i.e., 2.8%), effective June 1, 2022. This resulted in a minimum daily rate of \$116.68.

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Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Attachments: Appendix 1 – General Minimum Wages in Canada (as of March 27, 2023)
Appendix 2 – Fair Wages Commission Terms of Reference

Contact:
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Director Legislation Branch

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
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Appendix 1 – General Minimum Wages in Canada (as of March 27, 2023)

Jurisdiction	Current minimum wage (\$/hr)	Future adjustments (\$/hr)	Notes on Future Changes
British Columbia	\$15.65 as of Jun. 1, 2022	TBD	
Federal*	\$15.55 as of Apr. 1, 2022	\$16.65 (+7.1%) as of Apr. 1, 2023	Annual adjustment on April 1 st based on the average annual increase to the national CPI. This is required under legislation.
Alberta	\$15.00 as of Oct. 1, 2018	Unknown	No required adjustments to minimum wage.
Saskatchewan	\$13.00 as of Oct. 1, 2022	\$14.00 as of Oct. 1, 2023 \$15.00 (+15.4%) as of Apr. 1, 2024 Indexed adjustments: (Oct. 1, 2024-on, based on Cabinet approval)	Cabinet may annually adjust the minimum wage by June 30 th based on average increases to the provincial CPI and average hourly wage for Saskatchewan.
Manitoba	\$13.50 as of Oct. 1, 2022	\$14.15 as of Apr. 1, 2023 \$15.30 (+13.3%) as of Oct. 1, 2023	Annual adjustment on October 1 st based on the annual average percentage change to the provincial CPI. This is required under legislation.

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Ontario	\$15.50 as of Oct. 1, 2022	\$16.55 (projected) (+6.8%) as of Oct. 1, 2023	On October 1 st of each year, the minimum wage is adjusted by the annual average percentage change to the provincial CPI. This is required under legislation.
Quebec	\$14.25 as of May 1, 2022	\$15.25 (+7.0%) as of May 1, 2023	No required adjustments to minimum wage.
New Brunswick	\$13.75 as of Oct. 1, 2022	\$14.75 (+7.3%) as of Apr. 1, 2023	Annual adjustment on April 1 st based on the annual average percentage change to the provincial CPI. Minister must review every two years.
Prince Edward Island	\$14.50 as of Jan. 1, 2023	\$15.00 (+3.4%) as of Oct. 1, 2023	An independent body reviews minimum wage annually and provides their recommendation to government after the review is complete. This is required under legislation.
Nova Scotia	\$13.60 as of Oct. 1, 2022	\$14.50 as of Apr. 1, 2023 \$15.00 as of Oct. 1, 2023 (+10.3%) Indexed adjustments: (Apr. 1, 2024 onwards)	Annual adjustment on April 1 st based on the average percentage change to the national CPI in the year before the adjustment plus an additional 1%.

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Newfoundland and Labrador	\$13.70 as of Oct. 1, 2022	\$14.50 as of Apr. 1, 2023 \$15.00 as of Oct. 1, 2023 (+9.5%) Indexed adjustments: (Apr. 1, 2024-on)	Annual adjustment on April 1 st based on the percentage change on the national CPI for the year immediately preceding the year in which the adjustment occurs.
Northwest Territories	\$15.20 as of Sep. 1, 2021	\$16.25 (projected) (+6.9%) as of Sep. 1, 2023	Effective September 1, 2023, the minimum wage will be adjusted annually using a formula based on the annual average percentage change to the Yellowknife CPI and the average hourly wage in the Northwest Territories.
Nunavut	\$16.00 as of Apr. 1, 2020	Unknown	Annual mandatory review by Minister. This is required under legislation.
Yukon	\$15.70 as of Apr. 1, 2022	\$16.77 (+6.8%) as of Apr. 1, 2023	On April 1 st of each year, the minimum wage is adjusted based on annual increase to the CPI for Whitehorse in the preceding year in.

* Applies to federally regulated employees and only if the applicable provincial minimum wage is lower.

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Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Appendix 2 – Fair Wages Commission Terms of Reference

FINAL Terms of Reference **FAIR WAGES COMMISSION**

Whereas the general minimum wage in British Columbia is \$11.35/hour and the liquor server minimum wage is \$10.10/hour as of September 15, 2017;

And whereas among Canadian provinces, minimum wages range from \$10.72 to \$12.20/hour as of August 2017, although Alberta has announced a commitment to be at \$15/hour by October 2018 while Ontario has plans to reach \$15/hour by January 2019;

And whereas with the cost of living in BC, a person working full-time in a minimum wage job cannot make ends meet or support a family;

And whereas in contrast to the minimum wage, a living wage is designed to reflect what earners in a family need to bring home based on the actual costs of living in a specific community;

And whereas government intends to increase the minimum wage to \$15/hour as part of a plan to create good jobs, fair wages and build a sustainable economy in every sector and in every corner of the province, including indexing it to inflation in the future so as not to fall behind;

And whereas the Confidence and Supply Agreement from May 2017 contains the following commitment at Section 2 (e): “*Immediately establish an at-arm’s-length Fair Wages Commission that will be tasked with establishing a pathway to a minimum wage of at least \$15 per hour and overseeing regular rate reviews. The commission will bring forward recommendations regarding strategies to address the discrepancy between minimum wages and livable wages. The commission will make its first report on a new minimum wage within 90 days of its first meeting.*”

Now, therefore, the Minister directs the establishment of an impartial Fair Wages

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Commission as follows:

1. The Commission will consist of a Chair, one representative of employer interests and one representative of worker interests. These three Commission members will be appointed by the Minister of Labour. The Minister may add two members (one who represents employer interests and one who represents worker interests) to the Commission if needed after the first report is submitted (as per item 4 below) to address the complexities of the discrepancy between minimum wages and living wages.
2. The budget for the Commission will come from the Ministry of Labour. Payment for the Commission Chair and its members will be in accordance with government policy. The Ministry will provide administrative support for the Commission, including research and website support.
3. The Commission will determine its own procedures, including the format for reporting to the Minister and communications. It is expected that the Commission will engage in consultations with and receive submissions from interested stakeholders from all regions of the province including but not limited to representatives of economists, trade unions, the technology sector, small business, and youth.
4. The Commission will make its first report on a new minimum wage within 90 days of its first meeting. The first meeting of the Commission will take place on or before October 1, 2017 to enable a first report no later than December 31, 2017. The report should be in writing to the Minister of Labour and address the issues in items 5 to 7, inclusive, below. The timing for items 8 and 9 are for discussion with the Minister but are not required to be included in the first report to the Minister.
5. The Commission must prepare recommendations on the general minimum wage that will result in a series of increases over time to reach a \$15/hour minimum wage. Where possible, the recommendations should support the principles of regular, measured, and predictable increases over time to allow employers an appropriate notice period to plan for the changes on the way to a \$15/hour minimum wage.
6. The Commission should consider the impact of minimum wage increases in other jurisdictions including those jurisdictions that have committed to achieving \$15/hour. Consideration should be given to the prevailing views on the impact of minimum wage increases on employment.

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7. The Commission must consider and make recommendations on the other minimum wage rates under the *Employment Standards Regulation*.
8. The Commission must prepare recommendations related to regular rate reviews once the \$15/hour minimum wage is achieved, including the Commission's role in overseeing regular rate reviews. The Commission should give consideration to the BC consumer price index and other factors (e.g., economic and labour market conditions), and provide recommendations on when and how the increases beyond the \$15/hour minimum wage should be determined.
9. The Commission will review the issue of what constitutes a "living wage" and the elements that make up determining a "living wage", including a jurisdictional scan of the issue in BC and across Canada. Recognizing rapid changes occurring in the economy, the Commission will make recommendations regarding strategies to address the discrepancy between the minimum wage and a "living wage".
10. The Minister of Labour will make the Commission's reports public after a reasonable period of time to review and consider them. The Minister will also provide the reports to Cabinet.

Given under my hand this 29th day of September, 2017.



Honourable Harry Bains, Minister of Labour

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Domestic or Sexual Violence Leave

Revised: March 19, 2023

Issue: Leave Respecting Domestic or Sexual Violence: Workplace Supports

Response:

- Ending violence, supporting safety, and creating security are central to our work as government.
- Government has prioritized having a broad range of supports in place for individuals facing domestic or sexual violence.
- In spring 2019, Government amended the *Employment Standards Act* (the Act) to provide job-protected unpaid leave for people facing domestic or sexual violence.
- In fall 2019, the Ministry of Labour and the Gender Equity Office consulted widely on how to improve the unpaid leave and what government could do to ensure workplace support for people facing domestic or sexual violence.
- The majority of the consultation participants expressed support for paid domestic or sexual violence leave as both necessary and overdue.
- In August 2020, Government further amended the Act to add an entitlement of up to five days of employer-paid domestic or sexual violence leave each calendar year.
- The new paid leave helps ensure economic stability for families facing these challenging situations.

Background/Status:

- In May 2019, the *Employment Standards Amendment Act* (Bill 8) amended the *Employment Standards Act* (Act) to introduce unpaid, job-protected domestic or sexual violence.
- Bill 8 provided employees with up to 10 consecutive or intermittent days of unpaid leave, and up to an additional 15 weeks of consecutive or – with the employer’s consent – intermittent unpaid leave.
- When Bill 8 was introduced, Government made a public commitment to carry out an engagement process to determine next steps in making improvements to leave for workers escaping or recovering from domestic or sexual violence.

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- The engagement process, conducted in fall 2019, was far-reaching and encompassed the public, employers, labour representatives, Indigenous women's organizations, groups supporting individuals and families who had experienced domestic or sexual violence, and gender equity groups.
- Specifically, it consisted of an online questionnaire -- which received 6,300 responses -- and face-to-face stakeholder consultations. The majority of the participants expressed support for paid leave as both necessary and overdue.
- In 2020, Government further amended the Act (Bill 5) to establish an employee's entitlement each calendar year to the following with regards to domestic or sexual violence leave:
 - up to five days of paid leave – a new entitlement;
 - up to five days of unpaid leave – reduced from the previous entitlement of up to ten days of unpaid leave; and,
 - unpaid leave of up to 15 weeks – unchanged from previous entitlement.
- An employee may take leave for any of the following purposes in relation to domestic or sexual violence experienced by themselves, their child (under 19) or a dependent adult in the care of the employee (who is the dependent adult's parent or former guardian):
 - to seek medical attention for a physical or psychological injury or disability;
 - to obtain victim services or other social services;
 - to obtain psychological or other professional counselling;
 - to relocate temporarily or permanently; or,
 - to seek legal or law enforcement assistance or attend a civil or criminal proceeding.
- The paid leave allows workers the time and opportunity to remove themselves or their loved ones from a violent situation, to put their safety and security first, and to seek out the supports they need.
- Should an employer request it, employees must provide "reasonably sufficient proof in the circumstances" that the employee is entitled to leave. The Act recognizes the need for flexibility and sensitivity, and therefore does not specify what these documents should be.

Contact:

Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Employment Standards Branch Backlog Reduction

Revised: March 19, 2023

Issue: The Ministry has a significant employment standards complaints backlog.

Response:

- I am committed to ensuring that workers and employers have access to the Employment Standards Branch when they need it.
- In 2019, we began modernizing the Employment Standards Branch to make it easier for people to access needed services, because over the previous 16 years there were barriers and it was difficult to get help.
- As we removed barriers and began providing easier access, the volume of complaints rose.
- Between 2019-2022 we continued to add new staff, including 36 new permanent staff in 2019 and numerous temporary staff in the following years, to support complaints investigation.
- The Employment Standards Branch budget for 2023/2024 is \$17.702 million, an increase of \$3.692 million from the 2022/23 budget of \$14.010 million.
- *Budget 2023* provides an increase of \$11.939 million over three years to support the Employment Standards Branch's sustainable complaints management strategy and eliminate the historical complaints. Funding was received to support incremental Full Time Equivalents (FTEs) and supporting operating costs:
 - Increase of approximately \$3.135 million in 2023/24 to support hiring of 20 FTEs
 - Increases of \$3.984 million in 2024/25 to support hiring 8 more for a total increase of 28 FTEs
 - Increase of \$4.821 million in 2025/26 to support hiring 5 more for a total increase of 33 FTEs
- We are continuing to invest in the Employment Standards Branch to ensure workers and employers can access the Branch's valuable advice and services when they need it.

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Background/Status:

- Over the last number of years, the Employment Standards Branch (the Branch) has seen an increase in complaints volumes. In 2018, the Branch received 4937 complaints while in 2019 that number rose to 7617, in 2020 to 7403, in 2021 to 6,215 and in 2022 to 7723. The Branch also experienced a significant increase in demand for advisory services with 139,684 calls and emails from workers and employers – up from 74,800 in 2020.
- In addition, in 2019 the Ministry removed the Self-Help Kit, doubled the statutory recovery period from 6 months to one year and launched the *Temporary Foreign Worker Protection Act*. Pandemic response actions including temporary layoff variances, vaccination leave, and illness and injury leave also resulted in new work for the Branch. All of these factors and improvements made the Branch more accessible, and increased demand for its services.
- The Branch also pivoted from a mediation/adjudication model to a full compliance investigation model. While the new investigation model provides greater access and opportunity to participate in the complaint process for workers, as well as enhanced education, resolution and compliance service delivery, these benefits require additional time, training and skills, and resources by Investigators.
- To address the increase in complaints, the Ministry has developed new, streamlined intake and triage processes to provide better outcomes for workers, improved the use of technology as part of its overall digital transformation strategy and improved information gathering.
- As of February 15, 2023, the backlog was reduced Government Financial Information to 4,584.
- The Branch is actively recruiting and onboarding new permanent and temporary staff in all roles that support complaints process, including Data Integrity Clerks, Employment Standards Officers, Industrial Relations Officers and Decision Makers.

Contact:

Mary Walsh Executive Director Employment Standards 604 398-6108
Branch

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Paid Sick Leave

Revised: March 19, 2023

Issue: Paid COVID-19 Sick Leave and Paid Personal Illness and Injury Leave

Response:

- To better support workers and employers during the pandemic, and to support healthy and safe workplaces, our government established two new sick leaves under the *Employment Standards Act* (the Act).
- In May 2021, the Act was amended (Bill 13) to establish two new paid leaves:
 - **COVID-19 sick leave** (effective May 20, 2021 to December 31, 2021): up to three days of paid leave for employees who have symptoms, are self-isolating, or are waiting for a test result.
 - **Permanent paid sick leave** (effective January 1, 2022): up five days of paid leave per calendar year.
- The minimum five-day entitlement for permanent paid sick leave was determined after a comprehensive public engagement and consultation process, including a public survey.
- I also personally met with representatives from the business community, labour organizations, Indigenous partners, and other stakeholders to hear their views.
- In March 2022, amendments were passed to simplify and strengthen the sick leave provisions, and to ensure that workers receive the entitlement to five days of paid sick leave per calendar year.
- I am aware of recent claims made by the Greater Vernon Chamber of Commerce regarding potential abuses of sick leave by employees. The Ministry is committed to ensuring that the rules balance the needs of both employees and employers.
- B.C. leads other provinces in supporting workers and ensuring that they do not have to go to work when they are sick.

Background/Status:

- In May 11, 2021, in order to support workers to stay home when they are sick, the *Employment Standards Act* (the Act) was amended (Bill 13) to provide:
 - A permanent entitlement to paid personal injury and illness leave (effective January 1, 2022); and,

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- Up to three days of paid COVID-19 sick leave (effective May 20, 2021 to December 31, 2021).
- An estimated 50% of B.C. employees did not previously have access to paid sick leave – meaning that upwards of one million workers in B.C. potentially benefit from receiving these new paid sick leaves. The ability to take paid leave is especially beneficial to many vulnerable and low-wage workers (often women or migrant workers) who lack benefits.
- In March 2022, amendments were passed to simplify and strengthen permanent paid sick leave. The changes:
 - Apply the entitlement on a calendar-year basis (not rather than “employment year” based on an employee’s employment start date). This simplifies administration for employers, and ensures workers receive five days of paid sick leave per calendar year, starting in 2022.
 - Provide workers with five days of paid sick leave regardless of the terms of a collective agreement. This addresses situations in which employers claimed to have collective agreements that “meet or exceed” minimum standards in the Act, even if the first five days of sick leave were not fully paid or some workers had no paid sick leave.

