

**Ministry of Labour**  
Estimates Debate Binder – 2022/23 Table of Contents

<b>ESTIMATES HIGHLIGHTS</b>	
<b>Ministry of Labour 2022/23 Estimates Summary</b>	<b>1</b>
<b>Budget Qs and As</b>	<b>2</b>
<b>Mandate Letter Commitments</b>	<b>3</b>
Mandate Letter – Honourable Harry Bains	<b>4</b>
Mandate Letter – Parliamentary Secretary Walker	<b>5</b>
COVID-19 Pandemic Response	<b>6</b>
COVID-19 Pandemic Impacts	<b>7</b>
<i>Tabs Intentionally Blank</i>	<b>8-10</b>

<b>EMPLOYMENT STANDARDS</b>	
Agriculture Sector Compliance	<b>11</b>
Child Employment	<b>12</b>
<i>Employment Standards Act</i> – Exclusions and Alternate Standards	<b>13</b>
Employment Standards Branch Budget, Resources and Service Levels	<b>14</b>
Employment Standards Branch Statistical Summary	<b>15</b>
Employment Standards Transformation	<b>16</b>
Protection of Foreign Workers	<b>17</b>
Updating Employment Standards	<b>18</b>
Minimum Wage and Fair Wages Commission	<b>19</b>
Domestic or Sexual Violence Leave	<b>20</b>
Employment Standards Branch Backlog Reduction	<b>21</b>
Paid Sick Leave	<b>22</b>
Employer Reimbursement Program	<b>23</b>
National Day for Truth and Reconciliation	<b>24</b>
<i>Tabs Intentionally Blank</i>	<b>25-26</b>

**Ministry of Labour**  
**Estimates Debate Binder – 2022/23 Table of Contents**

<b>LABOUR RELATIONS</b>	
B.C. Labour Relations Board Update	<b>27</b>
Collective Bargaining	<b>28</b>
Forestry Successorship	<b>29</b>
Ensuring Workers' Unionization and Collective Bargaining Rights	<b>30</b>
<i>Tabs Intentionally Blank</i>	<b>31-33</b>

<b>WORKERS' COMPENSATION</b>	
Asbestos	<b>34</b>
Bullying, Harassment and Mental Disorders	<b>35</b>
Mental Disorders, Including Post-Traumatic Stress Disorders and First Responders	<b>36</b>
Mental Health and Firefighters Cancer Presumptions - Update	<b>37</b>
Protecting the Lives and Safety of Workers	<b>38</b>
Workers' Compensation Review	<b>39</b>
Extending Coverage to Professional Athletes	<b>40</b>
Safety Headgear - Update	<b>41</b>
Work with Minister of Mental Health and Addictions to Develop Better Options for Chronic Work-Related Pain (Mandate Letter Commitment)	<b>42</b>
<i>Tabs Intentionally Blank</i>	<b>43-46</b>

<b>FORESTRY WORKER SUPPORT PROGRAMS</b>	
Completion of 2019 Forest Worker Support Programs	<b>47</b>
FLNRORD's Worker Opportunity Offices	<b>48</b>
FLNRORD's Old Growth Strategy – LBR's Role	<b>49</b>
Updated Bridging to Retirement Program	<b>50</b>
<i>Tabs Intentionally Blank</i>	<b>51</b>

**Ministry of Labour**  
**Estimates Debate Binder – 2022/23 Table of Contents**

<b>CROSS-PROGRAM</b>	
Parliamentary Secretary for the New Economy and its role in the Ministry of Labour	<b>52</b>
Precarious and Gig Worker Strategy Cabinet Confidences; Cabinet Confidences; Advice/Recommendations	<b>53</b>
Minister's Mandate Priority to Create New Consultative Mechanisms	<b>54</b>
Oversight of B.C.'s Labour Tribunals	<b>55</b>
Anti-Racism, GBA+, Equity, Diversity and Inclusiveness	<b>56</b>
<i>Declaration on the Rights of Indigenous Peoples Act Implementation</i>	<b>57</b>
<i>Tabs Intentionally Blank</i>	<b>58</b>

<b>CORPORATE NOTES</b>	
Deputy Minister's Office – Budget	<b>59</b>
Executive Compensation (Agencies, Boards and Commissions)	<b>60</b>
Minister's Office – Budget	<b>61</b>
Minister's Office – Travel	<b>62</b>
Ministry 2022/23 – 2024/25 Service Plan	<b>63</b>
<i>Tabs Intentionally Blank</i>	<b>64-65</b>

