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Ministry of Labour
2021/22 Estimates Summary

(in \$000's)

Estimates - Operating Budget	Restated Estimates 2020/21	Estimates 2021/22	Variance
Labour Programs	15,642	15,787	145
Labour Policy and Legislation	1,759	1,776	17
Employment Standards Branch	13,882	14,010	128
WorkSafeBC Funded Services	1	1	-
Executive and Support Services	1,543	1,587	44
Minister's Office	591	630	39
Corporate Services	952	957	5
	17,185	17,374	189
Variance Explanations:			
Labour Programs (\$145,000 increase)			
<ul style="list-style-type: none"> \$145,000 increase attributed to BCGEU (\$128k) and legal services wage increases (\$17k) 			
Executive and Support Services (\$44,000 increase)			
<ul style="list-style-type: none"> \$9,000 increase attributed to BCGEU negotiated wage increases \$35,000 increase attributed to the increase in Minister's Office budgets resulting from a cross Government Review 			
<div style="display: flex; justify-content: space-between;"> Cabinet Confidences; Advice/Recommendations Advice/Recommendations </div>			

Estimates - Capital	Restated Estimates 2020/21	Estimates 2021/22	Variance
Furniture and Equipment ¹	3	3	-
	3	3	-

¹ Budgets are placeholders in the event we need to incur Furniture & Equipment.

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1. Why has the Ministry of Labour's budget increased by \$189,000 in 2021/22?

The Ministry of Labour's 2021/22 budget is \$17.374 million, an increase of \$189,000 from the 2020/21 Restated Estimates budget of \$17.185 million.

The increase is primarily due to a small increase of \$154,000 for BCGEU and Legal Service wage increases. Labour's overall budget increase of \$189,000 is due to the following:

- \$154,000 for BCGEU and Legal Services wage increases, and
- \$35,000 increase in Minister's Office funding as a result of a cross Government review led by the Premier's Office and Ministry of Finance (in addition to BCGEU wage increases of \$4,000).

2. Why has the Ministers' Office budget increased by \$39,000 in 2021/22?

- The Minister's Office received an increase of \$35,000 as a result of a cross Government review Cabinet Confidences; Advice/Recommendations
Advice/Recommendations

- The increase of \$35,000 is comprised of the following:
 - \$50,000 increase to salary and benefits to match current staffing levels and salary rates for Ministers and Parliamentary Secretaries,
 - \$10,000 increase to better align the budget for office expenses and information systems.
 - These Increases were offset by a \$25,000 reduction in “other expenses” for IT charges that have now been centralized within the Ministry of Citizen Services.
- The remaining \$4,000 increase is attributed to BCGEU wage increases.
- Any questions on the review of Minister’s Office budgets should be directed to the Minister of Finance.

3. Last year’s budget included funding for the implementation of the Temporary Foreign Worker Protection Act (TFWPA) and the modernization of the Employment Standards System. Is this funding still in place, and are these initiatives still on track?

Modernization of the Employment Standards System and implementation of the TFWPA remain a priority for the Ministry. These initiatives are on track and funding is still in place. During 2020/21 the following progress was made:

- We fully implemented the *Temporary Foreign Worker Protection Act* by establishing the Employer Registry in Fall, 2020. We currently have more than 3,000 employers registered to hire Temporary Foreign Workers so we can monitor to ensure employers are complying with BC law and foreign workers are protected.
- The modernization of the Employment Standards System is well underway; we continue our focus on making the Branch more accessible by streamlining our processes, providing a multi-lingual information line for workers and employers to get the information they need, and hiring more than 36 new staff to process the increased number of complaints received by the Employment Standards Branch.
- We also launched a new, online variance process to permit workers and employers to jointly apply to extend a temporary layoff and stay connected during the COVID-19 pandemic to avoid terminations and severance payments. This year we are continuing with improvements including a compliance and enforcement team that will undertake more proactive enforcement, and education and outreach so workers know their rights and employers know their responsibilities.

Through Budget 2018 and Budget 2019 Labour received funding of \$17.786 million over four years for the implementation of these initiatives (2018/19 to 2021/22). There is no increase to the annual funding in 2021/22 compared to the prior year.

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

- In 2020/21 The ministry received an additional \$300,000 to hire temporary staff to make progress in reducing a backlog of worker complaints in the Employment Standards Branch.
- Advice/Recommendations; Government Financial Information

4. What does the Ministry of Labour's budget provide for?

The Ministry of Labour's 2021/22 budget of **\$17.374M** provides for the programs, operations, and other activities under the following core businesses: Labour Programs, and Executive and Support Services.

Labour Programs (2021/22 Budget of \$15.787M)

Labour Programs provides for services promoting harmonious labour and employment relations by establishing a fair and balanced labour and employment law framework that promotes a growing sustainable economy. The Ministry works to promote worker health and safety, labour relations stability and to ensure British Columbia's employment standards reflect the needs of British Columbians.

Labour Programs includes the following areas: Labour Policy and Legislation, WorkSafeBC Funded Services and the Employment Standards Branch.

- **Labour Policy and Legislation (2021/22 Budget of \$1.776M)**

Labour Policy and Legislation includes the Labour Policy and Legislation Branch, and the Assistant Deputy Ministers' Office.

The Labour Policy and Legislation Branch provides labour and employment-related research and expertise and is responsible for developing legislation and regulations. The branch also provides a range of corporate support services such as representing the Ministry at major events and participating in cross government initiatives.

The Assistant Deputy Minister's Office provides leadership, strategic guidance and support to all Labour staff and program areas, including the forest workers support programs.

- **Employment Standards Branch (2021/22 Budget of \$14.010M)**

This budget provides for the administration of the *Employment Standards Act* and Regulation, which set minimum standards for wages and working conditions

in most workplaces including resolving complaints, ensuring compliance and dispute resolution services.

The branch also administers the *Temporary Foreign Worker Protection Act*. The *Temporary Foreign Worker Protection Act* allows for better protection of vulnerable workers. Under the legislation, recruiters of foreign workers must be licensed and employers intending to hire foreign workers must be registered with the Province. Unlicensed recruiters and unregistered employers will be expressly prohibited from engaging in the process of recruiting or hiring foreign workers. Any recruiters or employers who work outside the law will face significant penalties, including possible jail time.

- **WorkSafeBC Funded Services (2021/22 Budget of \$1,000)**

The **Workers' Advisers Office** provides free advice and assistance to workers and their dependants on disagreements they may have with WorkSafeBC decisions.

The **Employers' Advisers Office** provides advice, assistance, representation and education related to the workers' compensation system for employers operating in British Columbia.

The **Workers' Compensation Appeals Tribunal** hears appeals of decisions made by the Review division of WorkSafeBC and is the final level of appeal in the workers' compensation system of British Columbia.

The Workers' Advisers Office, Employers' Advisers Office, and Workers' Compensation Appeal Tribunal operates independently from WorkSafeBC.

The gross operating budget for WSBC funded programming is \$30.535 million and all costs are fully recovered from the accident fund established pursuant to the Workers Compensation Act.

- **Executive and Support Services (2021/22 Budget of \$1.587M)**

Executive and Support Services provides for the Minister of Labour's Office and Corporate Services, which includes the Deputy Minister's Office and the Management Services Division.

Minister's Office (2021/22 Budget of \$630,000)

This provides for the office of the Minister of Labour, including salaries, benefits, allowances, and operating expenses for the Minister and the Minister's staff.

Corporate Services (2021/22 Budget of \$957,000)

The Deputy Minister's Office provides strategic advice and direction for the Ministry of Labour.

The Management Services Division provides 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, and accommodation and information systems,

some of which are provided by the Ministry of Municipal Affairs and the Ministry of Jobs, Economic Recovery and Innovation.

5. 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 the LRB's budget should be directed to the Ministry of Attorney General. The Labour Relations Board Chair has indicated additional resources were required to fully implement the recent Code improvements; we worked with the Ministry of Attorney General, which is the ministry responsible for the LRB's budget.

6. Is there continued funding for the **Forestry Worker Support Programs** in 2021/22?

- The Ministry is delivering two programs designed to support Interior B.C. forest workers, their families and communities through a \$40M millworker transition to retirement program (funded through FLNRORD) and \$2M (\$1.5M funded through deferred federal funds remaining from the Community Development Trust under JERI, \$0.5M funded through FLNRORD) for Job Placement Coordination Offices located in five impacted communities.
- In 2020/21, under the StrongerBC recovery initiative an additional \$10M was approved to expand the program to include a Coastal Early Retirement Bridging Program, as well as an incremental \$8M for the Interior Bridging program (**Note: The \$8M in additional funding was included in the Budget and Fiscal Plan released on April 20, 2021** Advice/Recommendations)
- These two programs work together: the Retirement Bridging Program creates vacancies for younger, impacted workers in working mills and the Job Placement Offices help fill those vacancies with workers through a Job Match program.
- There has been strong uptake with more than 950 workers successfully bridged to retirement since the program began, with over 600 jobs created for younger impacted workers.
- The Job Placement Coordination Office will have a budget of approximately

\$900,000 in 2021/22.

- The Retirement Bridging Program has a \$4M budget allocation for 2021/22 which is funded through FLNRORD.

	(In \$ Millions)			
	2019/20	2020/21	2021/22	Total
Interior ERBP (Funded through FLNRORD)	20.000	16.000	4.000	40.000
Interior ERBP (Funded through Stronger BC) ¹		8.000		8.000
Coastal ERBP (Funded through Stronger BC)		10.000		10.000
Total	20.000	34.000	4.000	58.000

¹ The additional \$8M of Stronger BC Funding was released in the Budget and Fiscal Plan 2021/22 - 2023/24 Advice/Recommendations; Government Financial Information

7. What is the status of the Fair Wages Commission's work? Is there funding in Budget 2021 for the Fair Wages Commission?

Established in October 2017, the Fair Wages Commission is working independently to advise government on how to raise minimum wages with increases that are regular, measured and predictable.

In the Budget 2017 September update, the Ministry of Labour was provided \$490,000 over two years for the purposes of funding the Commission's activities.

The first stage of the Commission's consultations occurred in November and December 2017 to inform findings for the first and second reports. The first report was delivered to Minister of Labour, the Honourable Harry Bains, in early 2018 with recommendations about the timing of increases for the general minimum wage.

The Commission's second report was delivered in April 2018 with recommendations on wage increases for alternate minimum wage earners; a Study was recently completed of the province's Agricultural Piece Rate System for hand-harvested crops to supplement the commission's work.

The Commission's final report is expected in the Summer of 2021. The minor costs of completing this report will be managed within the Ministry's Budget 2021 allocation.

8. How did the extension of the Temporary Layoff Variance application timelines impact the Ministry's budget in Fiscal 2020/21?

In June 2020, the Ministry was directed to design and implement a streamlined Temporary Layoff Variance process to avoid COVID-19 related mass terminations and employers' obligation to pay severance.

No additional funding for the Temporary Layoff Variance process has been provided for 2021/22.

9. What actions has the Ministry taken to assist workers and employers in response to COVID-19?

The Ministry made the following legislative and regulatory changes to assist BC's workers and employers in response to COVID-19:

- Employment Standards Amendment Act (No. 2), 2020 (Bill 16)
 - On March 23, 2020, Government introduced and passed Bill 16 to provide unpaid, job-protected leave to employees during the COVID-19 pandemic.
 - Bill 16 supports 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 the leave for as long as a specified COVID-19-related situation applies to them.
- B.C. Reg 94/2020:
 - Effective May 4, 2020, the Employment Standards 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 length of time that the federal Canada Emergency Response Benefit of \$500 per week is available.
- B.C. Reg 148/2020:
 - Effective June 25, 2020, the Employment Standards 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.
- B.C. Reg. 185/2020:
 - Employees and employees who wished to extend the layoff (see above)

beyond August 30 were required to utilize the existing temporary layoff variance request process under the Employment Standards Act.

- In order to expedite the application process and enhance safety, amendments were made to the Employment Standard Regulation that streamlined 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 Employment Standards 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; or,
 - those who are caring for family members that require care due to COVID-19.
 - The amendment also required employers to provide employees receiving the COVID-19 vaccination, or who are providing support to dependants receiving, the COVID-19 vaccination with unpaid job-protected leave.

WorkSafeBC

- WorkSafeBC has been actively monitoring and adjusting to the COVID-19 situation to determine how to best support workers and employers across the province, including launching a province-wide inspection initiative to ensure employers are taking the appropriate steps to reduce the risk of workplace COVID-19 exposure.
 - As of March 5, 2021 WorkSafeBC, had conducted 24,221 workplace inspections and 4,494 consultations related to COVID-19. A total of 2,232 orders had been issued for health and safety violations.
- In April 2021, the provincial health officer (PHO) delegated specific powers of the Public Health Act to WorkSafeBC prevention officers to serve a closure order on a business with a known COVID-19 outbreak.
- WorkSafeBC has also been a key partner in ensuring the safe implementation of BC's "restart plan" developing detailed sector specific resources and guidelines for industries.
 - In spring of last year, WorkSafeBC worked with employer groups to develop protocols for more than 30 industries to operate safely during the COVID-19 pandemic.
- WorkSafeBC introduced an occupational disease presumption for COVID-19 so that workers in occupations impacted by COVID-19 will have quicker access to workers' compensation benefits. The Workers Compensation

Amendment Act, 2020 (Bill 23) added a provision to shorten the statutory timeframe for this presumption to come into effect, so that it has been in effect since August 2020.

2021/22 Estimates Note Advice to the Minister

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

Title: Mandate Letter Commitments

Revised: May 25, 2021

Issue: Key Minister of Labour 2020 Mandate Letter Commitments

Response:

- Through our mandate priorities, the Ministry of Labour and government more broadly are committed to supporting all British Columbians and not just those at the top.
- The Ministry of Labour's work will support government's foundational principles, including putting people first, equity and anti-racism, Indigenous reconciliation and an economy that works for everyone.
- We are early in the mandate and working through the planning process for how to approach the new mandate commitments and the timing.
- The establishment of new consultative mechanisms to engage employer and worker representatives is among my top priorities for this year. A new mechanism will help ensure that future changes to workplace legislation receive the widest possible support and contribute to a fair and balanced economy that works for everyone.
- Some of the mandate commitments build on work that was a priority during government's previous term and that remains important to us – for example, increasing workplace safety inspections to help ensure that all workers return home healthy and safe at the end of their shift.

Background/Status:

- The Mandate letter for the Minister of Labour contains the following priority initiatives that the Minister of Labour will lead:
 - Continue working collaboratively with worker and employer representatives to address the impacts of COVID-19. [see Tab 48]
 - Continue working with the federal government on paid sick leave for COVID-19 and beyond. [see below]

2021/22 Estimates Note Advice to the Minister

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

- Create new consultative mechanisms to engage worker and employer representatives on workplace legislation changes. [see below]
 - Tie the minimum wage to the rate of inflation after the June 1, 2021, increase in the general minimum wage to \$15.20 an hour. [see Tab 17]
 - Ensure every worker has the right to join a union and bargain for fair working conditions. [see Tab 27]
 - Increase the number of WorkSafeBC caseworkers and workplace safety inspections. Advice/Recommendations
 - Develop better options for chronic work-related pain, including improved pain management practices and access to treatment. Advice/Recommendations
- The Mandate letter for the Minister of Labour also directs the minister to support the work being led by other Ministers and Parliamentary Secretaries; on closing the gender pay gap and the development of pay transparency legislation; improving working conditions for workers in farming communities; establishing a new Worker Training and Job Opportunity Office; and, restoring the compulsory trades system. [see below]
- The Mandate letter for the Parliamentary Secretary for the New Economy contains the following priorities to work on closely with the Minister of Labour [also see Tab 41]:
 - Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.
 - Propose employment standards for precarious and gig workers.
 - Investigate the feasibility of a collective benefit fund and a voluntary pooled-capital pension plan for workers who otherwise do not have coverage.

Further Information on the Specific Mandate Items:

Paid Sick Leave:

- In March 2020 government amended the *Employment Standards Act* (ESA) to provide unpaid, job-protected leave to employees during the COVID-19 crisis. It also amended the ESA to provide up to three days of unpaid, job-protected

2021/22 Estimates Note Advice to the Minister

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

personal illness or injury leave per year – which is a permanent improvement that will remain in place beyond the COVID-19 pandemic.