Paid personal illness and injury leave:

- Effective January 1, 2022, all employees covered by the Act are eligible for five days of employer-paid sick leave after 90 consecutive days of employment.
- In order to meet the needs of workers and support healthy businesses, the number of paid days was determined after a comprehensive, multi-phase public engagement and consultation process over Summer and Fall 2021.
- In the first phase, the Ministry of Labour invited all workers and employers to complete a survey regarding their current sick leave benefits, if any, and to comment on where improvements could be made.
- This survey informed the second phase, where the Ministry developed a paper presenting three options for public feedback and consultation: a minimum entitlement of three, five or ten days of paid sick leave per year.
- The Ministry then consulted on these options with a variety of stakeholders, including workers, employers, business associations, labour advocates, Indigenous partners, non-profit organizations, and local governments.
- The amendments passed in March 2022 to clarify paid sick leave provisions were also based on consultations with business associations and workers.

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Recent claims of employee abuse of sick leave

- In March 2023, the Greater Vernon Chamber of Commerce (GVCC) reported that a recent survey of its members shows employees are abusing sick leave provisions.
- Survey respondents stated that some employees are treating paid sick days as holidays and even trying to bank them for time off.
- The GVCC stated that it will be requesting the following rule amendments:
 - Some form of verification of illness be identified, such as a physicians' note;
 - Employer-paid sick leave be pro-rated for part-time or casual staff; and
 - Employers be compensated for paid sick leave, potentially through WorkSafeBC.
- Under the Act, an employer may ask for "reasonably sufficient proof" that an employee is entitled to paid sick leave. While this often means a doctor's note or similar documentation, it is not always necessarily the case and can depend on the particular situation.
- Where there is a dispute between an employer and an employee, "reasonably sufficient proof" will be determined by the Director of Employment Standards.

Paid COVID-19 sick leave:

- Employees in the following circumstances were eligible for up to three days of paid sick leave from the date of Royal Assent (May 20, 2021) until December 31, 2021:
 - they have been diagnosed with COVID-19 and are acting on the instructions or orders of a medical health officer or the advice of a medical practitioner, nurse practitioner, or registered nurse;
 - they are in quarantine or self-isolation in accordance with an order made by the provincial health officer or under the federal *Quarantine Act*, or in accordance with guidelines from the B.C. Centre for Disease Control or the Public Health Agency of Canada; or,
 - they have been directed by their employer to stay home because of concerns about an exposure risk for others.
- While employers were required to pay workers on COVID-19 sick leave their full wages, the Province reimbursed employers who do not have an existing sick leave program up to \$200 per day per worker to cover costs. For more information on this program see Estimates Note on Employer Reimbursement Program at TAB 23.

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Employer Reimbursement Program

Revised: March 19, 2023

Issue: Government established a temporary Employer Reimbursement Program to offset the costs for employers for up to 3 days of temporary COVID-19 related sick leave. The program was not extended to cover permanent paid sick leave costs.

Response:

- During the pandemic, many workers faced the difficult choice of going to work sick or losing pay. No worker should have to make this choice.
- In May 2021, amendments to the *Employment Standards Act* establishment a temporary paid sick leave for employees with COVID-19 related illness for up to three days.
- The temporary leave helped reduce workplace transmission of COVID-19 and filled gaps in the federal Canada Recovery Sickness Benefit.
- During this time, government committed to supporting businesses who did not already provide paid sick leave with reimbursements for COVID-19 paid sick leave of up to \$200 a day per employee from May 20, 2021 until December 31, 2021.
- To help stop the spread of the virus, this meant workers did not lose pay when they felt unwell during the pandemic and employers who did not offer paid sick leave would be helped with reimbursement.
- WorkSafeBC administered the Employer Reimbursement Program (the Program) on behalf of government because of its existing Information Technology infrastructure and database of registered BC employers.
- Government provided WorkSafeBC with \$1.4 million to administer and fund the creation of the Program and provided all funding for employer claims reimbursement.
- The Program processed more than 10,000 reimbursement claims for employers. Advice/Recommendations; Cabinet
Confidences These claims covered more than 33,000 workers to take COVID-19 related paid sick leave.

If asked about the high estimate and the low uptake for the program:

- The preliminary estimates to establish this program were prepared earlier in 2021; the Program launched on June 17, 2021, at a time when COVID-19 case counts were lower.

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- Reimbursement claims from employers were sensitive to COVID-19 transmission in our communities, which started increasing in September 2021.
- The Program was designed to ensure all eligible employers would receive reimbursements to December 31, 2021. Given the unpredictable nature of the pandemic, it was not possible to accurately forecast the total budget required.

Background/Status:

- The legislation established temporary COVID-19 related paid sick leave to be in effect from May 20 to December 31, 2021.
- WorkSafeBC launched the Employer Reimbursement Program (the Program) June 17, 2021. Initial uptake by employers was low. BC's Immunization Plan was well underway in June 2021 and COVID-19 case counts were low.
- Estimates by the Ministry of Finance indicated the Program could require government funding of \$321 million reflecting a 60% uptake by approximately 620,000 eligible BC employees taking all three days of paid sick leave at some point between May 20 and December 31, 2021.
- All employees who were covered by the Employment Standards Act (the Act) were eligible for the three days of temporary COVID-19 related leave. The self-employed, employees of federally regulated sectors and some professions are not covered by the Act.
- Employers who already provided sick leave benefits to all or some of their workers were not eligible for reimbursement.
- The intake for employers to submit eligible claims closed January 17, 2022 (for leave taken by December 31, 2021) but was re-opened January 28, 2022 to February 11, 2022 to provide additional time for employers to submit claims. There were 500 additional claims received during this additional time.

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Lorie Hrycuik, ADM

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: National Day for Truth and Reconciliation

Revised: March 19 , 2023

Issue: National Day of Truth and Reconciliation, September 30

Response:

- Our government is committed to lasting and meaningful reconciliation with the Indigenous Peoples of BC.
- In February 2023, Government introduced the *National Day for Truth and Reconciliation Act* in the BC Legislative Assembly, to establish September 30 as a provincial statutory holiday, effective 2023.
- This responds to the Truth and Reconciliation Commission's Call to Action #80 – which called upon the federal government to establish a statutory holiday to honour residential school survivors, their families, and communities.
- This means that eligible BC workers can observe September 30 with a paid day off or receive payment at premium rates if required to work.
- BC residents can help to advance reconciliation by participating in local commemoration or education events, having important conversations, and finding meaningful ways to learn more about our shared history on the day.
- In 2022, Government consulted with Indigenous partners, leaders, communities, in addition to BC employers and employees, to understand support for the new holiday. These consultations found overall strong support, particularly among employees and Indigenous leaders and partners.
- British Columbia joins Canada, Prince Edward Island, the Northwest Territories, Nunavut and the Yukon as jurisdictions that have designated September 30 as a statutory holiday.

Background/Status:

- On June 5, 2021, the Federal Government passed an amendment to the *Canada Labour Code* to add a new statutory holiday, the "National Day for Truth and Reconciliation" to be observed every September 30 by federally regulated workers.
- This responded to the Truth and Reconciliation Commission of Canada's call to action # 80 calling for the federal government to create a new statutory holiday

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honouring Indigenous survivors of residential schools, their families, and communities and publicly commemorating the legacy of residential schools.

- The federal government chose September 30 for the holiday to build on the grassroots momentum of Orange Shirt Day, which is already known as a day to remember the legacy of residential schools and to move forward with reconciliation.
- For September 30, 2021, and 2022, the national holiday was observed by federal employees and workers in federally regulated workplaces, including roughly 10% of BC workers employed in banks, airlines, the post office, and other federally regulated sectors.
- During this time, BC employers in provincially-regulated sectors were not required to give their employees a paid day off on September 30. Some provincially regulated employees were entitled to the federal holiday where collective agreement provisions required employers to honour federal holidays.
- In 2021 and 2022, the BC Government directed all public sector employers to observe this day as though it were a statutory holiday, in recognition of the obligations in the vast majority of public sector collective agreements and Government's commitment to reconciliation. Many public services remained open but operated at reduced levels. Most schools, post-secondary institutions, some health sector workplaces, and Crown corporations were closed.
- In Spring 2022, the Ministry of Indigenous Relations and Reconciliation engaged in targeted consultations with residential school survivors and Indigenous partners, leaders, and communities. This engagement found strong support for establishing the National Day for Truth and Reconciliation as a statutory holiday and using the day to enable BC workers to participate in commemorative events.
- In Fall 2022, the Ministry of Labour developed an online survey to understand support for the new holiday among BC employers and employees. The results of the survey demonstrate overall support for establishing the new statutory holiday. While employees showed strong support for establishing the new holiday, the lowest levels of support were found among small and private sector employers. Some private sector and small employers also voiced concerns that it would be difficult for them to manage the additional costs associated with the new holiday.
- In February 2023, Government introduced the *National Day for Truth and Reconciliation Act* in the BC Legislative Assembly to establish September 30 as a statutory holiday under the *Employment Standards Act*. This ensures that eligible BC workers are entitled a paid day off on the day or additional payment at premium rates, if required to work, effective 2023.

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- As BC public sector employers currently observe the day, this will not result in additional incremental cost pressure to the broader public service. The impact of the new holiday would be primarily on private sector employers and workers.
- While most Canadian jurisdictions close schools and government offices on September 30, Prince Edward Island, the Northwest Territories, Nunavut, and the Yukon have designated the day as a provincial/territorial statutory holiday.
- BC now has 11 statutory holidays and is tied with the Northwest Territories, Nunavut, and the Yukon as having the most statutory holidays in Canada.

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: B.C. Labour Relations Board Update

Revised: March 19, 2023

Issue: Update on the Labour Relations Board, including staffing, members and the voting processes

Response:

- **Staffing:** Labour Relations Board appointments fall under the responsibility of the Attorney General.
- As Minister of Labour, I continue to provide input and advice to government, ensuring a strong and effective Labour Relations Board that supports a stable and productive labour relations environment.
- I am pleased that the Labour Relations Board has been staffed with a full complement of appointees.
- **Resources:** The Ministry of Attorney General has responsibility for the budget and staffing levels of the Labour Relations Board.

Background/Status:

Staffing

- The Labour Relations Board (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 is a quasi-judicial administrative tribunal with a chair and vice chairs appointed by the Lieutenant Governor in Council through a merit-based process.
- As of February 23, 2023, the LRB is staffed with the following Order in Council (OIC) appointments:

Name	Position	Term
Jennifer Glougie	Chair	February 5, 2025
Brett Matthews	Associate Chair	July 30, 2025
Najeeb Hassan	Registrar and Vice-Chair	December 2, 2024
Andres Barker	Vice-Chair	April 30, 2025
David Duncan Chesman, Q.C.	Vice-Chair	July 30, 2025
Stephanie Ann Drake	Vice-Chair	July 30, 2025

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Name	Position	Term
Rene-John Nicolas	Vice-Chair	April 11, 2026
Gurleen Sahota	Vice-Chair	March 28, 2026
David Chesman	Vice-Chair	July 30, 2025

- The former Chair finished their term on February 4, 2021. Jennifer Glougie, the former Associate Chair, was appointed as the Chair, and Brett Matthews moved from a vice-chair into the role of Associate Chair.
- Historically, vice chairs are appointed in equal number from the employer and union communities to ensure a measure of balanced representation at the LRB. There is a history of consultation with the labour relations community prior to the appointment and/or re-appointment of vice-chairs.
- The LRB also employs staff lawyers, mediators, and administrative/support staff.
- Effective April 1, 2017, the Attorney General assumed responsibility for the appointment provisions of the *Labour Relations Code*. However, the Minister of Labour and ministry staff continue to provide advice on the appointments and engage directly with labour and employer stakeholders regarding concerns about LRB staffing.

LRB Chair

- On December 13, 2021, the Attorney General announced that Jennifer Glougie, who previously served as associate chair since May 2018, was appointed for a three-year term as the new chair of the LRB and of the Employment Standards Tribunal.
- Jennifer Glougie holds a law degree from the University of Victoria and a PhD in linguistics from the University of British Columbia.
- Jennifer Glougie takes over as chair from Jacquie de Aguayo, whose term ended February 4, 2022.

Members

- The Code provides, in addition to vice chairs, for the appointment of as many members equal in number representative of employers and employees as the Lieutenant Governor in Council considers proper.
- When used in the past, the primary role of members has been to provide policy input to the LRB and to assist in the mediation and settlement of disputes. Members are people employed in the labour relations community who act on an infrequent basis at the LRB (and are paid a per diem).

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Ministry: Ministry of Labour
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- In 2006, the terms of appointments of all members expired. No new appointments have been made, resulting in no use of members in any form in 15 years.
 - In 2007, a Committee of Special Advisors (the Committee), established under Section 3 of the Code, stated that members have an important role to play in the proper functioning of the LRB. Intergovernmental Communications
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- Effective April 1, 2017, the Attorney General assumed responsibility for the legislative provision under which members are appointed to the LRB. Labour staff remain engaged with the Ministry of Attorney General to provide any needed support and advice regarding the use of members.

Voting Processes

- Necessitated by the Pandemic, the LRB successfully implemented online voting in certifications. Except for a handful of mail ballot votes, all votes held since June 8, 2020, have been conducted electronically and within the five business-day window set out in the Code. While in-person votes remain available in appropriate circumstances, votes ordered by the Board will presumptively be held electronically.
- In June 2022, the *Labour Relations Code Amendment Act, 2022* (Bill 10), implemented a single-step union certification system (also known as “card check”), which allows workers to join a union when a clear majority workers indicate they wish to do so, instead of requiring a secret ballot vote.

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Minister Responsible: Hon. Harry Bains

- Since the enactment of Bill 10, the number of certification applications has increased (e.g., from 58 applications from January 1 to June 1, 2022 (pre-Bill 10) to 114 applications from June 2 to December 31, 2022 (post-Bill 10)). However, the number of representation votes significantly decreased after Bill 10, with only five certification applications being determined by such a vote from June 2 to December 31, 2022.

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Collective Bargaining

Revised: March 19, 2023

Issue: How the BC Labour Relations Board and the Ministry of Labour assist in collective bargaining disputes to facilitate resolution and protect the public interest

Response:

- The Ministry of Labour monitors collective bargaining disputes, including those that might have a negative impact on the public interest, whether in the public or private sector.
- Where possible, we encourage parties to use the services of the Mediation Division of the Labour Relations Board to assist them in resolving disputes. In addition, prior to a strike or lockout, where appropriate, the Labour Relations Board will establish essential service levels to protect the health, safety or welfare of British Columbians.
- Collective agreements have their best outcomes when negotiated at the bargaining table, allowing the parties to work out their differences; with mediation or similar help if necessary.
- The Ministry is not involved in the establishment of bargaining mandates for the public sector and is, in fact, neutral in collective bargaining. The mandate can be addressed by the Minister of Finance.

If asked about the status of the Fire and Police Services Collective Bargaining Act (the Act):

- The Ministry continues to monitor the operation and impact of this legislation, as it does with all labour legislation. However, there are no plans to amend the Act at this time.

Background/Status:

- As collective agreements expire in the private and public sectors, there is a risk of work stoppages (either strikes or lockouts) that may require the involvement of the Ministry of Labour (the Ministry). There may be pressure from the public, the parties involved and line ministries, or there may be political pressure to intervene in a particular dispute. The issue for the Ministry is identifying when and how to intervene, if at all.
- The Ministry is neutral with respect to collective bargaining. That is, the Ministry takes no position in collective bargaining or in any dispute other than to protect the

2023/24 Estimates Note

Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

public interest. The Ministry is not involved in public sector bargaining or the establishment of the public sector collective bargaining mandate.