# Ministry of Labour

## 2022/23 Estimates Summary

(in \$000's)

Estimates - Operating Budget	Restated Estimates 2021/22	Estimates 2022/23	Variance
<b>Labour Programs</b>	<b>15,787</b>	<b>15,828</b>	<b>41</b>
Employment Standards Branch	14,010	14,010	-
WorkSafeBC Funded Services	1	1	-
Labour Policy and Legislation	1,776	1,817	41
<b>Executive and Support Services</b>	<b>1,587</b>	<b>1,595</b>	<b>8</b>
Minister's Office	630	638	8
Corporate Services	957	957	-
	<b>17,374</b>	<b>17,423</b>	<b>49</b>

### Variance Explanations:

#### Labour Programs (\$41,000 increase)

- \$41,000 increase to offset budget pressures from an increase in Legal Services Branch chargeback rates in 2019/20 and 2021/22

#### Executive and Support Services (\$8,000 increase)

- \$8,000 increase for a 2% growth in salaries built into the Ministers' Offices budget.

In 2021/22, a cross Government review led by the Premier's Office and the Ministry of Finance was completed to better align budgets with staffing levels and historic spending. An incremental increase of \$35,000 was provided in 2021/22, and the salaries budget assumed 2% growth in the out years (\$8,000 in 2022/23).

Estimates - Capital	Restated Estimates 2020/21	Estimates 2021/22	Variance
Furniture and Equipment <sup>1</sup>	3	3	-
	<b>3</b>	<b>3</b>	<b>-</b>

<sup>1</sup> Budgets are placeholders in the event we need to incur Furniture & Equipment.



### Contents

1.	Why has the Ministry of Labour's budget increased by \$49,000 in 2021/22? .....	1
2.	Why has the Ministers' Office budget increased by \$8,000 in 2021/22? .....	1
3.	How is the Labour Relations Board funded? .....	2
4.	Is there continued funding for the Forestry Worker Support Programs in 2022/23? .....	2
5.	Does Budget 2022 provide any Funding for the COVID-19 Employer Paid Sick Leave Program? How much was spent in 2021/22? .....	3
6.	Does Budget 2022 provide any incremental funding to address the backlog of Worker's Complaints under the Employment Standards Branch? .....	4

#### **1. Why has the Ministry of Labour's budget increased by \$49,000 in 2021/22?**

The Ministry of Labour's 2022/23 budget is \$17.423 million, an increase of \$49,000 from the 2021/22 Restated Estimates budget of \$17.374 million.

Labour's overall budget increase of \$49,000 is due to the following:

- \$41,000 increase to offset budget pressures from an increase in Legal Services Branch chargeback rates.
- \$8,000 increase in Minister's Office for a 2% growth in salaries built into the Minister's Office Budget (See Q&A #2).

#### **2. Why has the Ministers' Office budget increased by \$8,000 in 2021/22?**

- In 2021/22, a cross Government review led by the Premier's Office and the Ministry of Finance was completed to better align budgets with staffing levels and historic spending. An incremental increase of \$35,000 was provided in 2021/22, and the salaries budget assumed 2% growth in the out years (\$8,000 in 2022/23).
- Any questions on the review of Minister's Office budgets should be directed to the Minister of Finance.

### 3. How is the **Labour Relations Board** funded?

- B.C.'s Labour Relations Code provides important protections for workers such as the right to unionize and job security when a unionized business changes ownership.
- In 2019, we modernized the Labour Relations Code after it hadn't been substantially reviewed since 1992; the changes we made improved job security for contracted service workers while delivering more stable and harmonious labour relations for employers and unions.
- Any questions relating to LRB's budget should be directed to the Ministry of Attorney General.

### 4. Is there continued funding for the **Forestry Worker Support Programs** in 2022/23?

- Budget 2022 provides more than \$185 million over the next three years to bring forth coordinated and comprehensive supports to help forest workers and contractors, industry, communities, and First Nations to adapt and respond to impacts of deferrals.
- Part of this funding includes support for the Bridging to Retirement program, which will support eligible forestry workers and contractors 55 years or older to transition to retirement and create jobs in working mills.
- The Ministry of Labour is delivering an expanded Retirement Bridging Program for impacted workers and contractors across BC resulting from Old Growth deferral decisions.
- The program intake opened in January 2022 for full time forestry mill workers and employees of forestry dependent contractors who are 55 years or older and who wish to transition to retirement.
- The intake for owners of forest dependent contracting businesses and voluntary retirees is expected to open in spring 2022.
- Previous Years Funding - Early Retirement Bridging Program:
  - In 2019/20 to 2021/22, \$58M was allocated to the Early Retirement Bridging Program (ERBP).
    - \$40M (funded through FLNRO)
    - \$18M in 2020/21 under the Stronger BC Recovery Initiative (\$10M was allocated for a Coastal ERBP, and an additional \$8M was

provided for the Interior Bridging Program.