- The Premier's mandate letter directs the Minister of Labour to continue working with the federal government on a paid sick leave program to protect workers and businesses during the COVID-19 pandemic and beyond.
- BC has identified possible gaps in the federal income support programs. For example, benefits are limited to four weeks under the Canada Recovery Sickness Benefit, even though a worker may be ill with COVID-19 for far longer. The Canada Recovery Sickness Benefit is also not available if a worker receives a negative COVID-19 test and can return to work after only one- or two-days' absence.
- Minister Bains raised this issue with his colleague Labour Ministers at a Federal/Provincial/Territorial annual meeting on March 1, 2021.
- On May 11, 2021, the Minister introduced Bill 13, the *Employment Standards Amendment Act (No. 2), 2021*. Bill 13 establishes up to three days of COVID-19 related paid sick leave for BC employees. These days are available to employees until December 31, 2021.
- Bill 13 also establishes permanent paid leave for illness and injury to be effective January 1, 2022. The number of permanent paid illness and injury leave days will be established in regulation after consultations with employer and worker stakeholders.

Suggested Response:

- *My mandate letter includes a commitment to continue working with the federal government on a paid sick leave program that protects workers and businesses during the COVID-19 pandemic and beyond.*
- *Our government has continued to raise concerns about gaps in the program with the federal government and work with them on possible solutions.*
- *I raised this issue with my colleague Labour Ministers at our annual meeting on March 1.*
- *We were disappointed that the recent Federal Budget did not contain measures to address this issue.*
- *As you know, on March 11, I introduced Bill 13, which establishes new COVID-19 related paid sick leave for BC employees. It also establishes permanent illness and injury paid leave provisions to address ongoing concerns about the need for paid sick leave for the long term, past the pandemic.*

2021/22 Estimates Note Advice to the Minister

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

Consultative Mechanisms:

- The Ministry is currently considering options for new consultative mechanisms to achieve this mandate letter commitment.
- Cabinet Confidences; Advice/Recommendations

Suggested Response:

- *The establishment of new consultative mechanisms to engage employer and worker representatives is among my top priorities for this year. A new mechanism will help ensure that future changes to workplace legislation receive the widest possible support and contribute to a fair and balanced economy that works for everyone.*

WorkSafeBC Caseworkers and Inspections

- The Minister of Labour's mandate letter includes direction to increase the number of WorkSafeBC caseworkers and increase workplace safety inspections.

Suggested Response:

- *Since 2017, I have been working with WorkSafeBC to ensure that an appropriate culture and proper resources are in place to help ensure that workers return home healthy and safe at the end of their shift, and that injured workers are treated with dignity and respect.*
- *The new mandate priority will continue to build on this existing work.*

Advice/Recommendations

Chronic Work-Related Pain

- The mandate letter directs the Minister to partner with WorkSafeBC and with support from the Minister of Mental Health and Addictions, to develop better options for chronic work-related pain.

2021/22 Estimates Note Advice to the Minister

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

Suggested Response:

- *Chronic work-related pain is an extremely difficult disability for workers who experience it.*
- *Historically, it has also been a challenging issue for the worker's compensation system in terms of treating, managing and compensating chronic pain.*
- *It is important to me that we develop better options for chronic-work related pain.*
- *It is vital to have the Ministry of Mental Health and Addictions supporting this initiative so that chronic pain is managed in a way that avoids opioid and other addictions.*
- *WorkSafeBC is currently reviewing its chronic pain policies to better support and treat injured workers with chronic pain.*

Advice/Recommendations

Precarious Work Strategy

- Non-standard work (including part-time and casual work, web-based “gig” work, and contract work) is becoming increasingly common. Such work is often associated with job insecurity, irregular earnings, and few, if any, employment protections. Women, recent immigrants, Indigenous people, Black people, people of colour, individuals with high school education or less, and single parents are consistently more likely to participate in non-standard employment.

• Cabinet Confidences; Advice/Recommendations

In addition, the Minister and the Parliamentary Secretary for the New Economy have engaged in several meetings with interested parties who have expressed preliminary views/input.

Suggested Response:

- *We need to continue to do all that we can to support vulnerable workers and ensure BC labour laws are responsive to the changing economy.*
- *Parliamentary Secretary Walker and I are committed to working with business and labour representatives, to develop a precarious work strategy for British Columbia.*
- *This includes looking at gaps in employment standards and in pension and benefit coverage for precarious and gig workers.*

2021/22 Estimates Note Advice to the Minister

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

Gender Pay Gap and Pay Transparency

- The mandate letter directs the Minister 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.
- The Parliamentary Secretary for Gender Equity (MLA Grace Lore) is under the direction of the Minister of Finance.
- Cabinet Confidences; Advice/Recommendations

Suggested Response:

- *Working to close the gender pay gap in British Columbia and to improve the transparency around how pay practices is an important priority for this government.*
- *My role is to support the Parliamentary Secretary for Gender Equity's work on this issue and I look forward to making progress on this priority.*

Improving working conditions for workers in farming communities

- The mandate letter directs the Minister to support the work of the Minister of Agriculture, Food and Fisheries to continue improving working conditions for all workers including temporary foreign workers and temporary domestic workers working in farming communities.
- Cabinet Confidences; Advice/Recommendations

Suggested Response:

- *Improving conditions in the agricultural sector in a way that benefits workers, but also the industry as a whole, is an important priority for this government.*
- *My role is to support the Minister of Agriculture, Food and Fisheries work on this issue and I look forward to making progress on this priority.*

2021/22 Estimates Note Advice to the Minister

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

Worker Training and Job Opportunity Office

- The mandate letter directs the Minister to support the Parliamentary Secretary for Rural Development (MLA Roly Russell) to guide the establishment of a new Worker Training and Job Opportunity Office.
- Staff in my ministry are working collaboratively with staff in the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to share program information and support the establishment of the new Office.

Suggested Response:

- *As laid out in the mandate letters, the purpose of the proposed Worker Training and Job Opportunity Office will be 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 B.C. products.*
- *My role is to support the Parliamentary Secretary for Rural Development's work on this issue and I look forward to making progress on this priority.*

Compulsory Trades

- In 2003, British Columbia eliminated compulsory certification for skilled trades.

Suggested Response:

- *My mandate letter specifies that I support the work of the Minister of Advanced Education and Skills Training, and the Parliamentary Secretary for Skills Training, to restore the compulsory trades system to improve safety and give more workers a path to apprenticeship completion.*
- *I can assure you that our government is committed to restoring the compulsory trades system and I am supporting the Honourable Anne Kang and Parliamentary Secretary Andrew Mercier on this important priority which is well underway.*
- *My ministry was represented on a Working Group that has been engaged on this issue over the past 2 years and I am confident that progress is being made and will be reported on soon through consultations led by Parliamentary Secretary Mercier.*

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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November 26, 2020

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. 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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Premier

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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.

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.

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.

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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.
- 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, Food and Fisheries 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 Development to guide the establishment of a new 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 B.C. 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

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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 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 dark ink, reading "John J. Horgan", with a long horizontal flourish extending to the right.

John Horgan
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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- **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

2020/21 Estimates Note Advice to the Minister

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

Title: Agriculture Sector Compliance

Revised: April 15, 2021

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 and is committed to protecting the health and safety of farm workers and to ensuring that vehicle safety and employment standards are enforced.
- As part of my government's commitment to focus on increased compliance to protect the lives and safety of workers, I have been taking steps with WorkSafeBC to make British Columbia the safest jurisdiction in Canada for all workers, including farm workers.
- The Employment Standards Branch also plays an important role in protecting farm workers; it 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 Employment Standards Branch continues to work actively with employers, employees, stakeholder groups and the Ministry of Agriculture in promoting compliance with the employment standards to which farm workers are entitled.

Background/Status:

- Farm workers are protected by the same employment standards that apply to all 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, and 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.

2020/21 Estimates Note

Advice to the Minister

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

- Over the years, the Province has enhanced safety protection provisions in its laws and regulations to better protect farm workers in B.C. This includes amendments to 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 contractors' licence for significant WorkSafeBC or motor vehicle violations.
 - Introduce a new administrative fee that would be billed to farm labour contractors 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> (Note: The interagency committee's joint activities were curtailed in 2020 due to the COVID-19 pandemic. CVSE and WorksafeBC can subsequently report out their individual statistics on vehicle inspections conducted under their program mandate).
- In 2007, 32 per cent of vehicles failed CVSE inspection; Questions regarding explanation for the number of vehicles that failed CVSE inspections can be referred to the Ministry of Transportation and Infrastructure who has the overall responsibility for motor vehicle safety.

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

2020/21 Estimates Note Advice to the Minister

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

Farm Labour Contractors

- The 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, or certain provisions of occupational health and safety regulations under the *Workers Compensation Act* or provisions of the *Motor Vehicle Act*.
- 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.
- This year the ESB conducted three information webinars for farm labour contractors to help them understand the licencing process and to help them understand their obligations as licensees. In addition, ESB conducted four further education sessions with employers and recruiters to help them understand their obligations under both the ESA and the TFWPA. Finally, ESB engaged in two outreach initiatives to farm labour contractors to educate them on the requirements under the ESA.

ESB Agriculture Compliance Team, Selected Stats (Calendar Year 2020²)

- 6 farm site inspections
- 2 vehicle inspections³
- 2 determinations, resulting in 4 contraventions and \$2000 in administrative penalties

² * Note: For the 2019/2020 Estimates Note, ESB incorrectly reported that 243 inspections of farm sites were conducted. This figure (243) was actually the number of individual farm workers interviewed by ESB field staff. The number of farm inspections for the 3 prior calendar years is as follows: 2016 – 34 inspections; 2017 - 23 inspections; 2018 - 29 inspections;

³ In March 2020, the COVID-19 pandemic caused the Interagency Committee's key partners (CVSE and WorksafeBC) to postpone all roadside vehicle inspections. Advice/Recommendations
Advice/Recommendations

2020/21 Estimates Note Advice to the Minister

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

- 28 total payroll audits (*figure includes above 6 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 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 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. Health authorities are also involved. The Industrial Camps Regulation, which falls within the purview of the Ministry of Health, prescribes general housing conditions.
 - A cross-ministry working group, with representation from Labour, Agriculture, and Health, is currently examining the issue of housing and SAWP workers.

2020/21 Estimates Note Advice to the Minister

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

- Workers must be paid in accordance with the SAWP contract. For the 2018 season and up to May 31, 2019, the minimum wage rate for SAWP workers, regardless of country of origin, was at least \$12.65 per hour (higher for some categories of work). As of June 1, 2020, the minimum wage rate for SAWP workers was at least \$14.60 per hour. 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.
- 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

2020/21 Estimates Note

Advice to the Minister

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

- 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:

Mary Walsh	A/Executive Director	Employment Standards Branch	604 398 6108
John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173

2021/22 Estimates Note Advice to the Minister

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

Title: Child Employment

Revised: April 12, 2021

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 under 19 in BC workplaces.
- In 2019, the Ministry of Labour introduced changes to the Employment Standards Act through the Employment Standards Amendment Act, 2019 (Bill 8) to ensure that the work children and young people do is age-appropriate and safe for their health and development.
- When it is brought into force, Bill 8 will:
 - require a permit from the Director of Employment Standards to employ a child 15 or younger – up from the existing requirement of 11 or younger.
 - as an exception, allow 14- and 15-year-olds to perform “light work” without a Director’s permit but with parental consent, and
 - prohibit children under 16 from employment in hazardous work, or under 19 for certain hazardous work.
- Work is underway to bring these provisions into force and to define light work and hazardous work in the regulations.
- The ministry undertook initial consultations and public engagement on child employment in 2019. We are planning further consultations this Spring on light work to finalize those regulations before moving on to the hazardous work regulations.
- When brought into force, the new child employment provisions will bring BC’s child labour laws into compliance with international law, and with Canada’s and BC’s international labour obligations.

2021/22 Estimates Note Advice to the Minister

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

Background/Status:

- In 2003, the *Employment Standards Act* and Regulation were amended to set standards for workplaces that employ young people under 15 years of age:
 - Children aged 12 to 14 may work with their parent's written consent.
 - Children under 12 require a permit issued by the Director of Employment Standards in order to work.
- The changes were intended to recognize that parents are primarily responsible for their children, and that it is up to them to decide whether it is appropriate for their children to work. They were premised on the view that by requiring parents' explicit written permission, the Employment Standards Branch (ESB) knows they approve of the location of work, the hours of work and the type of work to be performed by their 12 to 14 year old child.
- The changes made in 2003 allowed children as young as 12 to do virtually any kind of work, including in dangerous sectors like construction — resulting in life-altering injuries.
- In 2019, Government passed the Employment Standards Amendment Act, 2019 (Bill 8). Bill 8 introduced provisions to ensure that the work children and young people perform in this province is age appropriate and safe for their health and development.
- Bill 8 increases the minimum working age from 12 to 16 years of age and allows 14- and 15-year-olds to perform "light work" deemed appropriate for children that age with parental consent, or other work with a permit from the ESB Director. Bill 8 also requires employers who wish to employ a child under 14 to obtain a permit from the Director.
- Provisions in Bill 8 prohibit the employment of persons under 16 in "hazardous industries" or in "hazardous work" and establish authority for regulations to define hazardous industries and work and to set a minimum age between 16 and 19 for employment in any hazardous industries or work.
- These Bill 8 provisions are not yet in force. Cabinet Confidences; Advice/Recommendations
Cabinet Confidences; Advice/Recommendations

Update on "Light Work"

- In 2019, the Ministry consulted on the specific definition of what constitutes "light work", how work permits for children as young as 12 should operate, and whether there should be any exemptions from the permitting requirement.
- Informed by feedback from the 2019 consultations and public engagement, the Ministry embarked on a process to develop a draft regulation to bring into force provisions prescribing work or occupations considered unlikely to be harmful to the health or development of a child who is 14 or 15 years of age.

2021/22 Estimates Note Advice to the Minister

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

- The proposed regulation will also narrow the existing exclusion for a “sitter”.
- The Ministry intends to undertake further internal and external consultations in Spring 2021 on the proposed regulation.
 - Internal consultations will include Ministries with an interest in child issues: Ministry of Education; Ministry of Advanced Education, Skills and Training; Ministry of Agriculture, Food and Fisheries; Ministry of Social Development and Poverty Reduction; and Ministry of Children and Family Development.
 - External consultations is anticipated to include engagement with: Employer/Industry Associations, Labour/Worker/Employee Organizations and Child Advocacy groups and Indigenous organisations.

Update on “Hazardous Industry” and “Hazardous Work”

- Cabinet Confidences; Advice/Recommendations

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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.
- 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. The following statistics for the 2020 calendar year provide an overview:
 - ESB received 14 child employment permit applications in 2020, seven of which resulted in a permit being issued.
 - In 2020, there were no contraventions of Section 9 of the *Employment Standards Act* (provisions in respect of hiring children).
 - In 2020, there were no contraventions of the provisions relating to children in the entertainment industry contained within Part 7.1 of the Employment Standards Regulation.

Contact:

Mary Walsh	A/Executive Director	Employment Standards Branch	604 398-6108
John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173

2021/22 Estimates Note Advice to the Minister

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

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

Revised: April 8, 2021

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

Response:

- The *Employment Standards 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 special 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 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 legislation, we expect a review of exclusions and alternate standards to follow.

Background/Status:

- The *Employment Standards Act* (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.
- Cabinet Confidences; Advice/Recommendations

2021/22 Estimates Note Advice to the Minister

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

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 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 (such as babysitters or senior care sitters), 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

- Cabinet Confidences; Advice/Recommendations
- Like full or partial exclusions, alternate standards seek to accommodate the special requirements of a particular sector.

2021/22 Estimates Note Advice to the Minister

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

- Cabinet Confidences; Advice/Recommendations

- 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 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 the resident caretaker lives in.

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. The “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.*”
- Advice/Recommendations

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2021/22 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: May 25, 2021

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

Response:

- The Ministry of Labour is committed to changes to better resource and restore confidence in the employment standards system for workers and employers in British Columbia.
- Budget 2019 provided an increase of approximately \$14 million over three years to support the modernization of the Employment Standards Branch.
 - increase of approximately \$4 million in 2019/20.
 - increases of \$5 million in both 2020/21 and 2021/22.
- The Employment Standards Branch budget for 2021/22 is \$14.010 million, which is an increase of \$128,000 from the 2020/21 budget of \$13.882 million.
- The \$128,000 increase in 2021/22 is attributed to BCGEU negotiated wage increases.
- 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.

Background/Status:

Situation before budget increases beginning in 2018

- In the recent past, Employment Standards Branch (ESB) budget and resourcing has often been 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 the 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*.