- The services of the Mediation Division of the Labour Relations Board (LRB) may be needed to assist employers and unions to resolve disputes during collective bargaining. Generally, those services are accessed by one or both parties making an application to the LRB. Disputes may include establishing the services and staffing to ensure the provision of essential services to protect the health, safety or welfare of the residents of the province prior to a union being able to engage in a legal strike (or an employer in a legal lockout).
- The Ministry monitors all disputes that could have an impact on the public interest. Ministry staff provide advice to the Minister about when and how government may need to intervene in a dispute in order to protect the public interest. The Ministry may get involved informally or formally to assist the parties to facilitate collective bargaining. Further, the *Labour Relations Code* (the Code) provides formal mechanisms for the Minister to assist in disputes if requested by the parties, or if the Minister determines it to be necessary and in the public interest (e.g., appointing a Special Mediator or an Industrial Inquiry Commission with specific terms of reference).
- At times, there is public or media pressure for the Minister to direct the parties in a collective bargaining dispute to proceed to binding arbitration to resolve the dispute. There is no mechanism for the Minister to do that, including under the Code, except in police and fire fighter collective bargaining, due to the specific provisions of the *Fire and Police Services Collective Bargaining Act*.
- The Ministry is in touch with the parties in disputes to offer assistance, where possible, and to be as informed as possible of developments. The objective is to try to assist parties to achieve a voluntary end to their collective bargaining dispute while minimizing the negative impact of a work stoppage on the public.
- Generally, other jurisdictions in Canada have similar statutory mechanisms for intervention in collective bargaining disputes and for protecting the public interest.
- The *Fire and Police Services Collective Bargaining Act* (the Act) recognizes that there is no real right to strike or lockout with respect to police and fire fighters due to their high essential services nature and that an alternative mechanism is necessary to end bargaining deadlocks.
 - The Act establishes a framework for resolving collective bargaining disputes by binding interest arbitration. Either the union or the employer may apply to the Minister for direction that a dispute be resolved by arbitration if the parties fail to reach agreement on their own.
 - In past years, municipal employers have raised concerns about the specific requirements for the arbitrator set out in the Act. Some municipalities have

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argued that arbitrators have not placed sufficient emphasis on local economic conditions and other local collective agreement settlements, municipal financial capacity, local recruitment issues and the size of various municipalities in determining an appropriate economic adjustment.

- Municipalities and the Union of BC Municipalities (UBCM) have sought amendments to the Act and a broad-based review of whether the Act is meeting its objectives. Over the past several years, government has indicated to municipalities, UBCM and to the BC Professional Fire Fighters Association that there are no plans to review the Act, as the Act is achieving the objectives for which it was established.

BC Bargaining Database

- In 2008, the BC Bargaining Database was launched in partnership with the BC Federation of Labour, the Business Council of BC and the Labour Relations Board to provide data and trends on collective bargaining.
- The database provides important information about collective bargaining to the public. It is particularly valuable because it provides objective data to employers and unions about other collective bargaining settlements so that they do not have disputes about this information at the bargaining table. An online database and website was created in late 2013.
- Previously, a three-year shared cost-funding arrangement between the Ministry and the Business Council of BC was put in place to keep the database in operation to March 31, 2021. That three-year contract was based on a cost-sharing model in which the Business Council of BC makes an equivalent monetary contribution. The Ministry provided \$177,000 over the three years. The agreement was then extended for two more years, until March 31, 2023 with a Ministry contribution commitment of \$148,600 over the new period. As of March 3, 2023, the Ministry was in the process of finalizing a further two-year extension where the province commits to:
 - Fiscal 23/24 - \$85,500
 - Fiscal 24/25 - \$70,500

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Trevor Hughes Deputy Minister Ministry of Labour 778 974-2189

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Forestry Successorship

Revised: March 19, 2022

Issue: Industrial Inquiry Commission on Forestry Successorship

Response:

- Prior to the last election, I 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 IIC builds on recommendations government received from the 2018 independent review of the Code, which identified forestry industry successorship protections as an area that needed further consultation, study and analysis.
- In November 2021, I announced the appointment of Vince Ready and Amanda Rogers as the IIC.
- We received their report in early 2022. The report was publicly released in the summer of 2022.
- In the Summer and Fall of 2022, we also invited First Nations and forest sector employer and employee groups to make submissions regarding the report.
- This was in addition to holding information sessions on this matter for interested First Nations and my meeting with the First Nations Leadership Council.
- Lasting and meaningful reconciliation with the Indigenous Peoples of B.C. is a priority, so we are seeking solutions that consider and balance both workers' rights and the rights of First Nations rights and title holders.
- Government is proceeding on developing a policy to address the issue of forestry successorship and the labour impacts of tenure take-backs, and will engage with impacted First Nations as part of the process.
- At this time, Government is not contemplating amendments to the Labour Relations Code that the IIC recommended.

Background/Status:

- Advice/Recommendations; Intergovernmental Communications

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Advice/Recommendations; Intergovernmental Communications

- On September 20, 2020, the Ministry 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.
- In November 2021, Government appointed Vince Ready and Amanda Rodgers as an IIC to recommend ways to protect workers when contract tendering and the transfer of cutting and timber-harvesting rights fall outside of section 35 of the Code. Section 35 ensures that the collective bargaining rights of employees are protected when a business or part of it is sold, leased, transferred or otherwise disposed of.
- The Terms of Reference for the IIC stipulated that the consultation period was to last for no more than 45 days and that the report would be issued to the Minister within 60 days. The Ministry received the IIC report on February 10, 2022, and it was released to the public on July 28, 2022.
- The report made several recommendations, including the recommendation to expand the Code's successorship provisions so that they apply when Government initiates a transfer of harvesting rights to First Nations.
- Following the public release of the report, the Ministry engaged with BC First Nations and with labour organizations and employers in the forest sector by inviting them to make submissions regarding the IIC report and their recommendations. Submissions were received until September 29, 2022.
- In Fall 2022, the Ministry held five information sessions for interested First Nations, primarily attended by First Nations forestry staff. In addition, the Minister of Labour met directly with the First Nations Leadership Council, and Ministry staff engaged with the BC Alliance for Modern Treaty Nations.
- Advice/Recommendations; Intergovernmental Communications

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Michael Tanner

Executive Director

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Mandatory Five Year Review of the Labour Relations Code

Revised: March 19, 2023

Issue: Mandatory Review of the Labour Code

Response:

- The amendments to the *Labour Relations Code* (the Code), as made by Bill 30 (2019) and Bill 10 (2022), improve fairness for workers as well as promote stable and productive labour relations to the benefit of employers and British Columbians more broadly.
- The Code now requires the Minister of Labour to appoint a committee of special advisors to review the Code and make recommendations every five years. This is to ensure that there are regular and transparent public reviews that include consultation.
- The next review will be required in 2024. Ministry staff are currently working on initiating this review process.

Background/Status:

- In 2018, the Minister of Labour appointed the Labour Relations Code Review Panel (the Review Panel) to review the BC *Labour Relations Code* (the Code) and to provide recommendations for any amendments or updates to the Code.
- Based on the recommendations of the Review Panel, Bill 30, the *Labour Relations Code Amendment Act, 2019* made a number amendments to the Code including:
 - Changes to improve the fairness of the certification process. This included shortening the time between certification applications and the secret ballot vote (from 10 calendar days to 5 business days), strengthening the restrictions on employer communication during an organizing campaign, as well as expanding the Labour Relations Board's ability to impose certification in response to employer unfair practices;
 - Extending union successorship rights (i.e., the right of a union to maintain its certification when a business is sold or transferred) to situations where contracted services in specified sectors are retendered to another service provider; and
 - Requiring the Minister to, every five years, appoint a committee of special advisors to review the Code and make recommendations. This is to ensure that there are regular, transparent, and public consultative reviews.

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Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

- In 2022, Bill 10, the *Labour Relations Code Amendment Act, 2022*, built on the changes made by Bill 30 by implementing a single-step union certification system (also known as “card check”). This allows workers to join a union when a clear majority of 55% of all workers indicate they wish to do so, instead of requiring a secret ballot vote. This streamlining of the union certification process reduces opportunities for employer interference.
- Initial and early data provided in the BC Labour Relations Board’s (the Board) Annual Report for 2022 appears to show the objective of Bill 10 is being met (i.e., improved fair access to unionization). This is demonstrated through increased applications for certification after the passage of Bill 10 and a reduction in the time required for granting certification. In addition, the Board’s new audit process for verifying membership evidence demonstrates that there have been minimal issues regarding the veracity of the union’s application, or the membership evidence submitted in support, since single-step certification was implemented.
- In 2024, the Minister will be required to appoint a committee of special advisors to review the Code and make recommendations. Over the coming year the Ministry of Labour will be working on the appointment of the committee and developing the terms of reference for the upcoming review.
- The Minister of Labour’s 2022 mandate letter directs the Minister to:

“Ensure our labour law is keeping up with modern workplaces through the upcoming review of the Labour [Relations] Code, providing stable labour relations and supporting the exercise of collective bargaining rights.”

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Asbestos

Revised: March 10, 2023

Issue: Government and WorkSafeBC actions to address the safe use, handling, abatement, transfer and disposal of asbestos materials and products

Response:

- The Government of British Columbia is keenly aware of the extent to which asbestos is a significant health and safety issue for B.C. workplaces and workers.
- It is for this reason that government passed amendments to the *Workers Compensation Act* in 2022 establishing new protections to help keep workers safe from the danger of asbestos.
- These changes will require that asbestos abatement contractors be licensed to operate in B.C. and allow WorkSafeBC to require people who perform asbestos abatement work to complete safety training and certification.
- WorkSafeBC is undertaking the required policy, regulation and program development that needs to be done to ensure that the licensing and certification system meets its goals to protect workers.
- In the near future, government will pass a regulation to bring the asbestos licensing and training requirements into force. We want to be sure that WorkSafeBC, the industry, trainers and workers are ready to implement this change.
- The Ministry of Labour will continue to work with the other ministries and WorkSafeBC on other actions to keep workers, members of the general public and the environment protected from the dangers of asbestos.

Background/Status:

General:

- Asbestos safety is a matter of significant concern to the Government of British Columbia, worker and employer stakeholders, WorkSafeBC, local governments, public health officials and the public.
- A cross-ministry Asbestos Working Group, established in March 2017, consisting of the Ministry of Labour, Ministry of Environment and Climate Change Strategy,

2023/24 Estimates Note Advice to the Minister

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Ministry of Health, Ministry of Municipal Affairs and Housing, and WorkSafeBC, was provided the mandate “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 Working Group released a report in December 2018 that identified 16 recommendations on strategies and initiatives that the BC government and its agencies could undertake to further protect British Columbians and the environment from the dangers of asbestos.
- The Ministry of Labour continues to engage with other ministries and WorkSafeBC on the recommendations to keep workers, members of the general public and the environment protected from the dangers of asbestos.

Asbestos Abatement Licensing and Training:

- Based on recommendations from the Asbestos Working Group, the Minister of Labour introduced Bill 5, *Workers Compensation Amendment Act, 2022*.
- This legislation, which received Royal Assent on March 10, 2022, provides new protections to help keep workers safe from the danger of asbestos. Specifically, it requires that asbestos abatement contractors be licensed to operate in B.C. and provides authority for WorkSafeBC to require people who perform asbestos abatement work to complete mandatory safety training and certification.
- Until now, B.C. has lacked a comprehensive licensing and training system for asbestos abatement contractors.
- There is required policy, regulation and program development that WorkSafeBC needs to do to ensure that the licensing and certification system meets its goals to protect workers.
- WorkSafeBC is actively undertaking this work with the goal of having it completed as soon as possible and is engaging with workers and employers on the policies, regulations and program design.

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Bullying, Harassment and Mental Disorders

Revised: March 20, 2023

Issue: Actions to address bullying and harassment in the workplace

Response:

- The *Workers Compensation Act* provides compensation for work-related mental disorders resulting from one or more traumatic events, and those primarily caused by significant work related stressors including bullying and harassment.
- Providing this compensation recognizes that work-related mental disorders have a significant impact on workers, their families and the workplace.
- WorkSafeBC has developed a policy on bullying and harassment under the existing *Occupational Health and Safety Regulation* to prevent and address this behaviour in the workplace.
- WorkSafeBC has resources on its website in a Workplace Bullying and Harassment Tool Kit.
- Government encourages all employers and workers to review the policy and the resources to be fully aware of their responsibilities and duties to ensure that bullying and harassment have no place in British Columbia's workplaces.

Background/Status:

Bullying and Harassment as a Workers' Compensation Issue

- The *Workers Compensation Act* provides that:
 - Mental disorders resulting from one or more traumatic events experienced at work, as well as those resulting from significant work related stressors such as bullying and harassment (i.e., chronic stress), are compensated.
 - For significant work-related stressors, including bullying or harassment, the stressor must be the predominant cause of the mental disorder. The predominant cause requirement recognizes the unique characteristics of mental disorders, which can involve work-related and non-work stressors. Requiring that a mental disorder be predominantly caused by a significant work-related stressor arising out of employment, supports the objectives and financial integrity of the workers' compensation system.

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- The legislation explicitly recognizes bullying and harassment as significant work-related stressors that can result in a compensable mental disorder. The intent of this provision is to express a clear position that these destructive behaviours are simply not acceptable in the workplace.
 - In order for a compensation claim to be accepted, a psychiatrist or psychologist must have diagnosed a mental disorder.
 - Mental disorder claims that result from termination, discipline and other decisions related to a worker's employment are excluded – although a claim may be accepted if bullying or harassment accompany the decision and a mental disorder results.
- Advice/Recommendations; Cabinet Confidences

International Labour Organization (ILO) Violence and Harassment Convention.

- The ILO has established global standards aimed at ending violence and harassment in the world of work.
- Known as ILO Convention 190, the Convention on Violence and Harassment (C190), is the first international treaty to recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment.
- The C190 was adopted in June 2019, by the International Labour Conference of the ILO, and came into force on 25 June 2021.
- On January 23, 2023, the Government of Canada became the 25th country to ratify C190.
- BC supported Canada in ratifying C190 and is committed to its principles.

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Mental Disorders, Including Post-Traumatic Stress Disorder and First Responders

Revised: March 20, 2023

Issue: Mental Disorders, including Post Traumatic Stress Disorder (PTSD) and first responders

Response:

- Government is keenly aware of the difficult circumstances many first responders have faced and the toll this can take on them.
- As the Minister of Labour, I am committed to ensuring that British Columbia has a fair, effective and respectful workers' compensation system. This includes ensuring that injured workers and surviving dependents are the central focus.
- In spring 2018, government amended the *Workers Compensation Act* to provide a new mental disorder presumption for paramedics, police, fire fighters, sheriffs and correctional officers.
- This presumption covers mental disorders that may arise from a traumatic event experienced at work, such as Post-Traumatic Stress Disorder.
- These amendments also permit government to designate other occupations by regulation.
- In 2019 government passed a regulation to add nurses, emergency dispatchers and publicly funded health-care assistants to the mental disorder presumption.
- As Minister responsible for WorkSafeBC, I also acknowledged the need to look at other sectors for this presumption, because certain professions are more likely to experience trauma on the job that can lead to mental illness.
- WorkSafeBC has established a first responders' mental health steering committee, with participation from government, employers and unions representing first responders, to look at ways to reduce incidents of work-related mental health issues, including Post-Traumatic Stress Disorder.
- The federal, provincial and territorial ministers responsible for labour have been working together to reduce the stigma associated with mental health issues in the workplace, explore ways to enhance supports, and share information on best practices and research across provinces and territories.