Budget	(In \$ Millions)			
	2019/20	2020/21	2021/22	Total
Interior ERBP (Funded through FLNRO)*	20	16	4	40
Interior ERBP (Stronger BC Funding)		8		8
Coastal ERBP (Stronger BC Funding)		10		10
<b>Total</b>	<b>20</b>	<b>34</b>	<b>4</b>	<b>58</b>

Cabinet Confidences

In 2019/20 and 2020/21 Labour spent over \$44.5M on the ERBP Program and anticipates utilising the full \$4M allocation in 2021/22.

**5. Does Budget 2022 provide any Funding for the COVID-19 Employer Paid Sick Leave Program? How much was spent in 2021/22?**

- In May 2021, amendments to the *Employment Standards Act* created a temporary COVID-19 paid sick leave program for up to three days of leave, until December 31, 2021.
- The Province established a temporary program to reimburse employers up to \$200 a day per worker (up to 3 days per worker) to help cover their employees' wages for the COVID-19 paid sick leave.
- Permanent paid sick leave came into effect on Jan 1, 2022, with a minimum of 5 employer paid sick days each year.
- The COVID-19 Employer Paid Sick Leave Program had an initial budget Allocation of \$325M in 2021/22. There is no provincial funding for paid sick leave in *Budget 2022*.
- The initial budget estimates were prepared at a time of great uncertainty around the pandemic and the effectiveness of the vaccine campaign. The effectiveness of the vaccines and other response measures have resulted in lower than anticipated demand for this program.
- As at Q3, the forecast for the Paid sick leave program is \$15M. Actual expenditures for 2021/22 will be released in the Public Accounts later this year.
- As of December 31, 2021, over 7,752 applications have been approved,

benefiting over 20,118 British Columbians.

**6. Does Budget 2022 provide any incremental funding to address the backlog of Worker's Complaints under the Employment Standards Branch?**

- As a demand-driven complaint process, the branch's workload is variable and reflects what is happening in BC's workplaces; the pandemic has increased demand by workers and employers for access to the branch's services. In addition, legislative and regulatory improvements made since 2018 have made the branch more accessible to people who need it..
- Supporting BC's workers and employers by investigating and resolving complaints and eliminating the backlog is a priority for the Ministry.
- In 2021/22 a temporary backlogs reduction team was established with 24 new Employment Standards Officers to expedite complaint processing.
- The Ministry is currently expanding the temporary backlog reductions team, with the goal of eliminating the backlog of worker complaints this year.

## **2022/23 Estimates Note Advice to the Minister**

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

**Title:** Mandate Letter Commitments

**Revised:** March 7, 2022

**Issue:** Key Minister of Labour 2022 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 supports government's foundational principles, including putting people first, committing to lasting and meaningful reconciliation with Indigenous people, promoting equity and anti-racism, creating a better future through fighting climate change, and supporting a strong, sustainable economy that works for everyone.
- We continue to work together, as we have throughout the pandemic, to make progress on these foundational principles.
- Some of the ways we have worked collaboratively with workers and employers to address the impacts of the pandemic on people and businesses include: vaccination leave, temporary layoff variances and paid illness and injury leave.
- 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 and taking legislative action to licence asbestos abatement contractors and implement mandatory training 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:

## 2022/23 Estimates Note Advice to the Minister

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

- Continue working collaboratively with worker and employer representatives to address the impacts of COVID-19. **[see Tab 6]**
  - Continue working with the federal government on paid sick leave for COVID-19 and beyond. **[see Tab 22]**
  - Create new consultative mechanisms to engage worker and employer representatives on workplace legislation changes. **[see Tab 54]**
  - 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 19]**
  - Ensure every worker has the right to join a union and bargain for fair working conditions. **[see Tab 30]**
  - Cabinet Confidences; Advice/Recommendations
  - Cabinet Confidences; 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 52]:**
  - Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations **[also see Tab 53]**
  - 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.