2021/22 Estimates Note Advice to the Minister

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

Budget increases beginning in 2018

- Beginning in 2018/19, the budget for the ESB has increased.
- The increases respond to the criticism that previously the ESB was not sufficiently resourced to protect B.C. workers.
- They also support the Minister of Labour's mandate letter commitment to ensure that employment standards are applied evenly and enforced.
- The increases recognize that the ESB has recently been given the responsibility to administer the *Temporary Foreign Worker Protection Act* – including implementing licensing for foreign recruiters.
- In 2018/19, the ESB received a budget increase of \$750,000 to engage in planning activities for modernization. \$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 \$14M over three years.

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

Using the additional resource to transform ESB

- The increase in funding will allow ESB to make significant improvements to services for workers and employers including:
 - Streamline the branch's process for receiving and resolving complaints.
 - Create a proactive enforcement unit to lead site visits, investigations and audits.
 - Improve collection efforts of unpaid wages for workers.
 - Make technology upgrades to manage the new complaints process, improve data collection and reporting.

2021/22 Estimates Note

Advice to the Minister

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

- Improve the accessibility of services for those with different abilities and communication needs.
 - 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 has embarked on 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.
 - Improve our intake process to better respond to incoming complaints..

ESB Performance Measures

- The dedicated and hardworking ESB staff accomplish a significant amount with the resources they receive. Some examples include:
 - Staff resolve approximately 5,000 complaints per year and recover an average of \$7.58 million per year in wages for workers (5-year averages).
 - Staff answering our 1-800 information line help approximately 82,000 callers per year (5-year average).
 - Staff deliver high quality output: 88 per cent of decisions issued by ESB were upheld on appeal (five-year average).

2021/22 Estimates Note Advice to the Minister

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

ESB Budget and Staff Positions

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Budget Allocated	\$7.9M	\$7.9M	\$8.7M	\$13.0M	\$13.8M	\$14M
Staff positions (includes vacancies)	96	96	99	135	142	142
Staffing budget (base salaries & benefits)	\$6.0 M	\$6.0M	\$8.0M	\$10.9M	\$11.8M	\$11.9M

ESB Service Indicators

	2016/17	2017/18	2018/19	2019/20	2020/2021
Individual complaints closed within 6 months (Service Plan Target is >85%)	89%	96%	92%	73%	47%

Contact:

Mary Walsh A/Executive Director

Employment Standards 604 398 6108
Branch

Employment Standards Branch - Statistical Summary

<i>Calendar Year (Jan 1-December 31)</i>	2016	2017	2018	2019	2020	AVG.
Complaints Received	4,953	5,063	4,958	7,294	7,403	5,934
Complaints Closed	5,104	4,815	4,539	4,487	5,258	4,841

Advice/Recommendations; Government Financial Information

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Advice/Recommendations

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Advice/Recommendations

2020/21 Estimates Note Advice to the Minister

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

Title: Employment Standards Transformation

Revised: May 25, 2021

Issue: Modernizing service delivery in the Employment Standards Branch

Response:

- Our government is committed to putting people first, and providing the services people count on.
- The Employment Standards Branch provides important services for both workers and employers in B.C.'s workplaces.
- For too long this important work has been under-resourced; we are modernizing the branch's business to improve service delivery for all clients.
- The Ministry also placed a priority on transforming the business of the Employment Standards Branch; in Budget 2019, \$14 million in new funds were invested over three years to increase employment standards protections and enforcement in the province.
- The branch did receive a budget lift of \$128,000 for BCGEU staff wage increases. No incremental funding was provided for the employment standards transformation in 2021/22.
- We are modernizing our business and have removed barriers to accessing branch services, like the "Self Help Kit".
- We have improved our Information Line to provide service in 140 languages, so workers know their rights and employers know their obligations under B.C.'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 streamlined our complaints process to help vulnerable clients access our services. These, and other improvements we are making will ensure that B.C. workplaces are productive and support a sustainable economy that works for everyone.

If asked what other improvements have been made...

- In addition to the initiatives I just mentioned, we are also increasing our investigation and audit activities, increasing our collections activity with a dedicated team and doing more outreach, making more educational resources available and doing more proactive enforcement of the law.

2020/21 Estimates Note Advice to the Minister

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

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 branch re-alignment;
 - protecting vulnerable temporary foreign workers working in B.C.
- In Budget 2018, the ministry received \$1 million to undertake planning work to support the Employment Standards Branch business transformation including planning for the new *Temporary Foreign Worker Protection Act*.
- In April 2019 the branch increased capacity through a hiring process and added 36 new positions to the branch 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 B.C.'s workers, employers and a sustainable growing economy.
- This year the ministry is hiring key positions to support the complaints team and is realigning its organizational structure to better-use its resources, continuing its focus on collections, and increasing compliance and enforcement activities like audits and investigations.
- The ministry is also implementing a new Case Management System to increase the efficient management of branch work and improve outcomes for clients through better data to support complaints processing, collections, and compliance and enforcement activity which will also support the Temporary Foreign Worker Protection Unit.

Attachment: Appendix 1 – Transformation Project Overview 18/19 – 20/21

Contact

Danine Leduc	ADM, Labour	250 208-2850
Mary Walsh	A/Executive Director, ESB	604 398 6108

FY 18/19 Transformation Project Overview

Project Name	Description	Final Budget
TFWPA / ESB online Pilot	Created a new ESB and TFWPA online licensing and registration system	\$426,279
Solutions Explorer	Implementation of a new “Guided Pathway” tool to improve access to ESB content	\$71,817
ESB Service Design	Research with stakeholder input to assess opportunities for service improvements	\$72,804
SE Accessibility Review	Review of Solutions Explorer tool for use by people with different abilities	\$20,000
ESB Complaints Process	Create and test new streamlining rules and processing methods	\$62,724
TFWPA Website Creation	Developed new website for TFW Protection Act implementation	\$15,125
Multi-Lingual Service	Piloted use of multi-lingual translation services for call centre	\$142,429
TFWPA Program Design	Develop new program framework for the TFW Protection Act implementation	\$62,724
ESB Website Renewal	Revised and drafted refreshed content and tools for ESB	\$59,840
Site Inspection Tool	Further developed a site inspection tool for use in ESB/TFWPA	\$75,930
New Calculator Tool	Designed calculator to support workers and employers	\$36,847
	Total	\$1,046,519

FY 19/20 Transformation Project Overview

Project Name	Description
Hiring new staff	Hire and onboard new staff to support ESB and TFWPA
Facilities Capital Improvements	Plan and implement over 2 years capital improvements to ESB office spaces
Compliance & Enforcement Fleet	Purchase vehicles to be used by the new Compliance and Enforcement Unit
Organizational Redesign	Identify further opportunities to realign branch organizational structure
Case Management System	Implement new system for TFWPA and ESB (all lines of business)
Solutions Explorer (ESB)	Expand tool to include more pathways for workers and employers
Multi-Lingual Service (TFWPA)	Continue pilot for multilingual support for ESB and extend to include TFWPA
Infoline Technology Upgrade	Improve client service with new phone technology for Info-line staff
ESB Complaints Process	Pilot new process and evaluate; implement across branch
TFWPA Program Design	Build remaining process and procedures needed for the TFWPA implementation
ESB Website Renewal	Continue to improve multi-lingual and plain-language content for clients
Site Inspection Tool	Agricultural Compliance Team to pilot tool within new Compliance and Enforcement Unit

ESB Transformation Completed Projects - FY20/21

Project Name	Status Update	Completion Date
Facilities	<ul style="list-style-type: none"> Projects completed in the Kelowna, Prince George and Nanaimo offices. 	March 31, 2021
Change Management	<ul style="list-style-type: none"> Change Management work has been completed with training sessions on change resilience, giving and receiving feedback and leading through change Branch focus on service delivery for workers and employers 	March 31, 2021
Case Management System	<ul style="list-style-type: none"> New Domestic Worker Registry Intake completed, (launched mid-March) Key compliance work completed for new system Additional Solution Explorer pathways prepared for Child Employment Permitting Enhancements made to Accounts and Communication Management 	March 31, 2021
Records Mgmt.	<ul style="list-style-type: none"> The move from the old system CRMS to central document management was completed in FY20/21 	Dec 20, 2020
ICE Anywhere / Ice Pay	<ul style="list-style-type: none"> Build and implementation of icePay for telephone payments to support employers and collections actions was completed in FY20/21 Completed redesign of Infoline 	March 31, 2021
Complaints Intake	<ul style="list-style-type: none"> Triage processes been added to the complaint form Call-taking staff received additional training to support incoming client calls 	March 31, 2021
Org Design	<ul style="list-style-type: none"> Branch designed to support complaints, compliance and TFWPU work and hired internally to fill vacancies 	March 31, 2021
TFWPA	<ul style="list-style-type: none"> Launched Employer Registration Intake, Online Registry and Reconsideration Intake First year of renewals for Recruiter Licensing have been processed 	March 31, 2021

2021/22 Estimates Note Advice to the Minister

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

Title: Protection of Foreign Workers

Revised: April 8, 2021

Issue: Protections for temporary foreign workers under the *Temporary Foreign Worker Protection Act*

Response:

- In November 2018, the *Temporary Foreign Worker Protection Act* received Royal Assent.
- The *Temporary Foreign Worker Protection Act* creates two new registries, one for foreign worker recruiters and one for employers wishing to recruit foreign nationals. The legislation also contains compliance and enforcement provisions, which will help protect vulnerable temporary foreign workers from exploitation and abuse.
- On October 1, 2019, the requirement for recruiters to be licenced by the Director of Employment Standards came into effect. This includes a requirement for a \$20,000 bond against future unpaid penalties or other monies owing. For example, the bond may be used to reimburse a foreign worker if a recruiter illegally charged the worker a fee for recruitment services.
- As of April 1, 2021, there were 208 Temporary Foreign Worker recruiter licenses issued and published.
- Effective December 15, 2020, employers of certain temporary foreign workers must hold a registration certificate. Employers may be denied registration or have their registration cancelled if they have violated the *Temporary Foreign Worker Protection Act* or other employment laws.
- As of April 1, 2021, 3,615 employer registration certificates have been issued.

Background/Status:

- The Premier's July 2017 mandate letter to the Minister of Labour included the following priority: "Create a Temporary Foreign Worker registry to help protect vulnerable workers from exploitation and to track the use of temporary workers in our economy."
- In response to the mandate letter priority, the Minister of Labour introduced in the BC Legislature the *Temporary Foreign Worker Protection Act* (TFWPA), which received Royal Assent on November 8, 2018.

2021/22 Estimates Note Advice to the Minister

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

- The TFWPA is designed to curtail the exploitation and abuse of foreign workers (such as charging recruitment fees or retaining a worker's passport).
- The TFWPA creates two registries, one for foreign worker recruiters and one for employers wishing to employ foreign nationals. The TFWPA also contains compliance and enforcement provisions to better protect these vulnerable workers.
- The Director of Employment Standards is responsible for administering the TFWPA, including the licensing of foreign worker recruiters and the registration of employers wishing to recruit foreign nationals.
- The employer registration requirement applies only to employers who hire foreign workers who require a Labour Market Impact Assessment from the federal government (and are typically tied to one employer, creating more opportunity for abuse), and workers brought in under the federal Home Child-Care Provider and Home Support Worker Pilot Projects.
- 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.
- Employers who recruit non-vulnerable foreign workers are exempted by regulation from the registration requirement.
- The Employment Standards Branch has established the Temporary Foreign Worker Protection Unit, which is responsible for the licensing of foreign worker recruiters and the registration of employers who wish to recruit foreign nationals, as required by the TFWPA.

Contact:

John Blakely

Executive Director

Labour Policy and
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2021/22 Estimates Note Advice to the Minister

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

Title: Updating Employment Standards

Revised: May 17, 2021

Issue: Updating employment standards

Response:

- Over the past four years, Government has acted to ensure that BC's employment standards legislation is responsive to the realities of work and employment in the 21st century.
- Major amendments were made to the *Employment Standards Act* in 2018, 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 include introducing new 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 personal illness or injury leave.
- Several amendments have recently been made to the Employment Standards Regulation in response to the COVID-19 public health emergency.
- Going forward, work has begun on looking at possible gaps in employment standards legislation for precarious and gig workers, as well consideration of the recommendations made by the BC Law Institute in its "Report on the *Employment Standards Act*" with regard to the various exclusions from parts or all of the Act for certain occupations and professions.

Background/Status:

- The 2017 mandate letter for the Minister of Labour included the following priority initiative: Update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.

2021/22 Estimates Note Advice to the Minister

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

- The Ministry acted to deliver on this priority by making the following amendments to the *Employment Standards Act* (Act):
 - In 2018, the *Employment Standards Amendment Act, 2018* (Bill 6) introduced several changes to the job-protected leave provisions of the Act. Specifically, 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.
 - In 2019, the *Employment Standards Amendment Act, 2019* (Bill 8) introduced a number of changes to the Act. Many of these changes were in response to recommendations made in 2018 by the independent BC Law Institute in its comprehensive “Report on the *Employment Standards Act*” (Report), as well input from the Employment Standards Coalition, the BC Federation of Labour, and others. Changes to the Act resulting from Bill 8 included:
 - requiring a permit from the Director of Employment Standards to employ a child under 14;
 - allowing 14 and 15-year-olds to perform “light work” that is safe for their health and development;
 - prohibiting the employment of persons under 16 in hazardous industries or in hazardous work;
 - requiring licensing of temporary help agencies;
 - 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 *Employment Standards Act* as the floor for new and renewed collective agreements;
 - modernizing the Employment Standards Branch and increasing the responsibilities of the Director of Employment Standards;
 - eliminating the Self-Help Kit; and,
 - extending the wage recovery period to 12 months, with the Director of Employment Standards having the discretion to extend to 24 months in prescribed circumstances.
 - Cabinet Confidences; Advice/Recommendations

2021/22 Estimates Note Advice to the Minister

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

- In 2020:
 - the *Employment Standards Amendment Act, 2020* (Bill 5) amended the Act to provide a new employer-paid leave of up to five days for employees experiencing, or who have specified family members experiencing, domestic or sexual violence.
 - In response to the COVID-19 public health emergency, the *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.
- The 2020 mandate letter for the Minister of Labour included instructions to make progress on the following item: 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.
- The ministry acted on this item by making the following amendments to the Act in 2021:
 - The *Employment Standards Amendment Act, 2021* (Bill 3) provides up to three hours of paid leave, per dose, to employees in British Columbia who are receiving their COVID-19 vaccination.
 - The *Employment Standards Amendment Act (No.2), 2021* (Bill 13) introduced up to 3 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.
- The 2020 mandate letter also included instructions for the Minister of Labour to support the Parliamentary Secretary for the New Economy, whose mandate letter, in turn, contains the following priority: "Propose employment standards for precarious and gig workers." (See Estimates Note #41, "Parliamentary Secretary for the New Economy and its Role in the Ministry of Labour"). Cabinet Confidences; Advice/Recommendations
Cabinet Confidences; Advice/Recommendations
- Over the past four years, the following amendments have been made to the Employment Standards Regulation (ESR):
 - BC Reg 32/2018 - Housekeeping amendments to repeal and replace confusing or outdated references in the ESR (part of "Red Tape Reduction Day 2018").
 - BC Reg 36/2019 - Housekeeping amendments to repeal and replace confusing or outdated references in the ESR (part of "Better Regulations for British Columbians 2019").
 - 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.

2021/22 Estimates Note Advice to the Minister

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

- 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 of Employment Standards in an on-line form.
 - BC Reg 64/2021- Updated language to reflect Government's commitment to gender equity and recognition of non-binary people.
 - BC Reg 216/2021 - Added two additional situations under which employees may qualify for COVID-19-related leave; 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.
 - The BCLI Report included consideration of the various exclusions from parts or all of the Act for certain occupations and professions. The BCLI recommended Government undertake a systematic review of all the exclusions to ensure that they continue to make sense in today's economy. Advice/Recommendations
- Advice/Recommendations

Contact:

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Branch

2021/22 Estimates Note Advice to the Minister

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

Title: Minimum Wage and the Fair Wages Commission

Revised: May 25, 2021

Issue: Minimum wage (including Liquor Server Rate and Piece Rates) and the Fair Wages Commission

Response:

- Effective June 1, 2021, both the minimum wage and liquor server wage will increase to \$15.20 an hour, making British Columbia's minimum wage the highest among Canadian provinces. This move will bring an end to the alternate wage for liquor servers in B.C., 80% of whom are women.
- Government continues to firmly believe that the lowest paid workers need support now more than ever.
- Government has committed to provide predictability for employers and workers by tying the minimum wage to the rate of inflation once the minimum wage reaches \$15.20 per hour in June 2021.
- We increased the **minimum piece rates** for hand harvesting of specific crops by 11.5 per cent as of January 1, 2019 — equal to the rate of increase for the general minimum wage on June 1, 2018.
- Meanwhile, we are taking a more in-depth look at the piece rate regulations to ensure compensation for farm workers is both fair for workers and sustainable for farm operators.
- In the final phase of its mandate, the Fair Wages 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:

- The number of British Columbia employees earning minimum wage or less in 2019 was 147,600. This represents 7 per cent of paid employees in British Columbia (i.e., excluding the self-employed) and is an increase from 5.1 per cent in 2017. An increase in the per cent of employees earning minimum wage would be expected with the significant increases in the minimum wage since 2017.