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Background/Status:

Workers' Compensation for Post-Traumatic Stress Disorder (PTSD) and Mental Disorders

- The *Workers Compensation Act* (the Act) was amended in 2012 to expand coverage for workers who experience work-related mental disorders, including PTSD. The change means that all B.C. workers, including paramedics and other first responders, are covered for mental disorders caused by a larger array of traumatic events or stressors.
- In spring 2018, government introduced Bill 9, the *Workers Compensation Amendment Act*, 2018, to address concerns raised by a number of first responder stakeholders that coverage for mental disorders under the Act did not go far enough and that it was necessary to broaden the range of mental health injuries accepted by WorkSafeBC.
- This Bill amended the Act to provide a new mental disorder presumption for paramedics, police, fire fighters, sheriffs and correctional officers. These occupations are frequently exposed to traumatic events at work.
- The presumption covers mental disorders that may arise from a traumatic event experienced at work, such as PTSD.
- These mental disorders are presumed to have been caused by one or more traumatic events that an eligible worker was exposed to in the course of their work, rather than having to be proven, in order to obtain workers' compensation benefits and supports.
- Like other presumptions under the Act, the mental disorder presumption is rebuttable if there is evidence that the cause of the disorder was not the worker's employment.
- Bill 9 also provided Cabinet with authority to designate other occupations by regulation. This will allow other relevant occupations to be considered for the presumption.
- Effective April 16, 2019, government passed the *Mental Disorder Presumption Regulation* to add nurses, emergency dispatchers and publicly funded health-care assistants to the mental disorder presumption.
- The presumption enables easier access to workers' compensation for mental-health disorders that come from work-related trauma.
- The mental disorder presumption is about fairness and support for workers who experience higher-than-average mental harm due to the jobs they do on behalf of British Columbians.

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- The Minister of Labour has acknowledged the need to look at other sectors for this presumption, because certain professions are more likely to experience trauma on the job that can lead to mental illness.
- Other stakeholders, such as the Health Sciences Association, have lobbied government to have other specific occupations added to the *Mental Disorder Presumption Regulation*.

Actions to Support First Responders

- The Ministry of Labour has worked with other ministries, WorkSafeBC, employers, unions and first responders to step up efforts to prevent PTSD and other mental disorders in first responders, and to provide proper support through the employers, WorkSafeBC and the public health system.
- Specific initiatives include the following:
 - In 2015, WorkSafeBC struck the *Supporting Mental Health in First Responders Steering Committee* (the Committee), a multi-agency body with senior worker and employer representatives from fire, police and ambulance services, along with a senior government representative (Deputy Minister Trevor Hughes).
 - The website, **bcfirstrespondersmentalhealth.com** provides a central inventory of resources that allows for sharing of knowledge, resources and training across first responder agencies.
 - The “Share It. Don’t Wear It.” anti-stigma campaign has been created and put into action.
- The Committee has worked on the following activities and outcomes:
 - Conduct and publish a series of Deeper-Dive conversations;
 - Improve understanding of first responder issues by mental health practitioners;
 - Develop a framework for organizations to use to ensure families have the tools to support first responders and to ensure mental health is incorporated into retirement transitioning;
 - Increase awareness of the resources available on the BC First Responders’ Mental Health website.
- On January 26th and 27th the Ministry of Labour participated in the second BC First Responders’ Mental Health Conference. The included a roster of speakers and expert-led workshops.

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Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Meetings of Federal, Provincial and Territorial (F/P/T) Ministers Responsible for Labour

- The ministers responsible for labour have affirmed their commitment to work collaboratively on issues related to workplace mental health.
- As part of the F/P/T Strategic Labour Policy Committee 2022-2023 work plan, the Canadian Centre for Occupational Health and Safety is producing guidance tools and informational products that promote positive mental health for workers and employers in Canada.

Advice/Recommendations; Cabinet Confidences

- Advice/Recommendations; Cabinet Confidences

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Mental Health and Firefighters Cancer Presumptions - Update

Revised: March 6, 2023

Issue: Mental disorder presumption and cancer presumptions for firefighters.

Response:

- Government is keenly aware of the difficult circumstances many first responders, including firefighters, have faced and the toll this can take on them.
- In spring 2018, government amended the *Workers Compensation Act* to provide a new mental disorder presumption for paramedics, police, firefighters, sheriffs and correctional officers.
- This presumption covers mental disorders that may arise from a traumatic event experienced at work, such as Post-Traumatic Stress Disorder.
- These amendments recognize the important, dangerous and sometimes traumatic work that firefighters and other workers covered by these changes do every day to serve and protect British Columbians.
- The *Workers Compensation Act* currently recognizes 18 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.
- Each cancer presumption requires that the firefighter has worked for a minimum cumulative period of employment to be eligible for the presumption.
- Most recently, in November 2022, pancreatic cancer and thyroid cancer were added to the list of occupational diseases for firefighters.

Background/Status:

- The *Workers Compensation Act* recognizes that certain occupational diseases are presumed to result from a person's employment. These provisions are called "presumptions".
- On the basis of these legislated presumptions, if a worker contracts a specified occupational disease after a certain minimum period of employment, the worker is eligible for workers' compensation benefits without having to provide medical evidence that the disease is work-related.

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- Occupational disease presumptions for firefighters, and minimum employment periods, are set out in the Firefighters' Occupational Disease Regulation (Regulation).
- In 2022, pancreatic cancer, thyroid cancer, cervical cancer, ovarian cancer and penile cancer were added to the list of occupational diseases in the Regulation. The minimum employment periods for three cancers (colorectal cancer, testicular cancer and esophageal cancer) were also reduced.
- The British Columbia Professional Firefighters Association (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.
- The BCPFFA held its annual Robert E. Hall 2023 Legislative Conference on March 6th and 7th. Prior to this conference, the BCPFFA provided government briefing material which indicated its concern about mandatory prevention programs for occupational diseases and medical surveillance, and mandatory psychological safety in the workplace. Government MLAs met with the Vernon Professional Firefighters Association to hear about these issues.
- The BCPFFA has not requested additional presumptions in the Regulation at this time.

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Protecting the Lives and Safety of Workers

Revised: March 20, 2023

Issue: Review and develop options with WorkSafeBC to protect the lives and safety of workers

Response:

- As Minister responsible for WorkSafeBC, I continue to work diligently to make British Columbia workplaces safe for workers.
- Most employers in the province take worker health and safety seriously, but there is more that needs to be done to ensure workers are safe.
- I have clearly expressed to WorkSafeBC my expectations regarding the safety of workers, and I can assure all British Columbians that WorkSafeBC is taking the necessary steps to achieve this goal.
- WorkSafeBC has developed and is implementing a 2022-2026 Strategic Plan that can be viewed on WorkSafeBC's website.
- My 2020 Mandate Letter directs that I ensure WorkSafeBC increases the number of WorkSafeBC caseworkers and increases workplace safety inspections.

Background/Status:

- WorkSafeBC's mandate includes promoting the prevention of workplace injuries, diseases, mental disorders and deaths while ensuring sound financial management for a viable workers' compensation system.
- The Minister of Labour maintains an ongoing dialogue with the WorkSafeBC Chair about worker safety. Discussions include emerging safety issues and accidents that can highlight areas where more work needs to be done, including legislative, regulatory, policy and program actions.
- WorkSafeBC's 2022-2026 Strategic Plan and its 2022-2024 Service Plan include the following key elements:
 - Prevent workplace injury, disease, and death by engaging employers and workers in workplace health and safety;
 - Maximize overall recovery and post-injury earnings for injured workers;
 - Provide comprehensive insurance coverage for workplaces in B.C.;
 - Deliver service to stakeholders at defined service levels; and

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- Administer the Workers Compensation Act and Occupational Health and Safety Regulation
- Advice/Recommendations; Cabinet Confidences
- WorkSafeBC has staff working throughout B.C. to conduct inspections, support claims from workers and conduct assessments to support employers in B.C.

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Workers' Compensation Review

Revised: March 20, 2023

Issue: Ensuring that workers and surviving dependents receive fair compensation, effective services and respectful treatment for injuries or fatalities experienced in the workplace

Response:

- A fair, effective, and respectful workers' compensation system is of utmost importance to this government.
- This includes ensuring that injured and ill workers, and their surviving dependants, receive fair and timely compensation and are treated with dignity and respect.
- Over the past five years, significant work has been undertaken to improve programs and services to injured workers, including:
 - Bill 23, the *Workers Compensation Amendment Act, 2020*, which provides better support to injured workers and their families and enhances WorkSafeBC's ability to investigate workplace incidents.
 - Bill 5, the *Workers Compensation Amendment Act, 2022*, which requires asbestos abatement contractors to be licensed to operate in BC, and workers and others who perform asbestos abatement work to complete mandatory safety training and certification.
 - Bill 41, the *Workers Compensation Amendment Act (No. 2), 2022*, which aims to restore confidence in the workers' compensation system and support fair compensation for workers.
- Going forward, work continues on improving WorkSafeBC's overall service to workers, and to make BC's workers' compensation system among the best in Canada.

Background/Status:

- In addition to promoting, regulating and enforcing worker health and safety, WorkSafeBC's mandate includes providing fair wage-loss compensation to workers who are recovering from work-related injuries and rehabilitating those who are injured on the job.
- WorkSafeBC's mandate also provides that these services be undertaken while ensuring the sound financial management of the workers' compensation system.

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- While WorkSafeBC takes service quality very seriously and has implemented a number of improvements over the years, clients have continued to raise concerns about the quality of service, especially for complex cases that can present challenges to the system.
- These concerns have been taken very seriously by government and by the WorkSafeBC board of directors and executive.
- Since 2017, the Minister has made progress on effecting a desired shift in improving WorkSafeBC client services through the following initiatives and policy changes:
 - Board Governance: Government has appointed a number of new individuals to the WorkSafeBC board of directors, including the chair, to provide fresh perspectives and experience.
 - Internal WorkSafeBC Culture: The Minister directed the WorkSafeBC board of directors to implement a culture change within WorkSafeBC to improve services, with a focus on injured workers who need care, compassion and respect while they recover.
 - Employers: The Minister directed the WorkSafeBC board of directors to remind employers of their responsibilities and accountability to reduce workplace injuries and death under the *Workers Compensation Act* (the Act) and the Occupational Health and Safety Regulation.
 - Policies and Legislation:
 - In 2018, Government passed Bill 9, which added a presumption for first responders who experience trauma as a result of their work and which results in a diagnosed mental health injury/disorder. The amendment includes authority to add other occupations by regulation.
 - Effective April 16, 2019, government amended the Mental Disorder Presumption Regulation to ensure that nurses, emergency dispatchers and publicly funded health-care assistants are provided the mental disorder presumption for work-related trauma.
 - In 2019, Government passed Bill 18, which expanded the definition of firefighters who are eligible for the three workers' compensation presumptions currently available to firefighters – that is, the presumptions for certain cancers, for heart disease and heart injury, and for mental health disorders.
 - The Minister directed the WorkSafeBC board of directors to review its Rehabilitation and Claims Services policies to determine if there were policies that could be amended to ensure a worker-centred approach. The process, led by consultant Paul Petrie, resulted in a report published in April 2018 entitled “Restoring the Balance: A Worker-Centred Approach to Workers' Compensation Policy”.

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- Terrance Bogyo was engaged by the WorkSafeBC Board of Directors and issued a report “Balance. Stability. Improvement. Options for the Accident Fund” in December 2018.
- Lisa Jean Helps was engaged by the Attorney General and issued a report “WorkSafeBC and Government Action Review: Crossing the Rubicon”, in August 2019.
- In 2020 the Minister requested Jeff Parr to consult with business and labour leaders on the Petrie, Bogyo, and Helps’ reports and recommend appropriate legislative amendments.
- The government considered the three reports, along with the results of Parr’s consultations and recommendations, and in 2020 passed Bill 23, which contained provisions to:
 - increase the maximum earnings threshold for calculating workers’ compensation to bring BC more into line with other Canadian jurisdictions;
 - enhance WorkSafeBC’s occupational health and safety investigation framework to support the health and safety of workers by enacting further recommendations flowing from the 2012 sawmill explosion tragedies;
 - enhance the operational effectiveness of the workers’ compensation system; and
 - add a provision to shorten the statutory timeframe for WorkSafeBC to introduce an occupational disease presumption for COVID-19 so that workers in occupations impacted by COVID-19 will have quicker access to workers’ compensation benefits.
- In April 2019, Janet Patterson, a retired labour lawyer, was appointed to carry out a focused review of the workers’ compensation system. A report “New Directions. Report of the Workers’ Compensation Review, 2019” was submitted with recommendations for government consideration.
- In 2022, after considering Patterson’s recommendations, government pass Bill 41, which amended the Act to:
 - add a legal duty for employers to return injured workers to work;
 - require the WorkSafeBC Board of Directors to appoint a Fair Practices Commissioner to investigate complaints by workers and employers of alleged unfairness in dealings with WorkSafeBC and to make recommendations for resolving such complaints;
 - allow workers and employers to request a review by an independent health professional to assist in resolving a workers’ medically related appeal that is before the Workers’ Compensation Appeal Tribunal;

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- pay interest on delayed benefit payments;
 - prohibit employers from suppressing workers' compensation claims;
 - improve the fairness of annual inflation adjustments to compensation benefits; and
 - increase the maximum compensation for non-traumatic hearing loss.
- Government also passed Bill 5 in 2022 to require asbestos abatement contractors be licensed to operate in BC and enable WorkSafeBC to require people who perform asbestos abatement work to complete mandatory safety training and certification.

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Extending Coverage to Professional Athletes

Revised: March 20, 2023

Issue: Professional athlete organizations have asked that workers' compensation coverage be provided to professional athletes

Response:

- The Canadian Football League Players Association, alongside representatives from the Professional Lacrosse Players' Association, Professional Hockey Players' Association and the National Hockey League Players' Association, have approached government and WorkSafeBC about extending workers' compensation coverage to all professional athletes working in Canada.
- By a longstanding order, WorkSafeBC exempts professional sports competitors or athletes from workers' compensation.
- WorkSafeBC has a policy review of this exemption underway to consider whether the exclusion of professional sports competitors from coverage should continue.

Background/Status:

- Section 2 (1) of the *Workers Compensation Act* (the Act) provides that the workers' compensation provisions apply to all employers and workers in British Columbia except employers or workers exempted by order of WorkSafeBC.
- By a longstanding order, WorkSafeBC exempts professional sports competitors or athletes from workers' compensation.
- For the exemption to apply, the professional sports competitor or athlete must be competing in a sport entailing:
 - physical activity;
 - the existence of rules governing how the sport is played; and
 - competition, whether among teams or individuals.
- This exemption does not apply to non-competing workers of a sports team, such as coaches, management, trainers or other support staff.
- British Columbia is not alone in exempting sports competitors and athletes from workers' compensation coverage. For example:
 - Ontario does not extend coverage under any circumstances to teams or individuals competing in sports.

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- By regulation, Manitoba does not extend coverage to “athletes.”
 - New Brunswick’s labour related act exempts coverage for persons who play sports as their main source of income.
- In recent years, several meetings and conversations have occurred on this issue:
 - In October 2018, a group representing over 3,500 professional athletes from across Canada met with former Premier Horgan and Minister Bains. Representatives included the Canadian Football League Players Association (CFLPA), alongside representatives from the Professional Lacrosse Players' Association, Professional Hockey Players' Association, and the National Hockey League Players' Association. Representations were made in support of appropriate workers' compensation coverage for all professional athletes working in Canada.
 - On Feb. 28, 2019, Minister Bains met with the president of the BC Lions, general counsel for the Canadian Football League, and vice president and general counsel of the Vancouver Canucks on the same issue.
 - In March 2021, the Deputy Minister had a telephone call with the CFLPA regarding this issue.
 - In January 2022, the CFLPA met with WorkSafeBC staff on this issue.
- This issue is part of WorkSafeBC’s 2022-24 Assessment Policy workplan, available on WorkSafeBC’s website.
- Specifically, the workplan states that professional sports competitors are currently exempt from coverage, pursuant to a 1994 Workers’ Compensation Reporter Decision (Decision 60). The workplan project involves a review of Item AP1-4-1, Exemptions from Coverage, of the Assessment Manual, to consider whether the exclusion of professional sports competitors from coverage should continue to apply.