## 2022/23 Estimates Note Advice to the Minister

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

### Further Information on the Specific Mandate Items:

#### **Paid Sick Leave: [see Note 22]**

- 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 identified gaps in the federal income support programs (the Canada Recovery Sickness Benefit) and Minister Bains raised the 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 established up to three days of COVID-19 related paid sick leave for BC employees. These days were available to employees until December 31, 2021 and employers were able to access a temporary Employer Reimbursement Program for COVID-19 related illnesses from May 20 – December 31, 2021. **[see also Tab 23]**
- Bill 13 also established permanent paid leave for illness and injury to be effective January 1, 2022. The number of permanent paid illness and injury leave days was established in regulation at 5 paid days after consultations with employer and worker stakeholders and B.C. citizens.

#### 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 awareness about the importance of paid sick leave for reducing workplace transmission of illness and to support safe workplaces.***
- ***We discussed this issue with my Labour Minister colleagues from across Canada at our annual meeting on February 25, 2022.***
- ***As you know, on January 1, 2022 we implemented 5 paid days of illness and injury leave to address ongoing concerns about the need for paid sick leave for the long term, past the pandemic.***

#### **Consultative Mechanisms:**

- The Ministry is committed to engaging stakeholders, Indigenous partners and the public as we make improvements and address issues.

## 2022/23 Estimates Note Advice to the Minister

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

### Suggested Response:

- ***Our government is committed to hearing from people and obtaining input to inform our decision-making process.***
- ***We are using a wide variety of engagement channels and consultation methods to gain valuable input – and we will continue to engage as new consultative mechanisms are established.***
- ***The establishment of new consultative mechanisms is an important commitment to help ensure that future changes to workplace legislation receive the widest possible support and contribute to an inclusive, sustainable 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 becoming Minister of Labour, I have been committed to making British Columbia the safest jurisdiction in Canada for workers.***
- ***This means ensuring B.C's workers' compensation system is worker-centric and safety-focused.***
- ***WorkSafeBC has hired more prevention and investigations officers, and is stepping up inspections and issuing more citations, fines and penalties to increase compliance.***
- ***We continue to make improvements to better support workers and employers in keeping people safe – most recently we have introduced legislation to prevent exposure to asbestos for asbestos abatement contractors and workers. And there is always more to do to keep our workplaces healthy and safe.***

**[Please see Tab 38** Cabinet Confidences; Advice/Recommendations

Cabinet Confidences;  
Advice/Recommendations



## 2022/23 Estimates Note Advice to the Minister

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

### 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.

#### Suggested Response:

- ***Workers who get injured at work need our support; treating, managing and compensating chronic pain is a complex issue.***
- ***I am working with the Ministry of Mental Health and Addictions supporting this initiative so that chronic work-related pain is managed in a worker-centric way – to prevent opioid and other addictions.***
- ***WorkSafeBC is also considering its policies related to chronic pain to support this important work.***

**[Please see Tab 42** Cabinet Confidences; Advice/Recommendations

Cabinet Confidences;  
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.
- Work is underway on the development of a gig economy strategy including policy research to clarify the issues and articulate key questions for further investigation. 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:

- ***Our focus continues to be on supporting vulnerable workers and ensure BC labour laws are responsive to the changing economy as we move through the pandemic.***

## 2022/23 Estimates Note Advice to the Minister

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

- ***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 – so everyone benefits from an inclusive, sustainable economy.***

### 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.
- Ministry staff have worked collaboratively to prepare for the public consultation process to support pay transparency legislation, including examination of models from other Canadian and international jurisdictions. Ministry of Finance will announce work to support the legislation on March 8, 2022.

#### Suggested Response:

- ***We are working to close the gender pay gap in British Columbia and to improve the transparency around pay practices is an important priority for this government.***
- ***I have been working to support the Parliamentary Secretary for Gender Equity's work on this issue and we will be seeking input from British Columbians in the coming months.***

### Improving working conditions for workers in farming communities

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

## 2022/23 Estimates Note Advice to the Minister

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

### Suggested Response:

- ***The pandemic has highlighted that improving conditions in the agricultural sector in a way that benefits workers, as well as the industry as a whole, is an important priority for this government.***
- ***Work is progressing to ensure agricultural workers have safe and appropriate working conditions, including housing. I continue to support the Minister of Agriculture and Food's work on this issue.***