2021/22 Estimates Note Advice to the Minister

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

Fair Wages Commission and commitment to reach at least \$15

- The Fair Wages Commission was established in October 2017 as an 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 commission also includes two members – Ivan Limpright 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.
- There was a budget of \$490,000 over two years for the commission and its operations. The budget was \$240,000 for 2017/18 and \$250,000 in 2018/19 and covered payment for appointees, costs for travel, consultations and contract writing/publication and support such as research and advisory services.
- The Fair Wages Commission expenditures were \$26,000 in 2020/21 and \$71,000 in 2019/20. These expenditures were managed within the Ministry's base budget.
- 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.
- 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 for the commission 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.

2021/22 Estimates Note

Advice to the Minister

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

- Have the permanent commission establish predictable indicators to guide future increases to the minimum wage, such as the CPI (or some other 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 sent to the commission.
- 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 Fair Wages Commission is currently reviewing the gap between living wages and the minimum wage in B.C. communities. This will fulfil the third phase of its mandate.
- As part of this review, the commission undertook a public engagement 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.

Other jurisdictions – current minimum wage rates

- B.C.'s current general minimum wage is \$14.60/hour, which, is second among the 10 Canadian provinces. Minimum wage rates among Canadian provinces currently range from \$11.45/hour to \$15.00/hour.
- At \$16/hour, Nunavut's minimum wage rate is higher than minimum wages in all other provinces and territories.
- Most Canadian jurisdictions, including B.C. now, have commitments to regular minimum wage increases based on a statistical measure (e.g., inflation) and/or a mechanism in place for a formal review (e.g., panel of experts) — see Appendix 1 for further details.
- In November 2018, the Ontario government passed legislation that froze the province's minimum wage at \$14/hr until 2020. The Ontario government had indicated that after 2020, the minimum wage is expected to increase at the rate of inflation (reaching \$15 an hour by approximately 2024).

2021/22 Estimates Note Advice to the Minister

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

Fair Wages Commission Second Report on Alternative Minimum Wage Rates

- The commission's second report, released on April 19, 2018, made recommendations on increases to the alternative regulated minimum wage rates, including the minimum 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 raising the lower liquor-server minimum wage to equal the general 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 will increase to \$15.20 an hour, making this the highest minimum wage among Canadian provinces. This move will bring an end to the alternate wage for liquor servers in B.C., 80% of whom are women.
- The move is based on the recommendations from the Fair Wages Commission's second report.
- Alberta had a minimum wage for liquor servers of \$10.70/hour but eliminated the liquor server wage in October 2016 (liquor servers are now subject to the general minimum wage of \$15.00/hour).
- Effective Oct 1, 2021, Ontario's minimum wage for liquor servers will be \$12.55/hour, while its general minimum wage will be \$14.25/hour (\$1.80/hour difference).
- Effective May 1, 2021, Quebec's minimum wage for employees who customarily receive gratuities will be \$10.80/hour, while its general minimum wage is \$13.50/hour (\$2.70/hour difference).

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.

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- In April 2018, the Fair Wages Commission made recommendations on B.C.'s piece rate system as part of its second report.
- The recommendations included increasing all piece rates by 15 per cent on June 1, 2018 and implementing the general minimum 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 Karen Taylor to conduct an in-depth study.
- 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 Fair Wages 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.

- Cabinet Confidences; Advice/Recommendations

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Other alternative minimum wage rates

- In addition to the liquor server rate and 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”. Based on recommendations from the commission, the rates for “live-in camp leaders” and “resident caretakers” are increasing by the same percentage and on the same schedule as the general hourly minimum wage.
- Accordingly, effective June 1, 2021, the minimum wage rates for live-in camp leaders and resident caretakers is increasing to:
 - \$121.65 (from \$116.86) per day for live-in camp leaders
 - \$912.28 per month plus \$36.56 per suite for those who manage nine to 60 residential suites - or \$3,107.42 per month for resident caretakers who manage 61 or more units.

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Minister Responsible: Hon. Harry Bains

- Cabinet Confidences; Advice/Recommendations

Attachments: Appendix 1 – General Minimum Wages in Canada
Appendix 2 – Fair Wages Commission Terms of Reference

Contact:
John Blakely Executive Labour Policy and 778 974-2173
Director Legislation Branch

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Minister Responsible: Hon. Harry Bains

Appendix 1 – General Minimum Wages in Canada (as of April 9, 2020)

Jurisdiction	Rate (\$/hr)	Effective Date	Notes on Future Changes
Nunavut	16.00	April 1, 2020	Mandatory review by Minister.
Alberta	15.00	Oct 1, 2018	
British Columbia	15.20	June 1, 2021	<ul style="list-style-type: none"> 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)
Ontario	14.35	Oct 1, 2021	Future increases to be linked to inflation
Yukon	13.85	April 1, 2021	On April 1 of each year, the rate increases based on annual increase for the preceding year in the CPI for Whitehorse.
Northwest Territories	13.46	April 1, 2018	Increases to 15.20 on September 1, 2021. Independent body gives advice.
Quebec	13.50	May 1, 2021	
Prince Edward Island	13.00	April 1, 2021	Independent body gives advice.
Nova Scotia	12.95	April 1, 2021	Minimum wage will be adjusted annually on April 1 relative to the Consumer Price Index.
New Brunswick	11.75	April 1, 2021	Future changes tied to inflation. Minister review every two years.
Manitoba	11.90	Oct 1, 2020	Yearly increases indexed to provincial CPI.
Newfoundland and Labrador	12.50	April 1, 2021	On October 1, 2021: increase by \$0.25. Future changes will be annual and based on CPI.
Saskatchewan	11.45	Oct 1, 2020	Yearly increases based on average of increases in CPI and average hourly wage.

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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

2021/22 Estimates Note Advice to the Minister

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

Title: Domestic or Sexual Violence Leave

Revised: April 1, 2020

Issue: Leave Respecting Domestic or Sexual Violence: Workplace Supports for People Facing Domestic or Sexual Violence

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*, to include new leave provisions that 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 in-person and online with domestic and sexual violence survivor advocates, workers, employers and the general public on how to improve the job-protected unpaid leave and what government can do to ensure workplace support is there for people facing domestic or sexual violence when they need it most.
- The majority of the participants in the consultations expressed support for paid domestic or sexual violence leave as both necessary and overdue.
- In August 2020, Government passed the *Employment Standards Amendment Act, 2020* (Bill 5), which added up to five days of employer-paid domestic or sexual violence leave each calendar year to BC's Employment Standards Act.
- Bill 5 builds upon the improvements made to the Employment Standards Act in 2019 that provided unpaid, job-protected leave from work for those impacted by domestic or sexual violence. Survivors of domestic or sexual violence, including children and youth, need our help, and our work supports economic stability for families facing these challenging situations.

Background/Status:

- On May 30, 2019, the *Employment Standards Amendment Act* (Bill 8) introduced unpaid, job-protected domestic or sexual violence leave to the *Employment Standards Act* (the Act).

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- The legislation provided employees with up to 10 consecutive or intermittent days of leave, and up to an additional 15 weeks of consecutive or, with the employer's consent, intermittent 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.
- The engagement process, conducted in fall 2019f, was far-reaching and encompassed the public, employers, labour representatives, Indigenous women's organizations, groups supporting individuals and families who have 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 consultations with stakeholders. The majority of the participants expressed support for paid domestic or sexual violence leave as both necessary and overdue.
- In Spring 2020, government introduced further amendments (Bill 5) to the Act to establish an employee's entitlement to domestic or sexual violence leave each calendar year in three parts:
 - up to five days of paid leave - which is the new entitlement,
 - up to five days of unpaid leave - which is reduced from the entitlement of up to ten days of unpaid leave that was set out in Bill 8 to accommodate the five days of paid leave, and
 - an additional unpaid leave of up to 15 weeks - which is unchanged from the existing entitlement.
- Bill 5 received Royal Assent in August 2020.
- The paid leave is available if an employee, an employee's child (under 19), or a dependent adult in the care of the employee (who is the dependent adult's parent or former guardian) experiences domestic or sexual violence.
- Employees may take leave without the risk of losing income for any of the following purposes in relation to domestic or sexual violence experienced by themselves, their child (under 19) or their dependent adult child in their care :
 - 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 for a psychological or emotional condition
 - To relocate temporarily or permanently
 - To seek legal or law enforcement assistance or attend a civil or criminal proceeding.

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- The paid leave also 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.
- Employees must provide the employer with reasonably sufficient proof in the circumstances that the employee is entitled to the leave, if the employer requests proof. The Act recognizes the need for flexibility and sensitivity and does not specify what type of documents would be sufficient proof in different circumstances.

Contact:

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

Title: Employment Standards Branch Variance Project

Revised: May 25, 2021

Issue: Extending the temporary layoff period to keep workers and employers connected during the COVID-19 Pandemic

Response:

- The pandemic's impact on BC's workers, employers and workplaces was unprecedented.
- When the pandemic first hit, workers were temporarily laid off; as the pandemic continued, government took action to prevent employees from being terminated due to the ongoing pandemic.
- On May 4, 2020 government amended BC Reg 395/95 to define "COVID-19 emergency" to mean the emergency subject to the Public Health Officer's notice and declaration of a state of emergency. The definition of temporary layoff was amended to extend layoffs resulting from a Covid-19 emergency from 13 weeks in any consecutive 20 week period to 16 weeks in any consecutive 20 week period.
- On June 25, 2020 government again amended BC Reg 395/95, which changed Section 45.01 of the Employment Standards Regulation's definition of temporary layoff off to mean a period of up to 24 weeks, in any period ending August 30, 2020, of 28 consecutive weeks. The amendment did not apply to layoffs after June 1, 2020.
- To support workers and employers staying connected during the ongoing pandemic, and to avoid permanent terminations and severance payments during the COVID-19 emergency, my Ministry developed a streamlined application process to enable employers and workers to jointly apply for a "variance" - to further extend a temporary layoff before the August 30, 2020 deadline.
- Under the ESA, employers, with the support of the majority of affected employees can apply to vary certain provisions of the Act. Variances allow an employer and their employees to make a joint application to vary a prescribed section of the ESA, including the definition of temporary layoff.
- From July 2020 to March 31, 2021, ESB issued 1,088 temporary layoff variances (out of a total received of 1,181 applications).

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- Through this variance process, 17,209 employees were covered by a variance. This process ensured that employees continued to be employed and receiving workplace benefits and could apply for relief programs and employers could quickly access their trained, valuable, existing workforce to resume business to support economic recovery.

Background/Status

- In March 2020, the global pandemic resulted in unprecedented mass layoffs in B.C.
- In B.C. temporary layoffs are only permitted in certain circumstances. Under the ESA, if not specifically in a contract of employment, temporary layoffs are only available if the employee accepts it, or if part of a common industry practice.
- Under ESA, even if a temporary layoff is permitted, if the layoff lasts more than 13 weeks in a 20 week period, it results in a deemed termination of employment.
- Based on timing of pandemic, this would have seen employees deemed terminated in early June 2020.
- The ESA allows for employers and workers to apply for what is known as a "variance" to extend the time period for a temporary layoff with more than 50% support of affected employees.
- Typically ESB only receives approximately 140 variances of all types per year. In order to response to an anticipated significant volume of variance applications, needing to be determined before August 30, 2020, the Ministry developed and launched an expediated variance process for temporary layoff variances. In addition, the Ministry obtained temporary staffing resources from across government to meet the needs of employers and employees in a timely and effective manner.

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2021/22 Estimates Note Advice to the Minister

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

Title: Employment Standards Branch Backlog Reduction

Revised: May 25, 2021

Issue: There has been a steady increase in the number of complaints received by the Employment Standards Branch resulting in a corresponding backlog of complaints waiting to be assigned.

Response:

- The employment standards branch provides key services to support workers and employers in BC's workplaces.
- We began investing in the branch to improve access for all clients and reduce barriers to accessing needed services for workers, and to address the backlog of complaints.
- As we removed barriers and began providing easier access, the volume of complaints rose and ESB received a significant investment in Budget 2019 of \$14M over three years to modernize the branch's services.
- In 2019/20 we added 36 new staff to support the processing of complaints and in 2020/21 we established a temporary backlog reduction team with 13 new additional Employment Standards Officers to process more complaints.
- And right now for 2021/22 we are hiring to add an additional 11 new Employment Standards Officers to increase the backlog reduction team and speed up the processing of workers' complaints.
- The Branch also engaged additional government resources through Service BC to contact complainants and initiate critical information gathering to speed up file processing..
- The Branch implemented new triaging and complaints processes to better target resources based on complaint complexity.

Background/Status:

- Over the last number of years, the ESB has seen an increase in complaints volumes. In 2018, the Branch received 4937 complaints while in 2019 that number rose to 7617 and in 2020 to 7403.
- 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*.

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- To address the increase in complaints, the Ministry has developed streamlined complaints processes, improved the use of technology as part of its overall digital transformation strategy and launched new triaging processes to better address the types and complexity of the complaints.
- To address the immediate service needs of complaint parties, the Ministry engaged additional resources from Service BC to quickly mobilize a dedicated team focused on contacting complainants in the backlog and obtain necessary information fundamental to the investigation process.
- Advice/Recommendations
 - Also to assist with this increase in complaints, we have triaged the complaints to ensure complex files are processed by senior staff and more straightforward complaints are processed by more junior staff to improve the efficiency and output of our resources. .
 - In Winter 2020 the Branch undertook additional recruitment and hiring as part of its backlog reduction strategy.
 - Between March 29 and May 10, 2021 the Branch has hired 27 Employment Standards Investigators (14 permanent and 13 auxiliary Officers/ESOs).

Contact:

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2021/22 Estimates Note Advice to the Minister

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

Title: Paid Sick Leave

Revised: May 25, 2021

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.
- In May 2021, Bill 13 amended the *Employment Standards Act* to establish two new paid leaves:
 - for the short term -- effective from the date of Royal Assent (May 20, 2021) until December 31, 2021 -- up to three days of paid COVID-19 sick leave for employees who have symptoms, are self-isolating, or are waiting for a test result; and,
 - for the long term -- beginning January 1, 2022 -- a permanent paid sick leave to be determined through a public consultation process.
- With the passage of Bill 13, B.C. now leads the way in supporting workers and ensuring that they do not have to go to work when they are sick.
- For the COVID-19 sick leave, the Province will reimburse employers without an existing sick leave program up to \$200 per day for each worker to cover costs. The estimated cost of the employer reimbursement program is \$320 million.
- WorkSafeBC will administer the employer reimbursement program on behalf of the Province at an estimated cost of \$1.4 million. Details on the program, including how employers may register for reimbursement, will be available in June.
- In order to meet the needs of workers and support employers during economic recovery, the number of days and structure of the permanent paid sick leave will be established only after consultations with the business community, labour organizations, Indigenous partners, and other stakeholders.
- Once details are finalized, Government will announce the process and timing for stakeholder consultations.