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Safety Headgear - Update

Revised: March 10, 2023

Issue: Amendment to the *Occupational Health and Safety Regulation* to continue to protect the health and safety of turban-wearing Sikhs while providing accommodation where there is no risk of head injury.

Response:

- Keeping workers safe on the job is a key responsibility for all employers.
- In the past, many employers relied on hard hats as the best way to protect workers from head injury on construction sites and other worksites.
- At the same time, making workplaces in British Columbia more inclusive is a priority for this government.
- In 2019, I asked WorkSafeBC to review the safety headgear regulations and consider changes to make them more inclusive.
- On September 1, 2021, the Occupational Health and Safety (OHS) Regulation was changed for safety headgear, such as hard hats, in the workplace.
- This change creates more inclusive workplaces. Government is building an economy that benefits everyone, which includes ensuring safe workplaces are inclusive to people regardless of their faith.
- With the changed OHS Regulation, employers must now take steps to eliminate or minimize the risk of head injury from thrown or falling objects before requiring a hardhat.
- I can assure all workers and employers that I will continue to monitor how the implementation of this regulation unfolds over time, especially in light of my commitments to worker safety and inclusivity in British Columbia.

Background/Status:

- Keeping workers safe on the job is a key responsibility for all employers. In the past, many employers relied on hard hats as the best way to protect workers from head injury on construction sites and other worksites.
- In the past, the Sikh community has raised concerns about not being able to fully participate in the workforce because of some employers' approach to the safety headgear requirement.
- In some workplaces, safety headgear, such as hard hats, is used to protect workers from head injury from falling objects and other hazards. In many workplaces, employers have approached the regulation with a blanket rule requiring all workers

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to wear a hard hat on the job, even in areas where the level of risk may be low or non-existent.

- In 2019 Minister Bains asked WorkSafeBC to review safety headgear regulations and consider changes to make them more inclusive.
- WorkSafeBC held extensive public and stakeholder consultations in 2020 and early 2021. Employers, industry associations, workers, unions and community leaders shared their perspectives on the proposed changes, which were considered as part of the decision.
- On April 27, 2021, the WorkSafeBC board of directors approved a regulatory change to Part 8 of the Occupational Health and Safety Regulation (OHSR) dealing with safety headgear.
- On September 1, 2021, this regulatory change came into effect.
- With the changed OHS Regulation, employers must now take steps to eliminate or minimize the risk of head injury from thrown or falling object. For example, employers can set up safe zones on the worksite where there is no risk of objects falling from above or install safety nets to prevent falling objects from hitting anyone working below.
- However, in cases where the employer can't eliminate or reduce the risk to a level that protects worker safety, hard hats are still needed.
 - WorkSafeBC undertook a consultation and education initiative with the construction industry in 2022 to raise awareness about the regulatory change on safety headgear and how it should be applied on the construction site.
- If a worker can't wear a hard hat because they wear religious headwear such as a turban, the worker may:
 - Talk to their employer or supervisor to find out what the employer has done to eliminate or reduce risks to the lowest level practicable before relying on safety headgear to protect the worker from head injuries.
 - If the worker has a worker representative or joint health and safety committee at their workplace, the worker can talk to them about what the employer has done to reduce risks so that hard hats are not needed.
- If a worker has questions or concerns about the steps an employer has taken to reduce the risk, they may contact WorkSafeBC's Prevention Information Line.

Contact:

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Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: **Work with Minister of Mental Health and Addictions to Develop Better Options for Chronic Work-Related Pain (Mandate Letter Commitment)**

Revised: March 21, 2023

Issue: **As stated in the mandate letter to the Minister of Labour, work with Minister of Mental Health and Addictions to Develop Better Options for Chronic Work-Related Pain.**

Response:

- My mandate letter includes direction to develop better options for chronic work-related pain, including improving pain management practices for injured workers and providing treatment on demand to those with chronic pain as a result of workplace injuries.
- I am working collaboratively with the Ministry of Mental Health and Addictions and WorkSafeBC to develop options that ensure injured workers have the medical care and pain management they need.
- This includes improving pain management practices for injured workers and providing a variety of supports to those with chronic pain as a result of a work-related injury.
- It also includes collaborating with the Ministry of Mental Health and Addictions to support the expansion of the Tailgate Toolkit Project (an innovative harm reduction program) piloted by the Vancouver Island Construction Association for construction and trades workplaces across B.C.
- WorkSafeBC is conducting a review of the chronic pain policies to improve consistency in the adjudication, management, and treatment of chronic pain. Work on this policy review will continue through 2023.

Background/Status:

- The *Workers Compensation Act* does not specifically refer to pain or chronic pain as a compensable condition. However, WorkSafeBC policy provides that a worker's pain symptoms may be accepted as compensable where the evidence indicates that the pain results as a consequence of an employment-related injury, mental disorder, or occupational disease.

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- Guidance on determining a worker's entitlement to compensation for pain and chronic pain is set out in two separate policies in WorkSafeBC's Rehabilitation Services & Claims Manual.
- Chronic Pain that is permanent and disproportionate to the associated physical or psychological injuries may be granted a pension award of 2.5% of Permanent Functional Impairment.
- Under WorkSafeBC policy, chronic pain is considered a separate condition when pain remains six months after an injury and beyond the usual recovery time for the injury.
- If WorkSafeBC accepts chronic pain on a worker's WorkSafeBC claim, they may grant the worker health care benefits, such as a referral to a therapist or to a pain management program.
- If the worker has a certain type of chronic pain, WorkSafeBC can assess the worker for a permanent partial disability award over and above any award that the worker has received for any other condition.
- If the chronic pain impacts the worker's ability to perform their pre-injury job, the worker may be entitled to vocational rehabilitation benefits.
- If a worker disagrees with WorkSafeBC's decision to deny a claim, the worker can request a review by the Review Division. The worker has 90 days from the date of the decision to request the review. If the worker disagrees with the Review Division decision, they have 30 days to file an appeal to the Workers' Compensation Appeal Tribunal.

WorkSafeBC's review of this issue

- WorkSafeBC is conducting a review of the chronic pain policies to improve consistency in the adjudication, management, and treatment of chronic pain.
- This review includes consideration of Paul Petrie's recommendation regarding chronic pain as directed in his 2018 report to WorkSafeBC's Board of Directors. Petrie recommended that WorkSafeBC amend its policies:
 - to ensure that all necessary treatment to maximize the worker's ability to return to safe productive and durable employment has been carried out; and
 - regarding how awards are considered in case of serious chronic pain.
- Work on this policy review will continue through 2023.

Contact:

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: **Bill 41 - Amendments to the *Workers Compensation Act***

Revised: March 21, 2023

Issue: ***Workers Compensation Amendment Act (No. 2), 2022 (Bill 41)***

Response:

- Bill 41 amended the *Workers Compensation Act* to:
 1. Add a legal duty for employers to return injured workers to work.
 2. Require the appointment of a Fair Practices Commissioner to investigate complaints by workers and employers of alleged unfairness in dealings with WorkSafeBC and to make recommendations for resolving such complaints.
 3. Allow workers and employers to request a review by an independent health professional to assist in resolving a worker's medically-related appeal that is before the Workers' Compensation Appeal Tribunal (WCAT).
 4. Require the payment of interest on certain delayed benefit payments.
 5. Prohibit employers from suppressing workers' compensation claims.
 6. Improve the fairness of annual inflation adjustments to compensation benefits.
 7. Allow WorkSafe to increase the maximum compensation for non-traumatic hearing loss.
- These amendments support the Ministry of Labour's priorities for the workers' compensation system: enhancing worker and employer confidence in the system, fair compensation for injured workers and surviving dependants, and a worker-centric focus that also considers employers' interests.
- Government is committed to a sustainable workers' compensation system, with affordable and stable premium rates paid by employers, that places injured workers at the center. It also recognizes the importance of a WorkSafeBC Accident Fund that is healthy and sustainable.

Background/Status:

- Bill 41, which received Royal Assent on November 24, 2022, supports government's priorities for the workers compensation system, specifically:
 - enhance worker and employer confidence in the system;
 - ensure fair compensation for injured workers and surviving dependants; and,
 - have a worker-centric focus that also considers employers' interests.

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- Bill 41 acted upon recommendations made by several experts -- Paul Petrie, Lisa Helps, Terry Bogyo, Jeff Parr, and Janet Patterson – and received in reports to government since 2017. It was also the result of consultations that ensured that employers, workers, and other stakeholders had a voice in building a more balanced workers' compensation system.
- Specifically, Bill 41 amended the *Workers Compensation Act* (Act) to:
 1. **Add a legal duty to cooperate and a duty to maintain employment** – employers and workers are now required to cooperate with each other and with WorkSafeBC to return a worker to their pre-injury employment or, where this is not possible, to other suitable work. Employers with fewer than 20 workers are exempt from the requirement. WorkSafeBC may, at its discretion, impose an administrative penalty on an employer who has failed to comply with the duty to cooperate and the duty to maintain employment. In order to give WorkSafeBC time to establish the necessary policy and programs, these amendments will come into force by regulation of the Lieutenant Governor in Council at a later date.
 2. **Require WorkSafeBC to appoint a Fair Practices Commissioner** – the Fair Practices Commissioner (the Commissioner) will be appointed directly by WorkSafeBC's Board of Directors. The Commissioner will investigate complaints by workers and employers of alleged unfairness in dealings with WorkSafeBC, including systemic issues, and make recommendations to WorkSafeBC for resolving such complaints. The Commissioner will also produce an annual report. These amendments come into force on May 1, 2023.
 3. **Allow independent health professionals to assist in resolving appeals before the WCAT** – workers or employers are now able to request that the WCAT retain an independent medical opinion, thus increasing both worker and employer confidence in the appeal system when a worker's medical condition is at issue. These amendments come into force on April 3, 2023.
 4. **Pay interest on delayed benefit payments** – prior to the passage of Bill 41, interest on delayed compensation was only required under the Act to be paid by WorkSafeBC in very limited circumstances. Bill 41 added an additional, broader requirement for interest to be paid on compensation owed as a result of a WorkSafeBC Review Division or WCAT decision and where the injured

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worker has been entitled to that compensation for 180 or more days. These amendments come into force on April 3, 2023.

5. **Prohibit claim suppression** – claim suppression occurs where an employer acts to discourage a worker from filing a workers' compensation claim, or to punish them for doing so through dismissal, discipline, or other retaliatory action. Bill 41 added an explicit prohibition against claim suppression, with enforcement through the occupational health and safety penalty provisions, including orders and financial penalties. These amendments came into force on the date of Royal Assent, November 24, 2022.
6. **Increase the maximum compensation for non-traumatic hearing loss** – this amendment provides a benefit to workers who have suffered non-traumatic hearing loss as a result of their workplace duties and activities but who continue to work with no loss of income. Prior to Bill 41, the Act capped compensation for this situation at 15 percent of a total disability. Bill 41 removes the 15 percent cap from the provisions of the Act and provides WorkSafeBC with the authority to determine the cap by regulation. These amendments came into force on the date of Royal Assent.

Subsequently, the WorkSafeBC board of director's passed a Regulation, effective May 15, 2023, approving amendments to Schedule 2 of the Act that allow for a permanent functional impairment rating for total deafness in both ears of 36%.

7. **Improve the fairness of annual inflation adjustments to compensation benefits** - in 2002, the government of the day reduced cost-of-living increases for workers' compensation benefits from being indexed at the full rate of change to inflation, as measured by the Consumer Price Index (CPI), to being indexed at the annual change in CPI minus one percentage point. The maximum annual indexation was also capped at four percent. Bill 41 amended the Act to improve how compensation benefits are adjusted for cost-of-living increases so payments are fully indexed to CPI up to four percent. WorkSafeBC has also been provided with the discretion to approve higher adjustments when CPI exceeds four percent. The amendments ensure that the cost-of-living increases better support the long-term financial well-being of injured workers and their families while, at the same time, providing a measure of financial protection for the Accident Fund and employer premiums. These amendments came into force on the date of Royal Assent, November 24, 2023.

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At its November 23, 2022 meeting, the WorkSafeBC Board of Directors approved using full CPI set at 6.879778% to adjust periodic payments of compensation, effective January 1, 2023.

- Bill 41 is another step to improve the workers' compensation system in BC and ensure that it is worker-centric. In addition, each of the amendments included in Bill 41 enabled BC to catch-up to similar measures that already existed in other Canadian jurisdictions.
- With the passage of Bill 41, BC's workers' compensation system is now among the best and most current in Canada.

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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Overview of Forest Worker Support Programs to Address Old Growth Impacts

Revised: March 23, 2023

Issue: 2022 Forest Worker Support Programs for B.C. mill workers, forest dependent contractors and their employees.

Response:

- On November 2, 2021, government announced an updated multi-year Bridging to Retirement Program as a part of a suite of forest industry supports for communities across B.C. impacted by old growth logging deferral decisions, fibre shortages and pauses in BC Timber sales.
- The province has brought together co-ordinated and comprehensive supports for workers, communities and First Nations to offset any economic impacts that may follow from new restrictions on harvesting old growth forests.
- The Bridging to Retirement Program is part of this comprehensive suite of supports, that when utilized together will help impacted workers and their families transition through these challenging times in the forest sector and ensure no one is left behind.
- I'm proud of the supports we have available for forestry workers. I appreciate the support and commitment from communities, organized labour, Indigenous Peoples and employers who help make these programs successful.
- We will continue to work in close partnership with the other ministries to deliver the suite of programs offered by government to support workers, contractors, their families, and communities as programs are updated to best respond to the changing needs of the forestry sector.
- The other ministry partners include: Ministries of Jobs, Economic Development and Innovation, Post-Secondary Education and Future Skills, Forests, and Social Development and Poverty Reduction – with WorkBC Centres.
- See the Bridging to Retirement Program Estimates Note for additional information.

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Advice to the Minister

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Background/Status:

Budget 2022 included funding of \$185 million over three years for forestry community and worker supports to provide enhanced supports to forest workers and contractors, communities, First Nations, and businesses affected by temporary old growth deferrals.

These supports are delivered cooperatively and collaboratively by the Ministries of Labour, Jobs, Economic Development and Innovation, Post-Secondary Education and Future Skills, Forests, and Social Development and Poverty Reduction – with WorkBC Centres. The following is an overview:

Overview of the Forestry Community and Worker Supports:

Ministry of Labour:

Bridging to Retirement Program

- Program intake for voluntary and impacted eligible forestry workers and contractors 55 and older is available where workers could receive up to \$75,000 to transition to retirement, helping to open jobs for younger workers.
- Impacted workers facing permanent closures of their mill do not require employer approval, however, voluntary applicants do, to ensure there is no operational impact with the older workers bridging to retirement.
- As of March 8, 2023, 95 impacted applications and 594 voluntary applications have been received. The program has approved 274 applications, totalling more than 11 million dollars. The other applications are either in progress, some are ineligible, or some workers declined to participate through the process. Some voluntary worker retirement applications did not receive employer approval due to operational challenges to replace the specialized and skilled workers who would retire.

Ministry of Jobs, Economic Development and Innovation:

Forest Employment Program

- Creates short-term employment to help forest contractors explore new work.

Community Transition Rapid Response Teams

- Provides on-the-ground economic development and community support service, will coordinate with ministries and organizations to ensure supports are in place for individuals and communities.

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Rural Business and Community Recovery Initiative

- Recovery advisors will be in place to help create jobs, support rural businesses and communities, and support strategic decision making.

Rural Economic Diversification and Infrastructure Program

- Supports rural economic development projects that promote economic capacity building, economic diversification, resilience, clean economy opportunities and infrastructure development.