### **Worker Training and Job Opportunity Office**

- The mandate letter directs the Minister to support the Parliamentary Secretary for Rural and Regional Development (MLA Roly Russell) to guide the establishment of a new Worker Training and Job Opportunity 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.***
- ***Staff in my ministry are working collaboratively with staff in the Ministry of Forests and the Ministry of Jobs, Economic Recovery and Innovation to share program information and data to support the development and establishment of the new Office.***
- ***My role is to support the Parliamentary Secretary for Rural and Regional Development's work*** Advice/Recommendations

### **Compulsory Trades**

- In 2003, British Columbia eliminated compulsory certification for skilled trades.
- Over the next decade our province is going to need more than 85,000 new skilled trades people to build and maintain the services and infrastructure we rely on every single day.
- B.C. needs to attract and retain people from all walks of life to work in the trades.
- We can do this by providing greater access to recognized skills training in key trades and ensure the safety of apprentices is a priority.

## 2022/23 Estimates Note Advice to the Minister

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

### 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.***
- ***My ministry was represented on a Working Group that has been engaged on this issue over the past 2 years and I am supporting the Honourable Anne Kang and Parliamentary Secretary Andrew Mercier on this important priority which is well underway.***
- ***Last month our government introduced new legislation to establish a made-in-B.C. system to support and safely train apprentices and modernize the Crown agency responsible for trades training.***
- ***The new Skilled Trades BC Act lays the foundation to address labour shortages, and support and recognize the critical work that skilled tradespeople do in British Columbia.***

### Contact:

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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February 25, 2022

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

Dear Minister Bains:

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

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

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

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

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

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Office of the  
Premier

Web Site:  
[www.gov.bc.ca](http://www.gov.bc.ca)

Mailing Address:  
PO Box 9041 Stn Prov Govt  
Victoria BC V8W 9E1

Location:  
Parliament Buildings  
Victoria

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

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

.../3

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

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

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

.../4

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

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

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

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

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

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



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

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

Sincerely,

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

John Horgan  
Premier



November 26, 2020

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

Dear Parliamentary Secretary Walker:

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

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

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

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

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

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

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

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

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

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

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

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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.

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 I. Horgan", followed by a long horizontal flourish.

John Horgan  
Premier

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** COVID-19 Pandemic Response

**Revised:** February 4, 2022

**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;
    - allow up to three hours of paid leave, per dose, to employees who are receiving their COVID-19 vaccination; and
    - until December 31, 2021, provided employees with up to three days of COVID-19-related paid sick leave.
    - as of January 1, 2022, provide employees with up to five days of employer-paid illness or injury leave (this applies to any illness or injury, but in light of the continuing pandemic, this is also part of the pandemic response).
  - Amendments to the Employment Standards Regulation:
    - extend 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 guidance and plans to support the continued health and safety of workplaces across the province; and,
    - introduced an occupational disease presumption for COVID-19 that allows workers in occupations impacted by COVID-19 to have quicker access to benefits.

## 2022/23 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.

## 2022/23 Estimates Note

### Advice to the Minister

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

- B.C. Reg. 185/2020:
  - Employers and employees who wished to extend the layoff (see above) beyond August 30, 2020, were required to utilize the existing temporary layoff variance request process under the Act.
  - In order to expedite the application process, effective July 20, 2020, the Regulation was amended to streamline the approval process for temporary layoff variance requests, which included the development of an online application tool.
- B.C. Reg 216/2021:
  - Effective April 1, 2021, the Regulation was amended to expand the availability of the COVID-19-related leave to include the following employees:
    - those who have underlying conditions, are undergoing treatment, or have contracted another illness that makes them more susceptible to COVID-19; and,
    - those who are caring for a family member that requires care due to COVID-19.
  - Also effective April 1, 2021, the Regulation was amended to provide employees receiving a COVID-19 vaccination, or who are providing support to dependants receiving the COVID-19 vaccination, with unpaid, job-protected leave.
- *Employment Standards Amendment Act, 2021* (Bill 3)
  - Effective April 19, 2021, Bill 3 amended the Act to provide up to three hours of paid leave, per dose, to employees 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. (Note: effective January 1, 2022, employees became eligible for five days per year of employer-paid illness and injury leave.)