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Background/Status:

- On May 11, 2021, in order to support workers to stay home when they are sick both during the COVID-19 pandemic and beyond, Government introduced the *Employment Standards Amendment Act (No. 2), 2021* (Bill 13) into the House.
- Bill 13 amends the *Employment Standards Act* (Act) to provide:
 - up to three days of paid COVID-19 sick leave; and,
 - a permanent entitlement to paid personal injury and illness leave.
- Paid COVID-19 sick leave:
 - Employees in the following circumstances are eligible for up to three days of paid sick leave from the date of Royal Assent 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.
 - In order to ensure that it is available to as many employees as may need it, there is no minimum employment requirement for entitlement to this leave.
 - The leave bridges a gap to cover situations where a worker misses less than 50% of their scheduled work week and does not qualify for the federal Canada Recovery Sickness Benefit – for example, after a day or two of self-isolation a worker is able to return to work when they test negative for COVID-19. If a worker falls ill with COVID-19, or is in self-isolation, and needs to miss work for several days or more, they will be eligible to receive the Canada Recovery Sickness Benefit as of the beginning of the week following the week they received paid sick leave.
 - While employers are required to pay workers on COVID-19 sick leave their full wages, the Province will reimburse those employers who do not have an existing sick leave program up to \$200 per day per worker to cover costs.
 - Employers that have a highly paid workforce but do not already have paid sick leave will be required to cover any remaining wages owed above \$200 for each COVID-19 sick day taken.
 - Beginning in June, WorkSafeBC will administer the employer reimbursement program on behalf of the Province. The program is not part of the workers' compensation system and will not impact WorkSafeBC's employer premiums or its accident fund.

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- Details on the reimbursement program, including how employers' may register for reimbursement, will be available in June.
- Paid personal illness and injury leave:
 - Effective January 1, 2022, all employees will be eligible for 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 and structure of the permanent paid sick leave will be determined only after consultations with the business community, labour organizations, Indigenous partners, and other stakeholders.
 - Once details are finalized, Government will announce the process and timing for stakeholder consultations.
- An estimated 50% of B.C. employees do not currently have access to paid sick leave – meaning that upwards of one million workers in B.C. will potentially benefit from receiving these new paid sick leaves. The ability to take paid leave will be especially beneficial to many vulnerable and low-wage workers (often women or migrant workers) who lack benefits.

Costs – Paid COVID-19 Sick Leave Employer Reimbursement Program:

- The estimated cost of the contract for WorkSafeBC to administer the employer reimbursement program on behalf of the province is \$1.4 million.
- While it is difficult to know the exact costs of the employer reimbursement program (much will depend on the trajectory of the COVID-19 pandemic over the next few months), the estimated cost is \$320 million.
 - This estimate assumes 60% (600,000) of the estimated one million employees in B.C. who do not currently have paid sick leave may need to access three days of paid COVID-19 sick leave.
 - The program will reimburse employers for the actual wages of employees who take COVID-19 paid sick leave, up to a maximum of \$200 per day per employee. Based upon an analysis undertaken by the Ministry of Finance, the ministry estimates the average reimbursement per employee will be \$172 per day. This is based on reasonable assumptions about the wages paid to B.C. employees. \$172 per day multiplied by three days of leave, multiplied by the 600,000 employees who could potentially access the leave, results in the estimated cost of \$320 million.
 - If the percentage of employees who access the paid COVID-19 sick leave is less than 60%, or if employees, on average, end up taking fewer than three

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days, the costs of the program would be less; if the percentage of employees who access the leave is greater than 60%, the costs could be more.

Contact:

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

Title: B.C. Labour Relations Board Update

Revised: April 6, 2021

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 Board has been staffed with a full complement of appointees.
- The Board has, amidst the COVID-19 emergency, continued to operate, process applications and conduct votes, hearings, settlement conferences and mediations with modifications to allow for virtual proceedings, mail and electronic ballots and with staff working from home.
- **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 after a merit-based process.
- As of April 2, 2021, the LRB is staffed with the following Order in Council (OIC) appointments:

Name	Position	Term
Jacque de Aguayo	Chair	February 4, 2022
Jennifer Glougie	Associate Chair	June 1, 2022
Najeeb Hassan	Registrar and Vice-Chair	December 2, 2024

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Name	Position	Term
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
Karen Jewell	Vice-Chair	April 30, 2025
Brett Matthews	Vice-Chair	July 30, 2025

- 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 August 24, 2017, Brent Mullin's appointment was rescinded, and Jacquie de Aguayo was appointed acting chair of the Labour Relations Board and the Employment Standards Tribunal.
- De Aguayo was appointed as acting chair for both boards for six months while the Crown Agencies and Board Resourcing Office undertook a comprehensive merit-based search to fill the position.
- On February 5, 2018, de Aguayo was appointed permanent chair for both boards for a four-year term.

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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- [illegible]

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.
- The most recent annual report indicates that the shift to online voting improved employee participation in the certification process. Almost 45% of in-person votes resulted in voter turnout of less than 85%, in comparison to just under 30% of online votes resulting in turnout of less than 85%. Online voting was more than twice as likely to result in voter turnout in the 85% to 94% range than in person or mail voting.

Advice/Recommendations: Government Financial Information

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

Impact of the Labour Relations Code Amendment Act, 2019 (Bill 30) on the LRB

- Bill 30 amended the *Labour Relations Code* to improve fairness for workers as well as promote stable and productive labour relations to the benefit of employers and British Columbians more broadly.
 - Several of the changes required the LRB to slightly adapt its practices and procedures. For example, Bill 30 shortened the timeline between when a certification application is made and when the vote happens. Bill 30 also amended how certain mediation services are accessed and provided by the Board.
 - The Ministry understands the LRB has been adapting its practices and procedures as necessary and has engaged in a dialogue with the labour relations community to communicate changes and hear input.
 - Cabinet Confidences; Advice/Recommendations
-
- The LRB works with the Ministry of Attorney General to assess its budget and staffing levels.

Contact:

Trevor Hughes	Deputy Minister	Ministry of Labour	778 974-2189
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2021/22 Estimates Note Advice to the Minister

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

Title: Collective Bargaining

Revised: May 25, 2021

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.
- In the event that there are collective bargaining disputes, the Labour Relations Board is available to assist the parties in mediation and adjudication. The Ministry is also prepared to assist the parties and to do whatever is necessary to protect the public interest.
- 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 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.
Advice/Recommendations; Government Financial Information
- Advice/Recommendations; Government Financial Information

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- 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 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 of Labour 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* 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* 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.

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- Recently and in the past, municipal employers have raised concerns about the specific requirements for the arbitrator set out in the Act. Some municipalities have 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 makes an equivalent monetary contribution. The Ministry provided \$177,000 over the three years. The agreement has been extended for two more years, until March 31, 2023 with a Ministry contribution commitment of \$148,600 over the new period.

Contact:

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2021/22 Estimates Note Advice to the Minister

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

Title: Forestry Successorship

Revised: April 6, 2021

Issue: Government's previously stated intention to appoint an 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.
- My Ministry is engaging with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development on this matter.
- We will also be working with the Ministry of Indigenous Relations and Reconciliation to ensure that the interests of First Nations are fully understood and respected as government makes good on the commitments to reconciliation laid out in the Declaration on the Rights of Indigenous Peoples Act.

Background/Status:

- On September 20, 2020, the Minister of Labour announced government's intention to appoint an Industrial Inquiry Commission (IIC) under the *Labour Relations Code* (the Code) to undertake a focused engagement with stakeholders about contract tendering and successorship in the BC forest sector. The announcement noted an intention to focus on matters outside the scope of any Indigenous or First Nations interests.
 - Advice/Recommendations; Intergovernmental Communications
-
- Currently, FLNRORD is developing an "intentions paper" which will seek input from a wide range of stakeholders regarding forest policy and legislative issues which may include successorship in the forest sector.

2021/22 Estimates Note Advice to the Minister

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

Contact:
John Blakely Executive Director Labour Policy and 778 974-2173
Legislation Branch

2021/22 Estimates Note Advice to the Minister

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

Title: *Labour Relations Code Review*

Revised: April 8, 2021

Issue: Potential further review of and possible changes to the *Labour Relations Code*

Response:

- In May 2019, government passed Bill 30 which implemented all the legislative changes to the *Labour Relations Code* recommended by the 2019 Review Panel.
- The amendments made by Bill 30 improve fairness for workers as well as promote stable and productive labour relations to the benefit of employers and British Columbians more broadly.
- Building on the 2019 changes to the *Labour Relations Code*, one of the priorities in my current mandate letter is to ensure that every worker has the right to join a union and bargain for fair working conditions.
- Another priority is to create new consultative mechanisms to engage worker and employer representatives on workplace legislation changes.
- As we look toward full economic recovery, it will be important to engage with employer and worker representatives regarding any proposed changes to workplace legislation, to ensure the widest possible support.

Background/Status:

Building on the 2019 amendments to the *Labour Relations Code*, the Minister's current mandate letter includes direction to ensure that every worker has the right to join a union and bargain for fair working conditions.

Cabinet Confidences; Advice/Recommendations

Successorship rights: One of the Bill 30, 2019, amendments extended 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.

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Cabinet Confidences; Advice/Recommendations

Union certification process: The Bill 30, 2019, amendments to the *Labour Relations Code* maintained the secret ballot vote for union certifications but made several changes to improve the fairness of the certification process. This included shortening the time between certification applications and the secret ballot vote (from 10 days to 5 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.

Cabinet Confidences; Advice/Recommendations

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2021/22 Estimates Note Advice to the Minister

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

Title: Asbestos

Revised: April 2, 2021

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.
- Government is committed to keeping British Columbians and our environment safe from the deadly consequences of asbestos.
- The Ministry of Labour is leading a cross-ministry Asbestos Working Group mandated “to identify, review and report on outstanding risks that asbestos poses for British Columbians and the environment, and additional strategies and initiatives that the British Columbia government and its agencies could undertake to further protect people and the environment from the dangers of asbestos.”
- The Ministries of Labour, Health, Finance, Environment and Climate Change Strategy and Municipal Affairs, the Ministry Responsible for Housing, and WorkSafeBC are represented on the Working Group.
- The Asbestos Working Group consulted on how to better protect people and the environment from asbestos with business and employer representatives, the BC Federation of Labour, the BC Building Trades and other worker representatives, asbestos contractors, the Union of BC Municipalities, selected local governments and other appropriate stakeholders identified by the working group.
- In December 2018, the Asbestos Working Group released a draft report “Keeping Workers, the Public and the Environment Safe from Asbestos.”
- The Report identified key issue areas surrounding asbestos, including identification, handling, abatement and disposal, and identified 16 recommendations on strategies and initiatives that the provincial government and its agencies could take to further protect British Columbians and the environment from the dangers of asbestos.
- The Asbestos Working Group sought public input until February 15, 2019, on the recommendations contained within the draft report.

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- The Asbestos Working Group is meeting regularly throughout the spring of 2021 to finalize an action plan for Government's consideration that will address all of the Report's 16 recommendations for government's consideration.

Background/Status:

- Asbestos safety is a matter of significant concern to the Government of British Columbia, worker and employer stakeholders, WorkSafeBC, public health officials and the general public.
- Exposure to asbestos can cause serious long-term health issues and even death. Until the early 1990s, asbestos was widely used in B.C. as a building material and can be present in many areas of older buildings.
- WorkSafeBC reports that asbestos exposure remains a challenge in workplaces; in 2019, more than 431 workers reported workplace exposure to asbestos, as compared to 578 exposures reported in 2018.
- WorkSafeBC reports that in 2019, asbestos exposure was a primary driver in 84 of 140 work-related deaths that resulted from occupational disease.
- Workers with the highest risk of inhaling the asbestos fibres include demolition and renovation contractors, carpenters, plumbers, electricians, building owners, home inspectors, insurance adjusters and real estate agents.
- If asbestos is found, the *Occupational Health and Safety Regulation* requires employers to hire a qualified abatement contractor to remove the material. A qualified person must also certify that the worksite air is safe, following the completion of the asbestos removal work.
- The *Occupational Health and Safety Regulation* defines a qualified person as someone who has knowledge of the management and control of asbestos hazards through education and training, and has experience in the management and control of asbestos hazards.
- Given the dangerous nature of asbestos, the safe use, handling, abatement and disposal of asbestos-containing materials is important from several perspectives including worker safety, safety during home and apartment renovations and demolitions, consumer and public awareness and environmental protection.

Asbestos Working Group

- The cross-ministry Asbestos Working Group's mandate is "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

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government and its agencies could undertake to further protect people and the environment from the dangers of asbestos.”

- Since its creation in February 2017, the working group reviewed available evidence to identify the nature and magnitude of outstanding asbestos risks for British Columbians and the province’s natural environment, and identified a number of initiatives that ministries and agencies are currently undertaking or are considering going forward.
- The working group consulted on the identified issues and potential initiatives with relevant outside stakeholders. These stakeholders have included business and employer representatives, the BC Federation of Labour, the BC Building Trades and other worker representatives, asbestos contractors, the Union of BC Municipalities, selected local governments and other appropriate stakeholders identified by the working group.
- As part of its mandate, in December 2018, the Working Group released a report *“Keeping Workers, the Public and the Environment Safe from Asbestos: Working Group Draft Final Report and Recommended Actions”* (the Report). The Report, through research and analysis, identified key issue areas surrounding asbestos that span through a continuum of identification, handling, abatement and disposal.
- The Report identified five broad and specific concerns particularly:
 - Qualification and competencies,
 - Regulatory and enforcement gaps and overlaps,
 - Costs driving work underground,
 - Gaps in public knowledge and awareness, and
 - Limitations in disposal options and facilities and illegal dumping.
- The Report also identified 16 recommendations on strategies and initiatives that the British Columbia government and its agencies could undertake to further protect British Columbians and the environment from the dangers of asbestos. Following the release of the report in December 2018, the Asbestos Working Group sought public input on initial recommendations to help refine the strategies and initiatives proposed in the Report in order to advance solutions that prevent further asbestos exposure.
- The Asbestos Working Group received over 30 submissions from homeowners, municipalities, workers and employers in the construction and renovation sector.
- This feedback is being incorporated into a final report which is expected to provide direction on how to better protect British Columbians and our environment from the dangers of asbestos, including the disposal of asbestos.

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Ministry: Ministry of Labour
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- Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations

Contact:

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2021/22 Estimates Note Advice to the Minister

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

Title: Bullying, Harassment and Mental Disorders

Revised: April 1, 2021

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, as well as mental disorders 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 this important material and 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 mental disorders 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. As such, 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

Bullying and Harassment as a Worker Safety Issue

- WorkSafeBC has a dedicated team of prevention officers with specialized training in workplace bullying and harassment issues. All prevention officers receive general training in assessing employer compliance with bullying and harassment policies.
- WorkSafeBC's role in enforcement is to ensure that workplace parties are fulfilling their duties – this includes responding to complaints (e.g. incidents or inadequate policies), and investigating failure to address allegations and/or allegations of employer retaliation against employee reporting.
- In 2020, WorkSafeBC delivered multiple presentations and workshops to employers and workers, in-person and online - this includes a Workplace Bullying and Harassment Toolkit.

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2021/22 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: April 7, 2021

Issue: Mental Disorders, including 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 recognize the important, dangerous and sometimes traumatic work that the workers covered by these changes do every day to serve and protect British Columbians.
- These amendments also permit government to designate other occupations by regulation.
- Effective April 16, 2019, government passed a regulation to add nurses, emergency dispatchers and publicly funded health-care assistants to the mental disorder presumption to ensure they have easier access to workers' compensation for mental-health disorders that come from work-related trauma.
- 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 committee is currently focused on this issue in the COVID-19 health emergency, which has resulted in significant increases in work-related mental health challenges for first responders.

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- The federal, provincial and territorial ministers responsible for labour have agreed to work together to reduce the stigma associated with mental health issues in the workplace, explore ways to enhance supports through employers and workers' compensation boards, and share information on best practices and research across provinces and territories. B.C. is a leader in this work.

Background/Status:

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

- The *Workers Compensation 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 *Workers Compensation 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 *Workers Compensation 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 *Workers Compensation 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.

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- 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.
- 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 developed a new set of goals for 2020:
 - Improve, update, and evaluate barriers to the implementation of the Recommended Practices.
 - Improve understanding of first responder issues by mental health practitioners.
 - Improve the mental health supports of current and retired first responders.
 - Host a first responder mental health conference.

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- Ensure first responders have the mental health supports they need during the pandemic.
- The Committee increased the frequency of its meetings at the onset of the COVID-19 outbreak to enable the organizations represented on the Committee to discuss and share resources and knowledge as they pertain to the COVID-19 outbreak, for both mental and physical health. The first responder mental health website now includes a page dedicated to mental health resources on COVID-19.
- As a result of the COVID-19 pandemic and in lieu of plans for an in-person conference, the Committee hosted a six-part speakers' series between January and March 2021. The series provided the first responder community with relevant information and tools, as well as discussions with expert panelists. Registration was capped at 1,000 participants for each webinar, with each being filled.