BC Manufacturing Jobs Fund

- Helps manufacturing companies modernize, innovate, and grow by providing funding for capital projects in all regions in B.C., particularly in communities affected by economic impacts or downturns.

Ministry of Post Secondary Education and Future Skills:

Skills Training for Job Pathways

- Connects impacted workers and communities with skills training and educational opportunities for different job opportunities with their existing employer or in new careers.
 - Employer Training Grant for Workers
 - Community Workforce Response Grant for Workers

Ministry of Social Development and Poverty Reduction:

WorkBC Centres

- Employment Services, delivered through 102 Work BC centres, is the largest network of employment providers in the province. Expert employment counsellors work directly with job seekers to discuss individual circumstances, assesses worker needs and matches them with the services that will best help them get employed.

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Contact:

Rebecca Johnston	Title	Branch Name	Phone Number
	A/Executive	Labour Division,	236.478.1943
	Director, Forestry	Forestry Worker	
	Worker Support	Support Programs	
	Programs		

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Bridging to Retirement Program

Revised: March 21, 2023

Issue: 2022 Retirement Bridging Program

Response:

- Our government is committed to supporting workers, their families and communities as part of a suite of forest worker supports related to old growth deferral decision process.
- On November 2, 2021, government announced an updated multi-year Bridging to Retirement Program as a part of a suite of forest industry supports for communities across B.C. impacted by old growth logging deferral decisions, fibre shortages and pauses in BC Timber sales.
- The updated Bridging to Retirement Program is designed to support full time mill workers, forestry-dependent contractors and their employees aged 55 and older to retire from the forestry industry and where possible, open or provide access to well-paying jobs for impacted junior workers.
- Our Bridging to Retirement Program offers up to \$75,000 to mill workers, contractors and their employees to transition to retirement.
- Those impacted by job loss, closures, or shift reductions and those who voluntarily wish to retire, with employer agreement can participate in the program.

If asked about budget for the program:

- Budget 2022 provided \$185 million over the fiscal plan until March 2025 to support communities through the deferral of logging in old growth forests.
- This includes funding to connect workers to employment opportunities, to provide skills training to community members and to forge partnerships with businesses and communities to transition and create jobs through diversified economies and infrastructure projects.
- Funding for the Bridging to Retirement Program is included in the 185 million.

Background/Status:

- From 2019/20 – 2021/22, the Bridging to Retirement Program delivered over \$46.8 million in funding to help 1,046 older workers retire early, creating vacancies for over 600 forestry jobs for younger workers, keeping our communities strong.

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- As of December 2021, the Province committed 185 Million to provide enhanced supports which includes Bridging to Retirement benefits to workers, contractors and communities as old growth deferrals are implemented.

GENERAL PROGRAM ELIGIBILITY

- Full time worker employed at an open or impacted B.C. mill, or a B.C. forestry dependent contractor on or after Nov 2, 2021, due to an old growth decision, fiber supply shortages or pause in BC Timber Sales, resulting in a permanent or indefinite closure, or a curtailment of at least four months.
- Must be at least 55 years old at time of application.
- Has worked for the last 2 consecutive years at a mill or a forest dependent contracting business.

IMPACTED WORKER STREAM	VOLUNTARY WORKER STREAM
<ul style="list-style-type: none"> Worker experiences permanent job loss at mill or forest contractor due to closure or indefinite curtailment for more than 4 months. 	<ul style="list-style-type: none"> Worker is currently employed with a B.C. mill or forestry contractor that is currently open.
<ul style="list-style-type: none"> Employer <u>does not</u> need to agree to worker participation. Employer cost share agreement amount is based on the minimum worker Employment Standards Act (ESA) severance entitlements that the employer is expected to pay directly to the worker in B.C. Worker retirement date is based on the Record of Employment date provided to the worker. No new job vacancy is created. 	<ul style="list-style-type: none"> Employer must agree to worker participation. Employer must create a cost share agreement amount with the Ministry of Labour to be paid directly to the worker. Worker and employer must mutually agree to a retirement date. Employer commits to filling the vacancy with a more junior impacted worker. Worker retirement will not create operational risk for the employer.

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

<p>If the worker accepts benefits:</p> <ul style="list-style-type: none"> • Must agree not to work as an employee for 18 months in any industry. • Must permanently vacate position and relinquish their seniority with employer. • Can start and operate their own business to support rural economic development. 	<p>If the worker accepts benefits:</p> <ul style="list-style-type: none"> • Must agree not to work as an employee for 18 months in any industry. • Must permanently vacate position and relinquish their seniority with employer. • Can start and operate their own business to support rural economic development.
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- Applicants can receive a maximum combined payment of up to \$75,000 based on years of experience, age and the amount of the employer's contribution. The benefit is calculated at \$5,000 for each year in the industry to a maximum of 15 years (i.e. the \$75,000 maximum).
- This bridging benefit payment amount is reduced by \$5,000 for each year of age over 55 to a maximum of 10 years. Benefit calculation amounts with worker ages exceeding the 10 year maximum will utilize the age of a 65 year old for individuals over the age of 65 will be
- For impacted workers, the bridging benefit amounts noted above will be reduced by the amount each applicant would have received based on severance compensation for length of service calculated under the *Employment Standards Act*, to a maximum of eight weeks of salary will be deducted from the benefit amount as this would be paid directly to workers by the employer. This represents the employer cost-sharing aspect of the program.
- For voluntary retirees, the bridging benefit amounts will be reduced by the amount each eligible applicant would receive based on the negotiated contribution amount paid to the worker directly by the employer. Typical employer cost-sharing contributions include the extension of health and dental benefits, or pay in lieu, for a period of 12-18 months.
- The Ministry of Finance's Tax Policy Branch and the Canada Revenue Agency (CRA) have confirmed that these payments will be considered a taxable retiring allowance and the province will be required to deduct and remit income tax on these payments at the rates prescribed by the CRA:
 - 10% on amounts up to and including \$5,000
 - 20% on amounts over \$5,000 up to and including \$15,000
 - 30% on amounts over \$15,000

2023/24 Estimates Note Advice to the Minister

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Minister Responsible: Hon. Harry Bains

Program Spend to Date:

- The program has supported 341 forest workers by providing over \$14 M in funding between November 2021 and March 2023.*
- Since the launch of the new Program, the following is the number of workers and retirement benefits committed by fiscal year:

Advice/Recommendations

- Including operational costs, the program is estimated to spend approximately \$15 million in 2022/23.

Contact:

Rebecca Johnston A/Executive
Director

Labour Division,
Forestry Worker
Support Programs

236.478.1943

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Parliamentary Secretary for Labour and its role
in the Ministry of Labour

Revised: February 24, 2023

Issue: The Parliamentary Secretary's mandate and workplan

Response:

- I am very pleased that Janet Routledge, Parliamentary Secretary for Labour, is helping to advance several priorities at the Ministry of Labour.
- The Parliamentary Secretary for Labour will be proposing employment standards and other protections for app-based ride-hail and food delivery workers. This work includes consulting with workers, platform companies and labour and business organizations.
- The Parliamentary Secretary will also support the development and maintenance of relationships with organized labour to ensure their feedback is considered in labour policy development.
- Parliamentary Secretary Routledge's consultations with key stakeholders, Indigenous peoples and the broader public will support the development of policy and legislative options for government's consideration.

Background/Status:

- MLA Janet Routledge was appointed as Parliamentary Secretary for Labour in December 2022.
- Supporting the Minister of Labour, the Parliamentary Secretary's specific mandate is to help advance these shared responsibilities:
 - Support development and maintenance of relationships with organized labour to ensure their feedback is considered in policy development.
 - Continue work to develop a precarious work strategy that reflects the diverse needs and unique situations of today's workers and workplaces.
 - Propose employment standards and other protections relevant to app-based ride hail and food delivery drivers.
 - Investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.
 - Review labour policy innovations in other jurisdictions related to the emerging economy and precarious work to identify trends that may inform the development of labour policy in British Columbia.

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

- Work with the Minister of Post-Secondary Education and Future Skills to develop partnerships between labour and business organizations to identify and advance in-demand programs that will ensure workers have the skills they need to participate in the new economy.
- Advice/Recommendations; Cabinet Confidences

- Advice/Recommendations; Cabinet Confidences

Advice/Recommendations; Cabinet Confidences Consultations
have occurred with platform companies, workers, and labour and business associations. Ministry staff are summarizing the consultations in a What We Heard report.

- The Parliamentary Secretary provides input and advice on other ministry initiatives to support the Minister's work.
- For more information on the precarious and gig worker strategy, see note # 54.

Contact:

Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Honourable Harry Bains

Title: **Precarious and Gig Worker Strategy** Advice/Recommendations; Cabinet
Confidences
Advice/Recommendations;
Cabinet Confidences

Revised: March 20, 2023

Issue: Precarious and Gig Worker Strategy

Response:

- The economy and workforce have changed dramatically over the past few decades, and we've seen the growth of precarious work and the gig economy.
- The increase in gig and precarious work includes a growing prevalence of app-based gig work, independent contractors, part-time work and people working multiple jobs. BC's labour laws and policies have not always kept up with these changes.
- The ministry has implemented a number of initiatives over the past five years as part of the precarious work strategy.
- A current focus is on employment standards for app-based ride-hail and food delivery workers.
- Workers value the flexibility of gig work, and people in B.C. have embraced ride-hail and food-delivery services.
- We have learned the lack of employment standards in some gig jobs creates serious vulnerabilities for workers.
- Most people agree, the working conditions in this sector have room for improvement.
- We will work together with platform companies and the workers themselves - to develop minimum standards appropriate for ride-hail and food-delivery work.

Background/Status:

- The economy and workforce have changed dramatically over the past few decades and we've seen the growth of precarious work and the gig economy.

2023/24 Estimates Note

Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Honourable Harry Bains

- The increase in gig and precarious work includes flexible and temporary jobs, often served by way of an online platform. Ride-hail and food delivery workers have received much public attention in recent years and are the focus of the ministry's current review.
- The ministry has implemented a number of initiatives over the past five years as part of the precarious work strategy, including:
 - increasing the minimum wage,
 - improved workers' compensation benefits and support for workers,
 - workplace safety measures,
 - enhanced employment standards and access to the Employment Standards Branch, and
 - improved access to collective bargaining.
- A specific challenge for gig workers is that they are often considered independent workers who are not "employees" covered by the protections of the *Employment Standards Act*, including minimum wage, overtime pay, and job-protected leaves, or by employer-paid workers' compensation under the *Workers Compensation Act*. Sometimes gig workers are truly independent workers, but other times they may be employees who are incorrectly classified as independent workers.
- A current focus is on employment standards for app-based ride-hail and food delivery workers.
 - The ministry is engaging with ride-hail and food delivery workers, platform companies, labour and business organizations to identify the benefits and challenges of this work and propose appropriate standards and protections for these workers.
 - In Fall 2022, the ministry's Parliamentary Secretary held ten in-person roundtable discussions for app-based ride-hail and food-delivery workers in 9 communities across B.C.
 - Over 120 workers participated – including those who rely on this work as their only or primary source of income, those who use it to supplement other employment, retirees, students, and recent immigrants to Canada.
 - In addition, 22 virtual meetings were held with platform companies, business associations, labour organizations, non-profit groups, academics and researchers.
 - An on-line survey was conducted with ride-hail and food delivery workers and the public for their views.

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Minister Responsible: Honourable Harry Bains

- The survey was available in English, French, Punjabi, Tagalog, Arabic, and traditional and simplified Chinese.
- Over 1,400 people completed the survey, with over 1,000 surveys completed by app-based ride hail and food delivery workers.
- The workers' responses offer insight into the reality of many app-based ride hail and food delivery workers in the province.
- 8.3% of respondents completed the survey in a language other than English. This engagement had the highest ever multilanguage response rate for a Citizen Engagement online survey.
- The themes heard in the consultations and the online survey are summarized in a "What We Heard" report.
- Advice/Recommendations
- Advice/Recommendations
- The precarious and gig worker strategy supports BC's Economic Plan by supporting people and families, and fostering innovation by encouraging the creation of flexible, well-paying jobs, which often rely on new technologies.

Contact:

Michael Tanner	Executive Director	Labour Policy and Legislation	778 974-2172
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Oversight of B.C.'s Labour Tribunals

Revised: February 24, 2023

Issue: Ministry of Attorney General has responsibility for the Labour Relations Board and Employment Standards Tribunal budgets, and certain provisions of the *Labour Relations Code* and the *Employment Standards Act*

Response:

- The Minister of Attorney General is responsible for the budgets of the Labour Relations Board and the Employment Standards Tribunal, along with certain legislative provisions relating to the administration of these tribunals.
- As the Minister of Labour, I am responsible for the labour policy reflected in the *Labour Relations Code* and the *Employment Standards Act*, which the Labour Relations Board and the Employment Standards Tribunal interpret and apply.
- The Ministry of Labour and the Ministry of Attorney General share an interest in having labour tribunals that function effectively. The two ministries consult and cooperate with each other on administrative matters, including appointments to the Labour Relations Board and Employment Standards Tribunal.
- The Ministry of Attorney General does not have budget and administrative oversight of the Workers' Compensation Appeal Tribunal because that is funded by WorkSafeBC and not by government.

Background/Status:

- Effective April 1, 2017, the Ministry of Attorney General assumed responsibility for the administrative justice and certain other tribunal-related sections of the *Labour Relations Code* in relation to the Labour Relations Board (LRB) and the *Employment Standards Act* in relation to the Employment Standards Tribunal (EST).
- The Ministry of 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 Ministry of Labour retains responsibility for matters related to reviews, appealable decisions, compliance, enforcement and sector-specific policies.
- Both tribunals were included in the budget transfer from the Ministry of Labour to the Ministry of Attorney General, also effective April 1, 2017.

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- 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.
- The budget and administrative oversight of the Workers’ Compensation Appeal Tribunal did not transfer to the Ministry of Attorney General because the Workers’ Compensation Appeal Tribunal is funded by WorkSafeBC and not by government.

Contact:

Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Anti-Racism, GBA+, Equity, Diversity and Inclusiveness

Revised: February 15, 2023

Issue: Implementation of Gender-Based Analysis Plus, Diversity and Inclusiveness within the Ministry of Labour

Response:

- The Ministry of Labour's approach to promoting fair, healthy and safe labour and employment relationships includes a commitment to maintain partnerships and develop projects that promote gender equity, address racism and build diverse and inclusive communities – and a recognition of the diversity and makeup of the communities it serves.
- In 2018, Government committed to reflect equity and intersectionality within its budgets, policies, programs, and practices, and approved the implementation of Gender-Based Analysis Plus (or GBA+) in the B.C. Public Service.
- GBA+ is particularly important for the Ministry of Labour, whose work touches upon workers and employers with a wide range of identity factors (gender, Indigeneity, race, class, age, education, sexual orientation, language, ability, and other identities).
- A GBA+ lens is applied to all Ministry legislative and policy initiatives, programs and service delivery to ensure that a broad range of gender-based and other identity perspectives are considered throughout the Ministry's work.
- The Ministry's work is also guided by Government's Diversity and Inclusion Strategy, which ensures that the B.C. Public Service is reflective of our province and inclusive of Indigenous peoples, minority communities, immigrants, persons with disabilities and the LGBTQ2S+ community.
- The Ministry has advanced Government's Diversity and Inclusion Strategy by implementing measures at all levels of the Ministry, including the promotion of inclusive language and increasing awareness of the diverse needs of Ministry staff as well as clients served by the Ministry.
- The Ministry is committed to developing more respectful and diverse workplaces and to ensuring that clients in under-represented equity groups are supported when accessing government services.