Meetings of Federal, Provincial and Territorial Ministers Responsible for Labour

- At the 2018 and 2020 meetings of ministers responsible for labour, ministers affirmed their commitment to work collaboratively on issues related to workplace mental health.
- Advice/Recommendations: Intergovernmental Communications

Advice/Recommendations

Contact:

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2021/22 Estimates Note Advice to the Minister

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

Title: Protecting the Lives and Safety of Workers

Revised: April 1, 2021

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

Response:

- As Minister responsible for WorkSafeBC, I intend to continue to work diligently to make British Columbia the safest jurisdiction in Canada 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 actions needed to make B.C. the safest jurisdiction in Canada, 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 2018-2022 Strategic Plan entitled *A Safe and Healthy Future for B.C. Workplaces*.
- This Strategic Plan can be viewed on WorkSafeBC's website.
- In addition, Premier Horgan's mandate letter to me directed that I ensure WorkSafeBC increases the number of WorkSafeBC caseworkers and increase workplace safety inspections.
- In light of the COVID 19 Pandemic, my ministry is continuing to work with WorkSafeBC, the Provincial Health Officer, various areas of government, industry and unions to provide the appropriate guidance being made available for employers and workers.
- In his mandate letter to me, Premier Horgan directed me to develop a collaborative approach in working with representatives of workers and employers to address the impacts of the COVID-19 pandemic on people and businesses.

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

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accidents that can highlight areas where more work needs to be done, including legislative, regulatory, policy and program actions.

- WorkSafeBC's 2018-2022 Strategic Plan and its 2020-2022 Service Plan include a prevention strategy with the following key elements:
 - Safety ownership and culture;
 - Occupational disease prevention;
 - Serious injury prevention;
 - Workplace violence prevention;
 - Small business considerations;
 - Incentives and penalties;
 - Vulnerable workers;
 - Mental health and bullying and harassment; and
 - Societal transformation.

- **Advice/Recommendations**

- WorkSafeBC has staff working throughout B.C. to conduct inspections, support claims from workers and conduct assessments to support employers in B.C.
- For example, approximately 340 officers are conducting inspections, located in all regions of the province. As part of their role, all are trained and conducting COVID-19 inspections to help keep workplaces safe. WorkSafeBC regularly hires officers to maintain their complement of trained officers.
- WorkSafeBC conducted 58,000 safety inspections in 2020 (COVID-19 specific plus regular safety inspections). By comparison, a total of 44,000 inspections were done in 2019.
 - The **preliminary** provincial injury rate (number of claims first accepted per 100 person-years of employment) is down to 2.14 for 2020 from 2.19 in 2019.

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2021/22 Estimates Note Advice to the Minister

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

Title: Workers' Compensation Review

Revised: April 15, 2021

Issue: Ensuring that workers and surviving dependants 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 surviving dependants, receive fair and timely compensation and are treated with dignity and respect.
- In 2020 the Minister asked Jeff **Parr** to consult with business and labour leaders on reports previously issued by Paul **Petrie**, Terry **Boygo** and Lisa **Helps** and recommend appropriate legislative amendments.
- On August 14, 2020, Bill 23, the *Workers Compensation Amendment Act, 2020*, received Royal Assent. Bill 23 provides better support to injured workers and their families and enhances WorkSafeBC's ability to investigate workplace incidents. Bill 23 improved the *Workers Compensation Act* by:
 - Increasing the maximum earnings threshold for calculating workers' compensation to bring BC more into line with other Canadian jurisdictions,
 - Enhancing WorkSafeBC's occupational health and safety investigation framework to support the health and safety of British Columbia workers by enacting further recommendations flowing from the 2012 sawmill explosion tragedies,
 - Enhancing the operational effectiveness of the workers' compensation system, and
 - Shortening 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. We have now published Ms. Patterson's report and are reviewing and considering the report's findings.

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Background/Status:

- In addition to promoting, regulating and enforcing worker health and safety, WorkSafeBC's mandate includes providing fair wage-loss compensation to workers while 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 so that it can remain viable.
- While WorkSafeBC takes service quality very seriously and has implemented a number of improvements over the years, clients reported to government and to WorkSafeBC about the quality of services being provided. This was particularly so for complex cases that can present challenges for the system and for the affected workers and dependants.
- These concerns are important to the WorkSafeBC executive and to government. Generally, service quality issues can be addressed directly by WorkSafeBC without legislative amendment.
- The July 2017 mandate letter directed the Minister to review and develop options with WorkSafeBC to increase compliance with employment laws and standards put in place to protect the lives and safety of workers.
- Since 2017, the Minister has made progress on these priorities and commitments with a systemic approach to effecting the desired shifts including the following initiatives and policy changes:
 - Board Governance: Since 2017, government has appointed a number of new individuals to the WorkSafeBC board of directors, including a new chair, to provide new 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* (WCA) and the Occupational Health and Safety Regulation.
 - Policies and Legislation:
 - Government passed Bill 9-2018 (the *Workers Compensation Amendment Act, 2018*) which adds a presumption for first responders who experience trauma as a result of their work and

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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.
- Government passed Bill 18-2019 (the *Workers Compensation Amendment Act, 2019*) 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 are policies that could be amended to ensure a worker-centred approach. The process, led by consultant Paul **Petrie**, resulted in a report published on April 25, 2018 entitled “*Restoring the Balance: A Worker-Centred Approach to Workers' Compensation Policy*”.
- Terrance **Bogyo** was engaged by the WorkSafeBC Board 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 these three reports and recommend appropriate legislative amendments.
- The government considered these reports, along with the results of Jeff Parr's consultations and recommendations, and introduced Bill 23 (2020), 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 British Columbia workers by enacting further recommendations flowing from the 2012 sawmill explosion tragedies,

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- 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.
- Ms. Patterson assessed five areas:
 - Policies and practices to support injured workers' return to work,
 - The case management of injured workers,
 - A gender and diversity-based analysis of the policies and practices,
 - Modernizing WorkSafeBC's culture to be more worker-centric, and
 - Recommendations for necessary *Workers Compensation Act* amendments, consistent with her focussed terms of reference.
- The Ministry of Labour has received Ms. Patterson's report and made it public. Government is reviewing and considering its findings.
- Asbestos: The Ministry of Labour is leading a cross-ministry working group, with significant involvement and input from WorkSafeBC, to better protect people and the environment from the dangers of asbestos. A report for feedback was released on December 19, 2018. The Report identified 16 recommendations for discussion on strategies and initiatives that the British Columbia government and its agencies could undertake to further protect British Columbians and the environment from the dangers of asbestos. The Ministry is currently considering options for advancing the Working Group's recommendations.
- Prevention: WorkSafeBC is working to implement a 5-year prevention strategy to reduce workplace injury, disease and death and move B.C. to become the safest jurisdiction in Canada for workers.
- 2020 Mandate Letter Commitments relevant to the *Workers Compensation Act* and WorkSafeBC:
 - 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.

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- 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.

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2021/22 Estimates Note Advice to the Minister

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

Title: Extending Coverage to Professional Athletes

Revised: March 31, 2021

Issue: Professional athlete organizations have asked government to provide workers' compensation coverage to professional athletes

Response:

- In October 2018, Premier Horgan and I met with representatives from 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.
- These organizations outlined their concerns for acquiring appropriate workers' compensation coverage for all professional athletes working in Canada.
- By a longstanding order, WorkSafeBC exempts professional sports competitors or athletes from workers' compensation.
- WorkSafeBC has a preliminary analysis project underway that involves a policy review of this exemption to consider whether the exclusion of professional sports competitors from coverage should continue.
- I would note that I have met with the president of the BC Lions, general counsel for the CFL and vice president and general counsel of the Vancouver Canucks to discuss this issue as well.

Background/Status:

- Section 2 (1) of the *Workers Compensation Act* (WCA) 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.

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- Ontario does not extend coverage under any circumstances to teams or individuals competing in sports. By regulation, Manitoba does not extend coverage to “athletes.” New Brunswick’s Act exempts coverage for persons who play sports as their main source of income.
- In October 2018, a group representing over 3,500 professional athletes from across Canada met with Premier Horgan and Minister Bains.
- Representatives included 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.
- Representations were made in support of appropriate workers' compensation coverage for all professional athletes working in Canada.
- The player union representatives noted that workers' compensation laws in British Columbia were first enacted in 1917 and were established in part to help ensure that employers were responsible for workplace injuries. It was noted that most people who work in B.C., except for professional athletes, qualify for workers' compensation.
- On Feb. 28, 2019, the Minister met with the president of the BC Lions, general counsel for the CFL 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 Canadian Football League Players Association regarding the progress on this issue.
- The Deputy Minister advised the CFLPA that this issue is currently not a priority for government given the focus on the COVID-19 pandemic.
- WorkSafeBC’s Policy, Regulation and Research Division has a preliminary analysis of this issue underway as part of its 2019-2021 policy priorities in its Compensation and Occupational Disease Workplan.
- This project notes that professional sports competitors are currently exempt from coverage, pursuant to a 1994 Workers’ Compensation Reporter Decision.
- This project involves a policy review of this exemption to consider whether the exclusion of professional sports competitors from coverage should continue to apply.
- This policy workplan can be viewed on WorkSafeBC’s website.

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Minister Responsible: Hon. Harry Bains

2021/22 Estimates Note Advice to the Minister

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

Title: Parliamentary Secretary for the New Economy and its Role in the Ministry of Labour

Revised: April 13, 2021

Issue: The Parliamentary Secretary's mandate and workplan

Response:

- I am very pleased that Adam Walker, Parliamentary Secretary for the New Economy, will be working with labour and business organizations to develop a precarious work strategy that reflects the diverse needs of modern workplaces.
- This includes proposing employment standards targeted to precarious and gig workers, and investigating the feasibility of pensions and benefit plans for workers who do not otherwise have coverage.
- Parliamentary Secretary Walker's role is to develop a deep understanding of the issues, participate in consultations with key stakeholders, Indigenous peoples and the broader public, in order to provide his advice to support the development of policy and legislative options for the consideration of government.
- We are developing a workplan and timeline for the precarious work strategy, which will include consultations to ensure that workers, employers and others with an interest in this area have the ability to fully participate in our discussions. Timelines for formal engagement have not been finalized.
- We will be examining new ideas to ensure proper protections for gig and precarious workers which will take into account the flexibility required for businesses in the new economy to flourish.

Background/Status:

- MLA Adam Walker was appointed as Parliamentary Secretary for the New Economy following the last election.
- Supporting the Minister of Labour, the Parliamentary Secretary's specific mandate letter priorities are to:
 - Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.

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- 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.

- Cabinet Confidences; Advice/Recommendations

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Cabinet . In addition, the Minister and Parliamentary Secretary have engaged in several meetings with interested parties who have expressed preliminary views and input.

- In December 2020, the Parliamentary Secretary led consultations on behalf of the Ministry of Public Safety and Solicitor General on the fee cap for food delivery services, meeting with food delivery companies, worker representatives, and stakeholders from the restaurant and licensed premises sectors. The Minister of Public Safety and Solicitor General considered this feedback in establishing the delivery fee cap that is now in place to support British Columbians during the COVID-19 pandemic.
- As well, the Parliamentary Secretary provides input and advice on other ministry initiatives to support the Minister's work.

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2020/21 Estimates Note Advice to the Minister

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

Revised: April 7, 2021

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.

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2020/21 Estimates Note Advice to the Minister

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

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

Revised: April 16, 2020

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, etc.).
- 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 perspectives are considered throughout the ministry's work.
- The adoption of GBA+ in the Ministry promotes an evidence-based, inclusive and people-centred approach to programming and decision-making.
- Recent ministry accomplishments that benefitted from GBA+, diversity and inclusiveness considerations include the *Temporary Foreign Worker Protection Act*, the phasing-out of the lower minimum wage for liquor servers, expansion of the workers' compensations presumptions and amendments to the *Employment Standards Act* that expanded or introduced certain job-protected leaves including in response to COVID-19 public health emergency.
- The Ministry's work is also guided by Government's three-year diversity and inclusion strategy which ensures we are reflective of our province and inclusive of Indigenous peoples, minority communities, immigrants, persons with disabilities and the LGBTQ2S+ community.

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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, etc.) 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.
- On July 13, 2018, the Deputy Ministers Council approved a three-year GBA+ Implementation Plan for the Public Service. In 2018/19, the focus was on the budgets and the budgeting process so that GBA+ informed the 2019/20 Budget and is publicly communicated. In 2019/20 the focus expanded to include policy development so that GBA+ informs all new budget and policy decisions.
- In the November 2020 mandate letter from Premier Horgan to the Minister of Labour Government committed to:
 - Tackle systemic discrimination in all its forms, and ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments.
 - Address systemic discrimination through policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- The Premier also mandated the Minister of Labour 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. The Ministry of Labour is collaborating with the Gender Equity Office to deliver on the objectives of this mandate.
- For the Ministry of Labour, gender-based analysis tools have been in use for some time, and have helped inform policy analysis in a number of areas including:
 - Government's commitment to increase the general minimum wage to at least \$15.20/hour by 2021, and the phasing-out of the lower minimum wage for liquor server wage.

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- Amendments to the *Employment Standards Act* to: expand existing job-protected compassionate care and parental leave provisions; enact new job-protected leaves for parents of murdered and missing children and for workers experiencing domestic or sexual violence; establish job-protected leave during the COVID-19 public health emergency; and establish unpaid job-protected sick leave.
- Under the *Workers Compensation Act*, expanding the mental disorder presumption to nurses, emergency response dispatchers as well as health care assistants working in publicly funded organizations and settings to be more inclusive of workers who face similar risks and exposures.
- The *Temporary Foreign Worker Protection Act* which contains compliance and enforcement provisions, which will help protect vulnerable temporary foreign workers from exploitation and abuse.
- The Ministry has worked closely with the Gender Equity Office to support government's diversity and inclusiveness priorities – most notably, working together to conduct stakeholder consultations on the domestic and sexual violence leave provisions under the *Employment Standards Act*.
- In July 2019, the Ministry of Labour formally launched a GBA+ Working Group. The Working Group facilitates and supports the implementation and use of GBA+ analysis tools and approaches in the ministry.
- The GBA+ Working Group's initial priority has been to develop Ministry staff knowledge and expertise as well as offer tools to systematically and thoughtfully apply gender-based analysis to all aspects of the Ministry's mandate.
- In October 2020, the ministry launched its GBA+ Implementation Plan. The long term objective of the Implementation Plan is to strengthen the capacity of the ministry to advance GBA+ budget, legislation, policies, programs, services and communications in a way that is evidence-based, promote gender equity and meet the needs of B.C.'s diverse population.

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2021/22 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: April 13, 2021

Issue: The Province of British Columbia's Relationship with Indigenous Peoples and the Ministry of Labour

Response:

- The Premier's Mandate Letters directed me and all my cabinet colleagues to 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.
- The Ministry of Labour is participating with other Ministries in the development of government's Action Plan to achieve the objectives of the *Declaration on the Rights of Indigenous Peoples Act*. The Action Plan will reflect priorities identified in collaboration with Indigenous peoples and supplement ongoing reconciliation work.
- 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, 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 United Nations Declaration on the Rights of Indigenous Peoples.
- Examples of how the Ministry of Labour engaged Indigenous groups and individuals on potential labour law amendments include laws impacting paid COVID-19 vaccination leave, domestic and sexual violence leave and the workers' compensation system.

Background/Status:

- On May 22, 2018, the Province released the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples* (the draft Principles) to the B.C. Public Service.

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- The draft Principles are a tool to guide the B.C. Public Service to bring the articles of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) into action, and to move forward on the Truth and Reconciliation Commission (TRC) of Canada: Calls to Action.
- In November 2019, the government passed the B.C. *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act). 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 requires the Province to do the following, in consultation and cooperation with Indigenous peoples:
 - Ensure provincial laws are consistent with the UN Declaration
 - Prepare and Implement an Action Plan to meet the objectives of the UN Declaration
 - Produce an Annual Report on progress
- Draft Action Plan items are currently being developed across Government using a sectoral approach. The Ministry of Labour is part of the Economy sector and is participating on the social sector table.
- The Ministry of Labour's key engagement actions with Indigenous Peoples include:
 - Establishment of a Community Advisory Council at the Workers' Compensation Appeal Tribunal (WCAT) comprised of Indigenous lawyers, mediators, and an articling student to advise on making changes that could help reduce barriers in accessing WCAT and in conducting hearings. The Council members reflect all the geographical regions of BC.
 - Engaging with Indigenous groups and individuals to better understand their perspectives and interests, to gain input on the implications of the Ministry of Labour's legislative, regulatory, policy and program initiatives for Indigenous Peoples, and to ensure that provincial labour laws align with the United Nations Declaration on the Rights of Indigenous Peoples. Examples include:
 - Consultations on recent provincial labour law proposals including paid COVID-19 vaccination leave, domestic and sexual violence leave, and the workers' compensation system including the occupational disease and mental disorder presumptions.
 - Engagement with the 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.