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Minister Responsible: Hon. Harry Bains

Background/Status:

Gender-Based Analysis Plus (GBA+)

- GBA+ is an analytical tool that includes the examination of a range of identity factors (gender, Indigeneity, race, class, age, education, sexual orientation, language, ability, and other identities) that supports a comprehensive approach to policy development that is people-centered and evidence-based.
- Over 160 governments and international/regional institutions, including 10 Canadian provinces/territories and the federal government, are using gender-based analysis tools as key components of their policy-making process.
- In 2018, the B.C. Government committed to gender equality by ensuring that gender equality is reflected in its budgets, policies and programs.
- The Minister of Labour's 2020 mandate letter included direction to support the Parliamentary Secretary for Gender Equity's work to close the gender pay gap by addressing systemic discrimination in the workplace and through new pay transparency legislation. This direction was further affirmed in the Parliamentary Secretary's 2022 Mandate Letter. The Minister of Finance introduced the Pay Transparency Act on March 7, 2023.
- The Ministry of Labour participates on a cross-government working group to promote GBA+ in government's work.

Related Ministry initiatives

- The Ministry has used gender-based analysis tools for some time and GBA+ has informed the development of recent policies and legislation, such as:

Employment standards:

- Minimum wage: was raised to \$15.20 by 2021 and tied to inflation in 2022. This provides more income to lower-wage workers, where women, youth and ethnic minority groups are generally over-represented.
- National Day for Truth and Reconciliation: this new holiday provides an important and significant opportunity for B.C. residents to learn and understand B.C.'s colonial history and the ways in which the residential school system has impacted Indigenous communities.

Workers compensation:

- Occupational diseases for firefighters: the addition of cervical cancer and ovarian cancer recognize the growing number of women firefighters and the associated health risks they face.
- Improved CPI adjustments for workers' compensation: improving the fairness of annual inflation adjustments to workers' compensation

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payments benefits people with work-related disabilities, many of whom live in precarious or economically disadvantaged circumstances.

- Claims suppression: prohibiting employers from discouraging workers from filing workers' compensation claims assists workers who are low-skilled or marginalized by reason of age, culture, race or language, and are therefore more susceptible to threats or intimidation by employers.

Temporary Foreign Workers:

- Temporary Foreign Worker Program: this programs help to protect vulnerable temporary foreign workers from exploitation and abuse.

Diversity and Inclusion Strategy

- The Government's current strategy is *Where We All Belong: Diversity & Inclusion Three-year Strategy, 2021- 2024*. The goals of the Strategy are to:
 - 1) support an increasingly diverse workforce;
 - 2) enhance inclusion in the workplace;
 - 3) build a strong foundation for lasting meaningful reconciliation; and
 - 4) remove barriers to accessibility in the workplace.

Related Ministry initiatives

- The Ministry is actively supporting the Strategy by working to develop more respectful and diverse workplaces and by ensuring that clients in under-represented equity groups are supported when accessing government services.
- The Ministry considers diversity and inclusion in its job postings, has offered training regarding unconscious bias, supports Indigenous reconciliation and actively promotes related training. The Ministry has also responded to staff input on inclusivity measures (e.g., use of gender-based language in correspondence, gendered washrooms signage, etc.). Job descriptions are reviewed for inclusive language.
- Certain programs at the Ministry have modified intake processes to allow the public to choose preferred pronouns, program websites have been reviewed and modified for accessibility, and steps have been taken to improve accessibility at physical work locations as well.

Contact:

Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: ***Declaration on the Rights of Indigenous Peoples Act Implementation***

Revised: February 22, 2023

Issue: Implementation of the *Declaration on the Rights of Indigenous Peoples Act* by the Ministry of Labour

Response:

- Government has committed to working toward true and meaningful reconciliation and is implementing the *Declaration on the Rights of Indigenous Peoples Act*, which is based on the objectives of the UN Declaration on the Rights of Indigenous Peoples.
- The Ministry of Labour participated with other Ministries in the development of Government's five-year *Declaration on the Rights of Indigenous Peoples Act Action Plan* (2022-2027), which was released on March 30, 2022.
- The Action Plan outlines actions the Province will take, in consultation and cooperation with Indigenous Peoples, to achieve the objectives of the Declaration Act.
- The Ministry of Labour is responsible for Action Item 4.46, which is to improve economic supports for Indigenous workers and employers by increasing access for Indigenous clients to the Ministry of Labour's services and programs, including employment standards, workers' compensation and workplace safety.
- The Ministry is committed to strengthening its consultation and collaboration with Indigenous peoples to identify barriers and enhance access to Ministry services and programs for workers and employers, including employment standards, workers' compensation, occupational health and safety, temporary foreign worker protection and forestry worker support programs.
- The Ministry is also committed to working with Indigenous peoples to ensure that provincial labour laws are consistent with the objectives of the UN Declaration on the Rights of Indigenous Peoples.
- The Ministry has engaged Indigenous groups and individuals on proposed changes to BC labour laws. Recent examples include: occupational diseases for firefighters, paid COVID-19 vaccination leave, domestic and sexual violence leave, paid sick leave, improved child employment regulations and the workers' compensation system.

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Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Background/Status:

- In 2017, all provincial ministries were tasked with moving forward on the Truth and Reconciliation Commission's Calls to Action and finding ways to implement it by reviewing Government policies, programs and legislation.
- In November 2019, B.C. passed the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act), becoming the first jurisdiction in Canada to formally adopt the internationally recognized standards of the UN Declaration on the Rights of Indigenous Peoples (UN Declaration) through legislation.
- The Declaration Act aims to create a path forward that respects the human rights of Indigenous peoples while introducing better transparency and predictability in the work we do as British Columbians.
- The Declaration Act contributes to the implementation of the UN Declaration in BC by:
 - Requiring the Province, in consultation and cooperation with Indigenous Peoples, to take all measures necessary to ensure the laws of B.C. are consistent with the UN Declaration (section 3);
 - Requiring the development and implementation of an action plan, in consultation and cooperation with Indigenous Peoples, to achieve the objectives of the UN Declaration (section 4);
 - Requiring the Province to report annually on progress made toward alignment of laws and achievement of the goals in the action plan (section 5); and
 - Enabling agreements with Indigenous governing bodies, including joint or consent-based decision-making agreements that reflect free, prior and informed consent (sections 6 and 7).

Current Ministry Action Plan item

- The Ministry of Labour is responsible for Action Item 4.46 in Government's five-year *Declaration on the Rights of Indigenous Peoples Act Action Plan* (2022-2027), which was released on March 30, 2022.:
 - Improve economic supports for Indigenous workers and employers by increasing access for Indigenous clients to the Ministry of Labour's services and programs, including employment standards, workers' compensation and workplace safety.
- Planning is underway to identify Ministry work to date, to leverage opportunities, and develop common indicators and reporting for this action item across the Ministry. The early goals are to develop a common consultation and cooperation approach with Indigenous partners, and the actions and the timelines to advance this work.

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Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

- There will be planning and scoping with the Ministry Branches to avoid duplication of effort, to promote initiatives across the Ministry, to create a common understanding with staff and to identify existing and ongoing partnerships with any Indigenous clients, groups or associations.
- The Ministry will leverage the work that WorkSafeBC has undertaken through an Indigenous Consulting Group that outlines a detailed three-year plan for the implementation and guidance on WorkSafeBC's efforts on collaborating and working with Indigenous peoples in our province.
- The Workers' Advisers Office, Employers' Advisers Office and Workers' Compensation Appeal Tribunal are integrated partners within the BC workers' compensation system and are working together to implement this Ministry Action Plan item. A draft report is under review to identify next steps.

Other Ministry actions

- The Ministry of Labour has actively worked to implement the objectives of the Declaration Act through key changes to Ministry processes, and engagements on proposed legislation and policy development. Examples include:
 - Engagement with Indigenous groups on proposed legislation for: paid sick leave and COVID-19 vaccination leave; domestic and sexual violence leave; improved child labour regulations; forestry successorship; and expanded occupational diseases for firefighters.
 - Establishment of a Community Advisory Council at the Workers' Compensation Appeal Tribunal (WCAT) comprised of Indigenous lawyers, mediators, and an articling student. The Council advises on changes to help reduce barriers accessing WCAT and in conducting hearings, and reflects all geographical regions of BC.
 - Engagement with First Nations to discuss access barriers to Ministry programs and services by Indigenous groups and individuals.
 - Enhanced accessibility of Ministry programs to Indigenous clients through engagement on Indigenous Language service delivery.
 - Building Ministry capacity and raising Indigenous cultural awareness through mandatory training requirements for ministry staff. Leveraging existing outreach across all of the Ministry of Labour's Programs to facilitate ongoing direct engagement with individual Friendship Centers across the province, the BC Association of Aboriginal Friendship Centers as well as organizations with mandates to support Indigenous individuals and communities including Indigenous Justice Centers.

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Minister Responsible: Hon. Harry Bains

- Participation in various reconciliation tables and multiple cross-ministry engagement sessions with various Indigenous groups, including the various Indigenous Business Development Associations, the First Nations Finance Authority, and the First Nations Financial Management Board.

Contact

Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Deputy Minister's Office – Budget

Revised: February 16, 2023

Issue: Deputy Minister's Office Budget in 2023/24

Response:

- The Deputy Minister's Office budget in 2023/24 is \$565,000. This has increased by \$22,000 in salaries and benefits due to the Shared Recovery Mandate.
- The budget includes funding to support the salary and benefits for the Deputy Minister and support staff, travel, information systems and general office expenses.
- The Deputy Minister's Travel is published monthly on Open Information

Background/Status:

Estimates Budget	FY23 Estimates (\$)	FY24 Estimates (\$)	Variance (\$)
Salaries and Benefits	\$ 460,000	\$ 482,000	\$ 22,000
Travel	\$ 43,000	\$ 43,000	\$ -
Information Systems	\$ 20,000	\$ 20,000	\$ -
Office and Business	\$ 20,000	\$ 20,000	\$ -
Other Expenses	\$ 3,000	\$ 3,000	\$ -
Recoveries	-\$ 3,000	-\$ 3,000	\$ -
TOTAL	\$ 543,000	\$ 565,000	\$ 22,000

Contact:

Karina Mercredi	Manager, Financial Planning	Management Services	250.508.3745
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2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Executive Compensation (Agencies, Boards and Commissions)

Revised: February 28, 2023

Issue: Executive Compensation in Ministry Agencies, Boards and Commissions reported by PSEC

Response:

- B.C. has high standards for reporting, requiring annual public disclosures of total compensation for executives of Crown agencies, boards and commissions.
- Taxpayers deserve to know how their money is spent – this is why it is mandatory to disclose the salaries of executives from Crown agencies, boards and commissions.
- The disclosure process includes all compensation – base pay, pensions and other benefits including health and insurance plans.
- We work to ensure that executive compensation is fair and we believe that they do great work on behalf of British Columbians.
- WorkSafeBC and the Workers' Compensation Appeal Tribunal are covered by the executive compensation rules and reporting requirements established by Public Sector Employers Council.
- Providing fair and competitive compensation ensures we can continue to attract and retain highly skilled people who can effectively deliver quality services to British Columbians.

Background/Status:

- The *Public Sector Employers Act* (PSEA) requires employers to disclose their senior executive compensation within six months of their fiscal year end in a form and manner directed by the CEO of PSEC.
- The compensation that is disclosed includes holdbacks, benefits, perquisites, allowances, pension, severances, salary continuance and any other payments.
- The requirements to disclose apply to all public sector employers', CEOs/Presidents and the top four executives earning an annualized base salary of \$125,000 or more along with copies of the senior employees' written contracts of employment.
- Since 2008, executive bonuses have been transitioned to holdbacks of up to 20 per cent.
- Since September of 2018, boards have been provided the option to eliminate or reduce holdbacks for their organizations.

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- When new staff or newly-promoted staff move to an executive position which had bonus pay available to it, a hold back up to a maximum of 20 per cent of maximum base salary will be employed in place of bonuses.
- In addition, a reduction in the total base salary for senior executives of 10 per cent has been applied. The reduction reflects a reduced amount of pay at risk and compression with CEO compensation.
- Increases in total compensation may be due to legitimate vacation payouts, retirement allowances or other payments.
- To support the principles of restraint, this government:
 - Provides direction to public sector employers entities on standards of conduct, including policy that limits salary increases for executives, adopting a consistent public sector compensation approach using common principles, and ensuring post-employment restrictions are included in contracts.
 - Ensures direction for Crown agencies, boards and commissions that is intended to strengthen accountability, promote cost control, and ensure public sector entities operate in the best interest of taxpayers.
 - Maintains an effective management and transparent disclosure of executive compensation framework for all public sector employers that meet the definition of the PSEA, including Crown agencies, boards and commissions.

Contact:

Brian Urquhart A/Assistant Management Services
Deputy Minister

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Title: Minister's Office – Budget

Revised: March 13, 2023

Issue: Minister's Office Budget in 2023/24

Response:

- The Minister's Office budget for 2023/24 is \$718,000; an \$80,000 increase from the 2022/23 budget of \$638,000
- In 2023/24, the Minister's Office budget was increased by \$80,000 to better align the Minister's Office budget with current staffing complement and bring budgets in line with approved budgets set by the Office of the Premier.
- The approved increase includes \$5,000 for training under office and business.
- The ministers office has a staff complement of 5 FTEs

Background/Detail

Minister's Office			
Estimates Budget	FY23 Estimates (\$)	FY24 Estimates (\$)	Variance (\$)
Salaries and Benefits	\$ 562,000	\$ 637,000	\$ 75,000
Travel	\$ 50,000	\$ 50,000	\$ -
Information Systems	\$ 10,000	\$ 10,000	\$ -
Office and Business	\$ 17,000	\$ 22,000	\$ 5,000
Other Expenses			\$ -
Recoveries	-\$ 1,000	-\$ 1,000	\$ -
TOTAL	\$ 638,000	\$ 718,000	\$ 80,000

2023/24 Estimates Note Advice to the Minister

Ministry: Ministry of Labour
Minister Responsible: Hon. Harry Bains

Explanation of Minister's Office budget changes:

- In 2023/24, the Minister's Office budget was increased by \$80,000 to better align the Minister's Office budget with current staffing complement and bring budgets in line with approved budgets set by the Office of the Premier.
- The Minister's Office budget includes funding for the Legislative salaries of the Minister and Parliamentary Secretary as well as budget for five support staff.
- The approved increase includes \$5,000 for training under office and business.
- Any questions on the review of Minister's Office budgets should be directed to the Minister of Finance.

Minister's Office Support Staff

- Salaries and benefits budget of \$637,000 supports the following Minister's Office Staff Complement:
 - One Chief of Staff;
 - One Ministerial Advisor;
 - One Executive Assistant;
 - One Administrative Coordinator;
 - One Administrative Assistant.

Contact:

Karina Mercredi	Manager, Financial Planning and Reporting	Management Services	250.508.3745
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2023/24 Executive Financial Officer Information Note

Ministry: Labour

Title: Minister's Office – Travel

Revised: March 13, 2023

Issue: Minister's Office Travel Expenditures

Response:

- The Minister of Labour's Office has a 2023/24 travel budget of \$50,000, which is consistent with previous years.
- My travel expenses will be made available on a quarterly basis on the government's Open Information website.
- The most recent publication of Ministerial Travel Expenses is for the fiscal quarter ending December 31, 2022.
- My travel expenses for the period April 1 to December 31, 2022 are \$6,828.06. This does not include my travel in my role as an MLA, which is funded from the Legislative Assembly's budget.

If asked how Minister's Travel compares to other MLAs...

- Travel Expenses for all MLA's are published on a quarterly basis on the Legislative Assembly's website. The public is free to review this information and perform comparisons.
- Travel requirements are assessed throughout the year to ensure fiscally prudent management practices are adhered to.
- The Minister's ranking against other MLA's is not a performance metric used by the Ministry.

2023/24 Executive Financial Officer Information Note

Ministry: Labour

Minister's Quarterly Travel Expense Summary

Name: Honourable Harry Bains

Quarter: 2022 Oct to Dec

Portfolio: Labour

Travel expense summary (amount paid this quarter):

In Province Flights: \$ 186.67

Other Travel in Province: \$ 2,308.18

Out of Country Travel: \$ -

Out of Province Travel: \$ -

Total travel expenses paid this quarter \$ 2,494.85

Travel expenses fiscal year-to-date: \$ 6,828.06

Ministry of Labour

2023/24 – 2025/26 Service Plan

February 2023



For more information on the Ministry of Labour contact:
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Or visit our website at
<https://www.gov.bc.ca/lbr>

Published by the Ministry of Labour

Minister's Accountability Statement



The Ministry of Labour 2023/24 – 2025/26 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 dark ink, appearing to read 'H. Bains', with a horizontal line underneath.

Honourable Harry Bains
Minister of Labour
February 10, 2023

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Strategic Direction

In 2023/24, the Government of British Columbia will continue our work to make life better for people in B.C., improve the services we all rely on, and to ensure a sustainable province for future generations. Government will focus on building a secure, clean, and fair economy, and a province where everyone can find a good home – whether in a rural area, in a city, or in an Indigenous community. B.C. will continue working toward true and meaningful reconciliation by supporting opportunities for Indigenous Peoples to be full partners in an inclusive and sustainable province. The policies, programs and projects developed over the course of this service plan period will focus on results that people can see and feel in four key areas: attainable and affordable housing, strengthened health care, safer communities, and a secure, clean and fair economy that can withstand global economic headwinds.

This 2023/24 service plan outlines how the Ministry of Labour will support the government's priorities and selected action items identified in the [December 2022 Minister's Mandate Letter](#) and the [December 2022 Parliamentary Secretary for Labour Mandate Letter](#).

The Ministry will also continue to support government's priorities and foundational principles identified in the November 2020 Minister's Mandate Letter.

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 *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](#), the [Employers' Advisers Office](#) and the [Bridging to Retirement Program](#). The Ministry 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 Employment Standards Branch and the Ministry's three administrative tribunals manage 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 Program provides support to B.C. forestry workers impacted by old growth harvesting deferrals by assisting workers who are 55 or older transition to retirement, creating opportunities for younger workers.

For more information about the Ministry's areas of responsibility and key initiatives, visit the [Ministry of Labour website](#).

Operating Environment

The Ministry of Labour operates in a changing environment shaped by shifting economic conditions and demographics, an increasingly diversified labour market and ever-evolving workplace norms and expectations. The work of the Ministry is also impacted by other factors such as the ongoing effects of the COVID-19 pandemic, labour shortages and rising inflationary pressures. These challenges have had significant implications for the economy and for employer/employee relations and are expected to have continuing impacts on the Ministry in this reporting cycle.

The goals and objectives in the Ministry 2023/24 Service Plan outline key priorities and deliverables, including measures used to track and assess performance over time in key program areas.

Economic Statement

B.C.'s economy has been resilient to pandemic, geopolitical and climate-related disruptions. However, higher interest rates are expected to weigh on the economy in the coming years. Following a rapid recovery from the economic impacts of the COVID-19 pandemic, high inflation led to successive interest rate increases from the Bank of Canada in 2022. The impact of higher interest rates has been evident in housing markets and there is uncertainty over its transmission to the rest of the economy in B.C. and among our trading partners.

B.C. is heading into this challenging period in relatively strong position, with a low unemployment rate. The Economic Forecast Council (EFC) estimates that B.C. real GDP expanded by 3.0 per cent in 2022 and expects growth of 0.5 per cent in 2023 and 1.6 per cent in 2024. Meanwhile for Canada, the EFC estimates growth of 3.4 per cent in 2022 and projects national real GDP growth of 0.5 per cent in 2023 and 1.5 per cent in 2024. As such, B.C.'s economic growth is expected to be broadly in line with the national average in the coming years. The risks to B.C.'s economic outlook center around interest rates and inflation, such as the risk of further inflationary supply chain disruptions, the potential for more interest rate increases than expected, and uncertainty around the depth and timing of the impact on housing markets. Further risks include ongoing uncertainty regarding global trade policies, the emergence of further COVID-19 variants of concern and lower commodity prices.

Performance Planning

Goal 1: Strong and fair labour laws and standards

Objective 1: Update and modernize B.C. labour laws to ensure they are responsive to the needs of the modern workplace

Key Strategies

- Continue to develop and implement a precarious work strategy that reflects modern workplaces' diverse needs and unique situations, including the development of specific measures to address the rise of the gig economy.¹
- Continue a collaborative approach in working with representatives of workers and employers to address the ongoing impacts of the COVID-19 pandemic on people and businesses.
- Review and consider options to update current legislation, including the *Labour Code*, to modernize and improve B.C. labour laws.
- Continue to engage employer and worker representatives in consideration of any changes proposed to workplace legislation to ensure the widest possible support.
- Protect and ensure fairness for workers and employers in the application of labour laws through the timely resolution of complaints involving non-compliance with the provincial labour and employment law.
- Continue to prioritize opportunities for Ministry engagement with Indigenous Peoples as part of the ongoing effort to implement the *Declaration on the Rights of Indigenous Peoples Act*.

Discussion

Labour laws require periodic updating to be relevant and responsive to the modern workplace and to support an inclusive, sustainable and innovative economy. Robust labour laws also promote fairness, protect vulnerable workers and support world-class worker health and safety outcomes. The Ministry continues its work towards this goal through these key strategies, which target priority areas for improvement and provide opportunities for collaboration with affected stakeholders, including workers, employers and Indigenous Peoples.

In 2023/24, the Ministry will continue initiatives underway to improve B.C.'s labour and employment laws. This work will build on several recent legislative changes made to increase fairness in B.C.'s workers' compensation system, to protect vulnerable workers, to improve

¹ The term "gig economy" can include, for example, short term/temporary work as well as work conducted through internet-based platforms such as food delivery and transportation services.

access to collective bargaining and to establish improved minimum standards for employees across the province.

Performance Measure

Performance Measure	2022/23 Forecast	2023/24 Target	2024/25 Target	2025/26 Target
1 Percentage of Employment Standards Branch complaints resolved within 180 days	20%	50%	80%	85%

Data source: Ministry of Labour Employment Standards Branch internal data.

Discussion

This is a long-established Performance Measure for tracking the percentage of complaints to the Employment Standards Branch resolved within 180 days. It supports the goal of strong and fair labour laws and standards that protect vulnerable workers and provides for the fair and timely resolution of complaints involving non-compliance with the law.

The Branch has experienced a significant increase in demand for its services recent years, the result of several factors and improvements. In 2019, the Ministry removed the Self-Help Kit, which was a barrier to access to justice for workers, making it easier to submit complaints. A new investigation model was implemented, and the statutory recovery period was doubled from six months to one year. The *Temporary Foreign Worker Protection Act* and the associated Temporary Foreign Worker Registry was also launched. Pandemic response actions – including temporary layoff variances, vaccination leave, and illness and injury leave – also resulted in new work for the Branch. These changes have led to higher complaint volumes, and, in turn, a longer period of time required to assign, investigate and resolve cases. This is reflected in the 2022/23 forecast for the number of complaints resolved within 180 days, which is lower than previous year targets and reported actuals.

Work has been undertaken to increase the timely resolution of complaints. For example, the Ministry has developed new, streamlined intake and triage processes to provide better outcomes for workers. Technological improvements have also been made as part of the overall digital transformation strategy, along with enhancements to information gathering to support faster complaint processing. The Ministry remains committed to resolving complaints in a timely manner and is continuing to work to implement a new investigation model and to modernize the current complaint resolution process. Performance Measure targets for subsequent years will be revisited once the Ministry has had further experience operating under the new model.

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

Objective 2.1: Continue to implement new and updated Ministry processes to improve service delivery

Key Strategies

- Broaden training and outreach efforts to a wide array of workers, employers and service providers in the workers' compensation system, including enhanced Indigenous client outreach as well as the continued use of multi-language service delivery.
- Implement a redesign of the public-interface and case management system used by the Workers' Advisers Office to better serve the public.
- Continue to implement new collections procedures aimed at improving collections outcomes on new employment standards complaints.
- Maintain a proactive enforcement unit within the Employment Standards Branch that will focus on industries and sectors with high complaint volumes.
- Prioritize the processing of complaint files to improve service delivery for workers and employers.

Discussion

These key strategies support the goal of effectively communicating and enforcing labour laws by developing, implementing and monitoring new and updated processes to ensure the effective delivery of services provided by the Employment Standards Branch, Employers' Advisers Office, and Workers' Advisers Office.

In 2023/24, the Employers' Advisers Office will implement a new learning management system to better support external clients through virtual and in-person educational sessions. An enhanced case tracking system is also being developed to identify and track underlying issues for improvement.

Important operational changes are also planned for the Workers' Advisers Office to improve access to services. The changes, which are based on a recent behavioural insights-based analysis of the needs of clients, will make enhancements to the case management system, forms and the worker portal to significantly improve how workers engage with the Office.

Together, these key strategies provide for the ongoing improvement of Ministry processes to ensure that services are responsive to the needs of workers and employers.

Objective 2.2: Maintain an effective B.C. temporary foreign worker protection regime

Key Strategies

- Maintain and enforce the recruiter licensing system.
- Maintain and enforce the employer registration system.
- Maintain the public-facing website to ensure reliable information is available and accessible.

Discussion

Administered by the Employment Standards Branch, the *Temporary Foreign Worker Protection Act* protects vulnerable temporary foreign workers from harmful hiring practices. It requires recruiters of temporary foreign workers to be licensed and employers of certain temporary foreign workers to be registered, and provides for enforcement of legislative requirements.

The key strategies support the effective maintenance and enforcement of B.C.'s temporary foreign worker protection program that serves the needs of workers, employers and recruiters. These strategies also include public education measures to ensure that workers, employers and recruiters have accurate and accessible information to know their rights and obligations under the legislation.

Performance Measures

Performance Measures	2020/21 Baseline	2022/23 Forecast	2023/24 Target	2024/25 Target	2025/26 Target
2.1a Number of community outreach sessions conducted annually by the Workers' Advisers Office ¹	10	20	Maintain or improve over baseline	Maintain or improve over baseline	Maintain or improve over baseline
2.1b Number of educational outreach sessions conducted annually by the Employers' Advisers Office ²	100	100	Maintain or improve over baseline	Maintain or improve over baseline	Maintain or improve over baseline

Data source:

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

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

Discussion

To be effective, labour laws must be communicated and enforced through accessible, client-centered programs. Performance Measures 2.1a and 2.1b track outreach sessions conducted annually by the Workers' Advisers Office and Employers' Advisers Office. These Performance

Measures reflect efforts to promote awareness and education among employers and workers about the workers' compensation system.

The Workers' Advisers Office provides regional community outreach sessions to foster education and awareness and directly assist workers by providing information on the workers' compensation system and claims issues. The Office also provides outreach and training to local workers' representatives and advocates throughout the Province.

The Employers' Advisers Office delivers educational outreach to promote awareness and understanding among employers of their responsibilities under B.C.'s workers' compensation system and occupational health and safety requirements. In addition, these sessions assist employers in meeting their training requirements both under the *Workers Compensation Act* and Occupational Health and Safety Regulations.

Last year's Service Plan set 130 educational outreach sessions as the new baseline for this measure as it reflects a new normal, for the foreseeable future, in terms of client interaction as a result of the COVID-19 pandemic. The ongoing effects of the pandemic are expected to continue to impact performance and future targets in this area.

Performance Measure	2022/23 Forecast	2023/24 Target	2024/25 Target	2025/26 Target
2.2 Number of proactive investigations undertaken under the Temporary Foreign Worker Protection Program	26	Maintain or improve	Maintain or improve	Maintain or improve

Data source: Employment Standards Branch data.

Discussion

Proactive investigations of employers that hire foreign workers and of agencies that recruit foreign workers are a key feature of ensuring that the *Temporary Foreign Worker Protection Act* 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.

Last year's Service Plan Annual Report noted how 56 proactive investigations were held in 2021/22, the result of improved collection and responsiveness to business intelligence and increased coordination of services across the organization. Since this exceeded the initial target of 20, the Ministry reviewed and set a higher baseline target of 26 proactive investigations for this year's Service Plan.

Goal 3: Support forest workers as government transitions towards a new approach for sustainable forest management

Objective 3: Support forest workers impacted by old growth harvesting deferrals through the Bridging to Retirement program.

Key Strategies

- Administer the Bridging to Retirement Program to transition older workers to retirement to help manage the transitional impacts resulting in employment loss and forestry contract reductions.
- Collaborate with other ministries to facilitate forest workers' transition to retirement while providing workers for industry and B.C. communities.
- Provide bridging program support and information to forestry workers, employers, labour organizations, associations, communities, and indigenous nations about the benefits of the program and any other forestry support programs available that may assist or complement the workers' transitional circumstances.

Discussion

The Bridging to Retirement Program (The Program) is part of a suite of provincial supports for the forest sector, including for forest workers impacted by old growth deferral decisions across B.C. The Program works with workers, employers, communities, labour organizations and partner ministries to help eligible forestry workers 55 years and older to transition to retirement creating new positions and opportunities for younger workers, minimizing impacts on employer operations. The Program is currently funded to 2024/25.

The Ministry of Post-Secondary Education and Future Skills also supports forestry workers receive training through the Employer Grant Skills Training Program and the Community Workforce Response Grant Program.

Performance Measures

Performance Measures	2022/23 Forecast	2023/24 Target	2024/25 Target	2025/26 Target
3a Number of workers receiving bridging benefit funding offers	450	400	200	N/A
3b Number of forestry jobs created for impacted workers	200	TBD	TBD	N/A

Data source: Ministry of Labour, Bridging to Retirement Program internal data. Current year forecast and future year targets are based on estimates of potential impacts for the industry.

Discussion

Performance Measure 3a is the target number of total workers expected to receive funding offers for each year of the program. Older workers receiving the benefits are either directly or indirectly impacted by the old growth harvesting deferrals and fiber supply shortages that lead to mill closures, indefinite curtailments and shift reductions.

Performance Measure 3b sets the target expected number of jobs created when a senior worker voluntarily retires. New forestry worker jobs are created when an older worker chooses to voluntarily retire, thereby creating a new job opening for a more junior worker who has lost or may lose their employment in the community. The 2022/23 forecast of 200 new jobs is based on anticipated future impacts and historical program data. Generally, the employer must agree to support the voluntary retirement by filling the position with a more junior worker. Some employers are not participating, citing constraints in hiring replacement skilled workers due to the current labour market and the challenge of upskilling existing workers.

The future performance targets are yet to be determined for 2023/24 and 2024/25 with the forecasting of voluntary retirements difficult to determine. Performance Measure 3b will continue to be evaluated as information on employer participation becomes available.

Targets for Performance Measures 3a and 3b are not included for 2025/26 since the program is not funded beyond 2024/25.

Financial Summary

Core Business	2022/23 Restated Estimates ¹	2023/24 Estimates	2024/25 Plan	2025/26 Plan
Operating Expenses (\$000)				
Labour Programs	15,828	19,618	20,494	21,239
Executive and Support Services	1,595	1,871	1,924	2,016
Total	17,423	21,489	22,418	23,255
Capital Expenditures (\$000)				
Labour Programs	3	3	3	3
Total	3	3	3	3

¹ For comparative purposes, amounts shown for 2022/23 have been restated to be consistent with the presentation of the 2023/24 Estimates.

* Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

Appendix A: Public Sector Organizations

As of February 10, 2023, the Minister of Labour is responsible and accountable for the following organizations:

WorkSafeBC

WorkSafeBC is an agency established under the *Workers Compensation Act* with the mandate to oversee a no-fault insurance system for workplace injuries, illnesses and fatalities. WorkSafeBC partners with employers and workers in B.C. to: promote the prevention of workplace injury and illness; 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 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. The Tribunal is established under the *Workers Compensation Act*.

The Labour Relations Board

The Labour Relations Board is an independent, administrative tribunal established under the *Labour Relations Code* with the mandate to mediate and adjudicate employment and labour relations matters related to unionization and 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*.