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- Building Ministry capacity and raising Indigenous cultural awareness through mandatory training requirements for ministry staff and requirement to perform policy analysis and operational delivery through a lens that embodies the principles and commitments guiding the Province's relationship with Indigenous Peoples.
- 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.
- 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

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

Title: Bridging to Retirement Program

Revised: May 25, 2021

Issue: Retirement Bridging Program for Interior Mill Workers

Response:

- We are dedicated to putting workers and families first, which is why government has committed to investing \$69 million to address challenges faced by Interior and Coastal forest workers impacted by long-term or permanent mill shutdowns.
- The government allocated \$40 million of Bridging to Retirement funding in the fall of 2019 for Interior forest workers over a 3 year period.
- As part of the Stronger BC initiative in response to COVID-19, an additional \$18 million of funding was allocated for Coastal and Interior forestry workers in 2020/21.
- In addition to job placement, forest employment and community grant programs, the government is funding the Bridging to Retirement Program, which helps older workers transition to retirement and creates vacancies in working mills for younger workers so our Interior communities stay strong.
- The Ministry of Labour's Bridging to Retirement program offers up to \$75,000 to eligible Interior and Coastal mill workers to transition to retirement. Those impacted by a mill closure and those who voluntarily wish to retire, with employer consent, can participate in the program.
- Impacted workers, contractors and communities can access forest worker support programs online.
 - The website includes information and application details for the retirement bridging program, the forest employment program, community support grants and training opportunities, job placement and funding.
- As of April 1, 2021, there have been 401 applications from impacted workers to the Bridging to Retirement Program, (i.e., those who have been laid off or had their shifts substantially curtailed), of which 371 have been approved.

Continued...

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- In addition, 1140 applications have been submitted from “voluntary” retirees who are willing to retire and create vacancies for younger impacted workers. Many employers have joined the program to permit the processing of those workers voluntarily retiring. More than 598 of these applications have been approved for voluntary retirement by their employers and their files are actively being processed.
- Since the inception of the Programs in Fall 2019, the program has created more than 500 good-paying jobs in working mills for younger, impacted workers and has helped more than 1,000 workers transition to retirement. . In their communities.

Background/Status:

- The B.C. Interior is defined by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and includes all the communities in the Natural Resource Districts of Skeena, Omenica and Northeast and Cariboo, Kootenay-Boundary and Thompson-Okanagan. The Coastal region includes Vancouver Island and coastal BC.
- There are two streams for the Bridging to Retirement Program: one for laid-off mill workers or those facing permanent closure, and one for older workers not laid-off but voluntarily wishing to retire to make room for younger workers who would otherwise be laid-off.
- Laid-off mill workers will be eligible for funding if they:
 - Are a full-time mill worker in the B.C. Interior or Coast; and,
 - Are 55 years of age or older (no maximum) at the time of application; and,
 - Have been working in a mill in Interior or Coastal B.C. for the last 2 consecutive years (or, if they have been displaced since May 1, 2019, the 2 consecutive years prior to the displacement date); and,
 - Are displaced on or after May 1, 2019, due to a permanent or indefinite closure or a curtailment of at least 4 months.
- Older workers can voluntarily transition to retirement from working mills if they meet the above criteria (without being displaced) and if their employer confirms that the vacancy created will be filled by a younger, impacted worker and no skills shortage will be created by their departure in that operation.

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- To receive retirement bridging funding, the applicant must agree to permanently vacate his or her position and all seniority with the employer, and not return to work as an “employee” for a period of at least 18 months.
- If eligible, applicants will 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 payment is a bridging benefit which is reduced by \$5,000 for each year of age over 55 to a maximum of 10 years (i.e. a maximum reduction of \$50,000). For individuals over the age of 65, there is no further reduction in the benefit.
- For impacted workers, the bridging benefit amounts noted above will be reduced by the amount each eligible applicant receives based on compensation for length of service calculated under the *Employment Standards Act*, to a maximum of eight weeks of salary. 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 contribution provided 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
- This same tax treatment was applied under the previous 2008-2011 Community Development Trust programs.
- Comments from participants:
 - Armstrong Worker: **“I am grateful for all the hard work everyone put in...I really appreciate all the steps and am excited to retire.”**
 - Prince George Worker: **“You have been extremely helpful and I really appreciate all the hard work you have put in to help applicants.”**
 - Kelowna Worker: **“Thank you again for such good news! It means a lot to our family.”**

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- Coastal Worker: **“I am extremely happy with the amount offered and how great it is that the mill is creating spots for junior workers in my small town.”**

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2020/21 Estimates Note Advice to the Minister

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

Title: Job Placement Coordination Offices

Revised: April 7, 2021

Issue: Support for Forestry Workers – Job Placement Co-ordination Offices

Response:

- Job Placement Co-ordination Offices are operating in five interior communities hardest hit by mill closures: 100 Mile House; Fort St. James; Fort St. John; Mackenzie; and Clearwater. Each office also serves a broader catchment area of communities. Services are available to displaced workers in the Interior and Coastal forest regions.
- Services are provided to all forestry workers, including employees and contractors who are looking to access government services, transition to new employment or seek retraining.
- Offices are typically staffed with a team leader and a former local mill worker.
- The Offices also deliver the Job Match Program, which matches forestry workers with employment opportunities.
- Staff track the transition and employment of impacted forest workers on an individual basis.
- As of April 1, 2021, 969 workers have bridged to retirement, 22 workers so far have found new permanent employment through the Placement Offices and 855 have been referred to new skills training programs.
- This program works closely with the Bridging to Retirement program to provide screened, skilled forest workers from the Placement Offices to fill vacancies created in working mills through the voluntary retirement of workers.
- Forest workers, contractors and communities can easily access forest worker support programs online, through ServiceBC offices across the province and through appointments with the Placement Offices for in person service.
 - The website includes information and application details for the retirement bridging program, the forest employment program, community support grants, and training opportunities, job placement and funding.

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Background/Status:

- The purpose of the Job Placement Co-ordination Offices are to support forest workers, contractors and owner/operators that are currently impacted by mill closures and shift reductions by offering individualized assistance to access government services and programs and to match job opportunities with displaced forestry workers. Individual outcomes will be tracked and this program works closely with the Bridging to Retirement Program to provide younger impacted workers with the appropriate skills to fill vacancies created by retiring workers.
- Job placement offices are part of the \$69 million in funding that has been provided to support interior forest workers and Interior communities.
- As part of the Stronger BC initiative in response to COVID-19, an additional \$18 million of funding was allocated for Coastal and Interior forestry workers.
- \$2 million of this funding is being used to establish the job placement co-ordination offices.
- The job placement co-ordination offices:
 - Provide customized access to government services for displaced forest workers,
 - Support the Bridging to Retirement Program to fill vacancies created by retirements,
 - Obtain specialized job opportunity information in the forestry sector to coordinate movement of displaced workers between and among other forest sector operations, maximizing re-employment and sector skill retention; and,
 - Coordinate services to ensure displaced forestry workers are considered for LNG, Site C and other large infrastructure project work.
- Program outcomes will be monitored using the following metrics:
 - Number of identified displaced workers who received outreach from the Job Placement Co-ordination Office,
 - Percentage of displaced workers referred to training programs and,
 - Number of clients transitioning to new employment, or retirement through the program.
- Comments from participants:
 - 100 Mile House Worker: **“I am very happy with the support I received from the Job Placement Office – thank you!”**
 - Summerland Worker: **“The Clearwater Job Placement Office has really helped me – thank you!”**

2020/21 Estimates Note Advice to the Minister

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

Contact:
Rebecca Johnston Executive Director Labour Forestry
Workers Support
Programs 236 478-1943

2020/21 Estimates Note Advice to the Minister

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

Title: COVID-19 Pandemic Impacts

Revised: April 6, 2021

Issue: COVID-19 Impacts on Ministry Operations and Ministry Transition to the “new normal”

Response:

- The BC Provincial Health Officer (PHO) declared a provincial health emergency due to the COVID-19 coronavirus in March of 2020. As part of the overall response to COVID-19, the BC Public Service significantly reduced the number of staff in workplaces to help slow transmission.
- The Ministry has maintained its key strategic functions amidst the COVID-19 emergency:
 - All ministry services have remained operational with temporary limits to some in-person service delivery in order to control the spread of the virus.
 - All offices are providing virtual service delivery and most remain physically open to provide in-person services to clients with appropriate precautions in place.
- The ministry’s transition plan to a “new normal” includes a gradual and flexible transition informed by various principles, preconditions and assumptions and adequate time between each phase to monitor any developments on the COVID - 19 situation as it evolves.
- The Ministry’s operations during the COVID-19 public health emergency are supported and guided by a Corporate Safety Plan (Safety Plan). The Safety Plan outlines high-level procedures and guidelines to ensure that the risk of exposure to the virus that causes COVID-19 in Ministry workplaces is minimized.
- The Ministry’s approach to the Safety Plan is consistent with: WorkSafeBC’s guidance for reducing the risk of COVID-19; directions from the Provincial Health Officer; and BC Public Service Agency (PSA) procedures and guidelines aimed at assisting ministries to create and maintain safe and healthy workplaces (including interacting with clients outside of the workplace).
- Temporary limits to some in-person service delivery, and modified program delivery may have had impacts on how Ministry of Labour clients are able to access services/programs.

Continued...

2020/21 Estimates Note Advice to the Minister

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

- The Ministry is committed to addressing any access to services/programs issues that may have exacerbated and compounded inequality, marginalization or privilege as a result of implementation of the measures to prevent the spread of COVID-19.

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 has developed a COVID-19 Safety Plan (Safety Plan) which outlines high-level procedures and guidelines to ensure that the risk of exposure to the virus that causes COVID-19 is minimized at the workplace.
- The objective of the Safety Plan is to:
 - Provide clear and actionable procedures, and guidelines for safe operations through the prevention, early detection and control of COVID-19 at Ministry of Labour workplaces,
 - Demonstrate safety commitment for the health and safety of all staff, and
 - Provide guidance to staff as they transition to a “new normal” which includes new workplace configurations, adaptations and safe work procedures.
- The Ministry has put in place the following processes and structures to ensure effective implementation of the Safety Plan:
 - COVID 19 Management Team
The team is comprised of the Ministry’s Executive Directors. It is engaged in regular check-ins and in sharing information on what’s working, what’s not working, and any gaps as they relate to the implementation of the safety plans. The team also receives Executive updates on COVID -19 related issues and implications.

2020/21 Estimates Note Advice to the Minister

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

- Ongoing Review of Workplace Safety Plans
Corporate and branch safety plans are reviewed on an ongoing basis, as are associated protocols and procedures that are aimed at implementing improvements to safety measures and controls, monitoring effectiveness and investigating any gaps in safety measures.
- Communications
There is an ongoing internal communication from executive to staff as well as ongoing worksite specific communications on COVID-19 related issues.

Ministry Operations During COVID-19 Emergency

- The Ministry's effort in delivering on its priorities during the COVID-19 pandemic include:
 - Maintaining front-counter in-person physical presence for the public with appropriate precautions, at almost all of its offices throughout the province and maintaining compliance with Provincial Health Officer orders and health and safety guidelines.
 - Where operationally feasible, supporting employees to work from home to minimize contact and maintain physical distance as per the Provincial Health Officer orders.
 - Where operationally feasible, modifying some labour program delivery methods in response to the COVID-19 emergency.
 - Implementing measures to minimize the risk of transmission in the workplace including cleaning and hygiene practices, maintaining physical distance and where physical distance could not be maintained, implementing physical barrier measures including plexiglass.
 - GBA+: The Ministry encouraged staff to have conversations with supervisors to adopt work schedules and work arrangements that, where possible, accommodate their diversity and unique needs.
 - Psychological and Mental Health Issues: Ministry Executive is continuously monitoring and managing employee fear, anxiety and/or any misinformation through communication and regular updates to ensure optimum mental health of staff.
 - Business Continuity Plans: Ministry branches were directed to review and update their business continuity plans in response to COVID-19 emergency.

2020/21 Estimates Note Advice to the Minister

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

Transitioning Ministry Operations to A “New Normal”

- The Ministry of Labour developed a Ministry of Labour Operations Plan (Operations Plan) which includes a three-phase transition plan for the “new normal” in alignment with government’s “Restart Plan”.
- In March 2021, the Public Health Officer announced a “three -week circuit breaker” to address rising COVID-19 case counts, variants of concern and increased severe COVID-19 cases and to help break the chain of COVID-19 transmission.
- To align the BC Public Service pandemic response with the Provincial Health Officer’s direction, the BC Public Service strongly recommended employees work from home where operationally feasible on a full-time basis until further notice.
- The Ministry of Labour will continue to cautiously move towards better workplace configurations and balancing between working at home and working at the traditional worksite. The Ministry’s approach in transitioning its operations to a “new normal” is based on the following principles and preconditions:
 - Compliance with Provincial Health Officer orders and directives including consideration of and development of enhanced protocols aligned with the Public Health and Safety Guidelines.
 - Prioritizing public-facing services in meeting the needs of B.C workers and employers.
 - Compliance with WorkSafeBC/Occupational Health Safety Regulation (OHS) requirements.
 - Prioritizing staff safety with special consideration given to staff with greater vulnerability to the COVID-19 virus, including those with compromised immunity and other health issues or staff with COVID-19 health concerns regarding the people they live with.
 - Availability of support services for employees including childcare, safe ways to get to work using public transit or other means, open schools (for parents with children attending school), etc.
 - Alignment and consistency in execution of operational plans in instances of co-located offices with other Ministries and/or Agencies.
 - Ministry wide restrictions on non-essential work travel.
 - Staff commitment to compliance and awareness of the COVID-19 safety plans and protocols as well as public health and safety guidelines. In addition, the Ministry is prepared to share its plans with the public to ensure their safety and confidence in coming into ministry offices around the province, where appropriate.

2020/21 Estimates Note Advice to the Minister

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

Contact:
John Blakely Executive Director Policy and Legislation 778 974-2173

2020/21 Estimates Note Advice to the Minister

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

Title: COVID-19 Pandemic Response

Revised: May 17, 2021

Issue: Labour response to COVID-19

Response:

- During this unprecedented public health emergency, Government has acted to ensure that workers are better able to stay connected with their jobs, employers have increased flexibility to help them remain in business, and workplaces remain healthy and safe.
- Specifically:
 - Amendments to the *Employment Standards Act*:
 - Provide employees with unpaid, job-protected COVID-19-related leave which aligns with relevant federal benefit programs such as the Canada Recovery Sickness Benefit and the Canada Recovery Caregiving Benefit;
 - Provide up to three hours of paid leave, per dose, to employees who are receiving their COVID-19 vaccination; and
 - Provide employees with up to three days of COVID-19-related paid sick leave December 31, 2021.
 - 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;
 - Establish an expedited variance application process for employers and employees wishing to extend temporary layoff periods beyond August 30, 2020; and,
 - Provide unpaid, job-protected leave for employees to receive, or support a dependant to receive, a COVID-19 vaccination.
 - Frequent updates to web content ensures that current and relevant information is available to employers and employees.
 - WorkSafeBC:
 - Is using its authority and expertise to assist industry to develop appropriate back-to-work plans and ensure the continued health and safety of workplaces across the province; and,
 - Introduced an occupational disease presumption for COVID-19 that allows workers in occupations impacted by COVID-19 to have quicker access to benefits. [In August 2020, Government passed an amendment to the *Workers Compensation Act* (Bill 23) which expedited the coming-into-force of this presumption.

2020/21 Estimates Note Advice to the Minister

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

Background/Status:

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

Employment Standards

- The following changes have been 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.

2020/21 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 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 who are 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.

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

2020/21 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 has been actively monitoring and adjusting to the COVID-19 situation to determine how to best support workers and employers across the province, including launching a province-wide inspection initiative to ensure employers are taking the appropriate steps to reduce the risk of workplace COVID-19 exposure.
 - As of March 5, 2021 WorkSafeBC had conducted 24,221 workplace inspections and 4,494 consultations related to COVID-19. A total of 2,232 orders had been issued for health and safety violations.
- In April 2021, the provincial health officer delegated specific powers of the *Public Health Act* to WorkSafeBC prevention officers to serve a closure order on a business with a known COVID-19 outbreak.
- 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 last year, WorkSafeBC worked with employer groups to develop protocols for more than 30 industries to operate safely during the COVID-19 pandemic.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2021/22 Estimates Note Advice to the Minister

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

Title: Deputy Minister's Office – Budget

Revised: April 16, 2021

Issue: Deputy Minister's Office Budget in 2021/22

Response:

- The Deputy Minister's Office budget in 2021/22 is \$543,000. This is a \$5,000 increase from the 2020/21 budget of \$538,000.
- This \$5,000 increase is due to negotiated BCGEU salary increases.
- The budget includes funding to support the salary and benefits for the Deputy Minister and support staff, travel, information systems and general office expenses.

Background/Status:

Estimates Budget	FY21 Estimates (\$)	FY22 Estimates (\$)	Variance (\$)
Salaries and Benefits	455,000	460,000	5,000
Travel	43,000	43,000	0
Information Systems	20,000	20,000	0
Office and Business	20,000	20,000	0
Other Expenses	3,000	3,000	0
Recoveries	-3,000	-3,000	0
TOTAL	\$538,000	\$543,000	\$5,000

Contact:

Shawna Wilson

Manager,
Financial
Planning

Management Services

778 698-8401

2020/21 Estimates Note Advice to the Minister

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

Title: Executive Compensation (Agencies, Boards and Commissions)

Revised: May 25, 2021

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:

- In 2008, amendments were made to the *Public Sector Employers Act* (PSEA) requiring 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.
- Since 2008, government has coordinated the disclosure of executive compensation for public sector employers on an annual basis.
- 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 decision-makers/executives earning \$125,000 or more in base salary.
- Since 2008, executive bonuses have been transitioned to holdbacks of up to 20 per cent.

2020/21 Estimates Note Advice to the Minister

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

- Since September of 2018, Boards have been provided the option to eliminate or reduce holdbacks for their organizations.
- 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 *Public Sector Employers Act*, including Crown agencies boards and commissions.

Contact:

Joanna White	Assistant Deputy Minister	Management Services	250 387-8705
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2021/22 Estimates Note Advice to the Minister

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

Title: Minister's Office – Budget

Revised: April 26, 2021

Issue: Minister's Office Budget in 2021/22

Response:

- The Minister's Office budget for 2021/22 is \$630,000; a \$39,000 increase from 2020/21 budget of \$591,000
- The Minister's Office received an increase of \$35,000 as a result of a cross Government review Cabinet Confidences; Advice/Recommendations
Advice/Recommendations
- The additional \$4,000 increase is due to negotiated increases for BCGEU staff.
- The ministers office has a staff complement of 5 FTEs

Background/Detail

Minister's Office			
Expenditure Type	2020/21 Restated Estimates	2021/22 Estimates	Increase/ (Decrease)
Salaries	339,000	361,000	22,000
Benefits	107,000	121,000	14,000
Legislative Salaries	54,000	72,000	18,000
Travel	50,000	50,000	0
Information Systems	8,000	10,000	2,000
Office and Business	9,000	17,000	8,000
Other Expenses	25,000	0	(25,000)
Recoveries	(1,000)	(1,000)	0
TOTAL	\$591,000	\$630,000	\$39,000

The increase of \$39,000 is comprised of the following:

- \$35,000 increase as a result of a cross government review led by the Premier's Office and Ministry of Finance.

2021/22 Estimates Note Advice to the Minister

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

- \$50,000 increase to salaries, benefits and legislative salaries to match current staffing levels and salary rates for Ministers and Parliamentary Secretaries.
- \$10,000 increase to better align the budget for office expenses and information systems.
- These increases were offset by a \$25,000 reduction in “other expenses” for IT charges that have now been centralized within the Ministry of Citizen Services.
- The remaining \$4,000 increase is attributed to BCGEU wage increases.
- Any questions on the review of the Minister’s Office budgets should be directed to the Minister of Finance.

Minister’s Office Support Staff

- Salaries budget of \$361,000 supports the following Minister’s Office Staff Complement:
 - One Senior Ministerial Assistant;
 - One Ministerial Assistant;
 - One Executive Assistant;
 - One Administrative Coordinator; and,
 - One Administrative Assistant

Contact:

Shawna Wilson	Manager, Financial Planning	Management Services	778 698-8401
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2021/22 Estimates Note Advice to the Minister

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

Title: Minister's Office – Travel

Revised: April 16, 2021

Issue: Minister's Office Travel Expenditures

Response:

- The Minister of Labour's Office has a 2021/22 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, 2020.
- My travel expenses for the period April 1, 2020 to December 31, 2020 are \$1,750.97.

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.

2021/22 Estimates Note Advice to the Minister

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

Minister's Quarterly Travel Expense Summary

Name: Honourable Harry Bains **Quarter:** 2020 Oct to Dec

Portfolio: Labour

Travel expense summary (amount paid this quarter):

In Province Flights: \$ -

Other Travel in Province: \$ -

Out of Country Travel: \$ -

Out of Province Travel: \$ -

Total travel expenses paid this quarter \$ -

Travel expenses fiscal year-to-date: \$ 1,750.97

Contact:

Shawna Wilson Manager,
Financial
Planning Management Services 778 698-8401

Ministry of Labour

2021/22 – 2023/24 Service Plan

April 2021



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 2021/22 – 2023/24 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, which appears to read 'H. Bains', written over a horizontal line.

Honourable Harry Bains

Minister of Labour
April 2, 2021

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Purpose of the Ministry

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

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

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

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

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

Strategic Direction

In 2021/22 British Columbians continue to face significant challenges as a result of the global COVID-19 pandemic. The Government of British Columbia is continually evolving to meet the changing needs of people in this province. Government has identified five foundational principles that will inform each ministry's work and contribute to COVID recovery: putting people first, lasting and meaningful reconciliation, equity and anti-racism, a better future through fighting climate change and meeting our greenhouse gas reduction commitments, and a strong, sustainable economy that works for everyone.

The COVID-19 pandemic significantly reduced economic activity in B.C. in 2020. The ongoing evolution and economic cost of the pandemic on B.C. and its trading partners remains highly uncertain. The Economic Forecast Council (EFC) estimates a 5.1 per cent decline in B.C. real GDP in 2020 and expects growth of 4.9 per cent in 2021 and 4.3 per cent in 2022. Meanwhile for

Canada, the EFC projects national real GDP growth of 4.7 per cent in 2021 and 4.2 per cent in 2022, following an estimated decline of 5.4 per cent in 2020. As such, B.C.'s economic growth is expected to outperform Canada's in the coming years. The pandemic has increased risks to B.C.'s economic outlook, such as the timing of the global vaccination rollout, extended travel restrictions, a weaker global recovery, and the continued impact of a slower recovery in some sectors of the B.C. economy. Further risks include ongoing uncertainty regarding global trade policies and lower commodity prices.

This 2021/22 service plan outlines how the Ministry of Labour will support the government's priorities including the foundational principles listed above and selected action items identified in the November 2020 [Minister's Mandate Letter](#).

Performance Planning

Goal 1: Strong and fair labour laws and standards that: respond to the rise of the gig¹ economy and increased precarious work; support an inclusive, sustainable and innovative economy; protect vulnerable workers; and ensure world-class worker health and safety.

Objective 1.1: Update and Modernize B.C. Labour Laws

Key Strategies

- Support the Parliamentary Secretary for the New Economy to work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.
- Review and develop options provided by recent formal reviews, to improve the workers' compensation system.
- 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.
- 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.
- Expand the Ministry's engagement with Indigenous Peoples as part of the continued effort to implement the *Declaration on the Rights of Indigenous Peoples Act*.

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.

Performance Measure	2020/21 Forecast	2021/22 Target	2022/23 Target	2023/24 Target
1.1 Percentage of Employment Standards Branch complaints resolved within 180 days ¹	65%	>85%	TBD*	TBD*

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

*This measure will be updated once the new ESB case management system is completed in late 2022/23.

Linking Performance Measure to Objective

Meeting the targets provides evidence to the Ministry that the ongoing updating and modernization of B.C. labour laws is successful. A complaint under the *Employment Standards Act* indicates a worker's view that the minimum legal standards are not being correctly applied in a workplace. A high percentage of complaints that are resolved within the 180-day time period reflects the Ministry's success in establishing clear expectations for workers and employers based on laws that are responsive and relevant to the modern workplace.

Discussion

A target to resolve 85 per cent of disputes within 180 days provides fairness and certainty to workers and employers and ensures that disputes do not linger in the workplace or after an employment relationship is terminated.

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

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

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

Key Strategies

- Continue to provide multi-language service delivery.
- Broaden training and outreach efforts to a wide array of service providers and stakeholders in the workers' compensation system, including enhanced Indigenous client outreach.
- 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.

Performance Measure(s)*	2020/21 Forecast	2021/22 Target	2022/23 Target	2023/24 Target
2.1a Number of community outreach sessions conducted annually by the Workers' Advisers Office (WAO) ¹	5	10	Maintain or Improve	Maintain or Improve
2.1b Number of educational outreach sessions conducted annually by the Employers' Advisers Office (EAO) ²	115	125	Maintain or Improve	Maintain or Improve

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

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

*NOTE – the forecasts and targets for these measures have been reduced from the previous year's Service Plan. This is due to the impact of the COVID-19 Pandemic on in person education and outreach sessions.

Linking Performance Measure to Objective

2.1a WAO regional community outreach sessions are part of the Ministry's efforts in improving service delivery in that they directly assist workers in becoming more aware and knowledgeable by providing information on the workers' compensation system and claims issues.

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

Objective 2.2: Continue to implement an effective B.C. Temporary Foreign Worker Protection Regime

Key Strategies

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

Performance Measure(s)	2020/21 Forecast	2022/22 Target	2022/23 Target	2023/24 Target
2.2 Number of proactive investigations undertaken under the TFWPA ¹	16	Maintain or Improve	Maintain or Improve	Maintain or Improve

¹Data source: Employment Standards Branch data.

Linking Performance Measure to Objective

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

Discussion

For the year 2020/2021 the forecast is 16 proactive investigations. 2020/2021 establishes the baseline for the ministry's operational planning and targeting for this three-year Service Plan.

Goal 3: Support displaced forest workers facing forest sector rationalization

The B.C. government is continuing to provide a suite of supports for Interior B.C. forest workers, contractors, employers and communities impacted by indefinite and permanent mill closures. These programs are helping support strong, resilient families and communities and maximize forest sector skills retention. The Forestry Worker Programs were approved as 2-year temporary benefit programs, operating from September 2019 to September 2021. Program funding was approved for fiscal years 2019/20 to 2021/22.

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

Key Strategies

- Administer the Early Retirement Bridging Program to transition older workers to retirement and create vacancies in working mills.
- Administer the Job Placement Coordination Office Program to help displaced forest workers access government programs and services.
- Administer the Job Match Program to provide workers with customized opportunities based on their skills, experience and interests and to provide employers with access to experienced forest workers.
- Work collaboratively with other ministries to connect displaced forest workers with industry needs for employment opportunities on provincial projects.

Performance Measure(s)	2020/21 Forecast	2021/22 Target	2022/23 Target	2023/24 Target
3.1a Number of applications to the Bridging to Retirement Program with funding offers issued ¹	680	60	Program expected to be completed	Program expected to be completed
3.2 Number of displaced forest workers who accessed Job Placement Coordination Office services ¹	350	200	Program expected to be completed	Program expected to be completed

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

Linking Performance Measure to Objective

3.1 There are two streams to the Early Retirement Bridging Program: one for impacted mill workers and one for older workers not impacted but voluntarily wishing to retire from a working mill to create a vacancy for a younger, impacted worker. The number of applications with funding offers is a direct measure of the number of people who will benefit from the bridging benefit.

3.2 The Job Placement Coordination Offices deliver key services aimed at connecting displaced workers with existing government programs and services in collaboration with other ministries, facilitating the employment of displaced workers within the forest sector and other industries to keep communities strong and maximize forest sector skill retention. The Job Placement

Coordination Offices (JPCO) also support displaced forest workers to access opportunities in B.C.'s provincial projects. The number of displaced forest workers who access these services is a direct measure of the number of people who have benefited from these services. The JPCO provides dedicated and continuous support to displaced forest workers until they have obtained new employment. A worker looking for employment may receive multiple service engagements from JPCO officers including job match searches, resume support, skills training, interview coaching, job opportunity referrals, and referral engagements of other government services that are available depending on the identified worker's needs.

Discussion

In the 2019/2020 Service Plan, the targets for this performance measure for the years 2020/21 and 2021/22 were not yet established. The forecasts for 2020/21 are now established and the ministry has an expected program completion date which has allowed for the setting of 2021/22 targets.

Application target numbers for the Forestry Worker Programs during Fiscal 2021/2022 reflect smaller funding allocations and partial fiscal years compared to Fiscal 2020/2021 which is a full fiscal year and has the largest funding allocation for the 2-year Programs

Note: Programming to support displaced forest workers is funded through the Ministry of Forests, Lands, Natural Resources Operations and Rural Development. In addition, the Ministry received \$18 million of additional funding in 2020/2021 to support both Interior and Coastal forest workers.

Financial Summary

Core Business Area	2020/21 Restated Estimates ¹	2021/22 Estimates	2022/23 Plan	2023/24 Plan
Operating Expenses (\$000)				
Labour Programs	15,642	15,787	15,787	15,787
Executive and Support Services	1,543	1,587	1,595	1,604
Total	17,185	17,374	17,382	17,391
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Labour Programs	3	3	3	3
Total	3	3	3	3

¹ For comparative purposes, amounts shown for 2020/21 have been restated to be consistent with the presentation of the 2021/22 Estimates.

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

Appendix A: Agencies, Boards, Commissions and Tribunals

As of April 2, 2021, the Minister of Labour is responsible and accountable for the following:

WorkSafeBC

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

The Labour Relations Board

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

The Employment Standards Tribunal

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

The Workers' Compensation Appeal Tribunal

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

2020/21 – 2022/23 Service Plan Questions & Answers

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Ministry of Labour

What are the Ministry's goals?

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.

The Ministry Service Plan identifies three goals:

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

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

Goal 3: Support displaced forest workers facing forest sector rationalization.
Advice/Recommendations

Have the Ministry's goals changed?

The Ministry's continued goals have not changed; however, the third goal has been edited slightly this year.

Goal 3: Support displaced forest workers facing forest sector rationalization.
Advice/Recommendations

How do these goals reflect the Ministry's work?

The Ministry's overarching goal is to support government in putting people at the heart of decision-making by working to make life more affordable, to improve the services people count on and to build a strong, sustainable economy that works for everyone. The goals in the Service Plan have been developed to reflect the continued role and work of the Ministry and the direction provided in the Minister's 2020 Mandate Letter.

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Ministry of Labour

Have the Ministry's objectives changed?

The Ministry's objectives are the same as last year's Service Plan.

Has the Ministry revised or removed any performance measures?

- 1) The Ministry's Performance Measures remain the same.

Is the Ministry on track to meet its performance measure targets?

The Ministry is forecasting that it will meet all its performance measure targets, apart from PM 2.1.

The reason PM 2.1 was not met is due to the impact of the COVID-19 Pandemic on in person education and outreach sessions. Forecasts and targets for these measures have been reduced from the previous year's Service Plan to reflect this.

How is the Ministry supporting Indigenous Peoples/communities?

The government of B.C. is committed to implementing the *Declaration on the Rights of Indigenous Peoples Act* and the Truth and Reconciliation Commission Calls to Action, as well as to demonstrating support for true and lasting reconciliation. To achieve these goals the Ministry is taking the following actions:

- The ministry is building capacity in Ministry by raising Indigenous cultural awareness through mandatory training requirements for ministry staff.
- The ministry is reviewing its programs to enhance accessibility of ministry programs to Indigenous clients.
- The ministry is engaging with our Indigenous stakeholders for regular input.
- The ministry considers Indigenous interests in all legislative, regulatory and policy initiatives.
- We are also establishing mechanisms for regular engagement, for example WCAT has formed a Community Advisory Council ("CAC") comprised of Indigenous lawyers, mediators, and an articling student to advise them on making changes that could help reduce barriers in accessing WCAT and in conducting hearings. The Council members reflect all the geographical regions of BC.