#### WorkSafeBC

- WorkSafeBC introduced an occupational disease presumption for COVID-19 that allowed workers in occupations impacted by COVID-19 to have quicker access to

## 2022/23 Estimates Note Advice to the Minister

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

workers' compensation benefits. [In August 2020, Government passed an 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 pandemic to determine how best to support workers and employers, including launching a province-wide inspection initiative to ensure employers are taking the appropriate steps to reduce the risk of workplace COVID-19 exposure.
- WorkSafeBC has also been a key partner in ensuring the safe implementation of BC's "restart plan" through the development of detailed sector specific resources and guidelines for industries.
  - In spring of 2020, WorkSafeBC worked with employer groups to develop protocols for more than 30 industries to operate safely during the COVID-19 pandemic.
  - In support of the Provincial Health Officer's order that COVID-19 safety plans be required for all employers, in January 2022 WorkSafeBC posted COVID-19 safety plan resources online, including sector-specific protocols, checklists, planning templates, education and training materials, signage, and other tools.
- For more information on WorkSafeBC's activities to assist employers and workers during the COVID-19 pandemic, please see Estimates Note #38, "Protecting the Lives and Safety of Workers".

### Contact:

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** COVID-19 Pandemic Impacts

**Revised:** February 8, 2022

**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 COVID-19:
  - 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.
- 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).
- 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.
- The Ministry has implemented Government's vaccine mandate, which requires all employees to be fully vaccinated unless they are eligible for an accommodation, either for health or religious reasons.
- Consistent with BC Public Service Agency policy direction and guidance, the Ministry has finalized telework agreements with all Ministry staff who wish to continue to work from home part of the time once the pandemic is behind us. However, the implementation date for these telework agreements has been delayed, first due to the Delta wave and more recently due to the Omicron wave.

## 2022/23 Estimates Note Advice to the Minister

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

### **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.
  - 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.

## 2022/23 Estimates Note Advice to the Minister

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

- 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 masks, 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.

### Transitioning Ministry Operations to a "New Normal"

- The Ministry developed a Ministry 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.

## 2022/23 Estimates Note

### Advice to the Minister

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

- 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.
- In light of rising vaccination rates and falling COVID-19 cases over late spring and summer 2021, the BC Public Service planning for return to work included requiring telework agreements for each employee wishing to continue to work from home once the pandemic has ended. These telework agreements were initially scheduled to take effect in September 2021. However, in light of increasing case counts due to the Delta and then the Omicron variants, the effective date was moved originally to November 2021, and then until April 4, 2022.
- The BC Public Service has also implemented a vaccine mandate as a condition of employment for all public servants. This mandate came into effect in November 2021 and has been fully implemented subject to some requests for medical and religious accommodation still needing to be decided.
- 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

## **2022/23 Estimates Note Advice to the Minister**

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

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.

**Contact:**

Michael Tanner	A/Executive Director	Policy and Legislation	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Agriculture Sector Compliance

**Revised:** February 5, 2022

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

**Response:**

- Government is committed to ensuring that workplaces are safe, healthy and fair so that employers and workers can prosper and contribute to B.C.'s economic growth.
- Government fully appreciates the contributions that B.C. farm workers make to our domestic and export food production.
- Government is committed to protecting the health and safety of farm workers and to ensuring that vehicle safety and employment standards are enforced.
- The Employment Standards Branch plays an important role in protecting farm workers. The Branch:
  - has authority to cancel or suspend a farm labour contractor's licence where the relevant WorkSafeBC or motor vehicle laws have been violated;
  - maintains an agriculture compliance team that conducts site inspections – including worker interviews and payroll reviews;
  - participates in roadside vehicle inspections; and
  - provides education to employers and workers in the agriculture sector.
- The 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 most of the employment standards that apply to other workers in British Columbia. However, exemptions are provided in the areas of hours of work, overtime and statutory holiday pay.
- Farm workers are also fully covered by occupational health and safety standards. Employers in the agriculture sector are required to provide workers with a level of protection against a wide range of work-related hazards, including the handling of chemicals and pesticides.

## 2022/23 Estimates Note

### Advice to the Minister

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

- Over the years, the Province has enhanced safety protections in its laws and regulations to better protect farm workers in B.C. This includes provisions in the *Employment Standards Act* to:
  - Prohibit farm producers from using the services of an unlicensed farm labour contractor.
  - Allow for the suspension or cancellation of a farm labour contractor's licence for significant WorkSafeBC or motor vehicle violations.
  - Allow farm labour contractors to be billed an administrative fee to recover government's costs to transport stranded farm workers when unsafe vehicles are taken out of service in roadside inspections.
- Under the Ministry of Transportation and Infrastructure, the *Motor Vehicle Act*:
  - allows swift and strong action against Designated Inspection Facilities that do not perform to standards, and
  - requires a seatbelt for every passenger transported in a van or other passenger vehicle.
- Government has in place an interagency committee to coordinate enforcement, prevention and education activities with respect to farm workers. The interagency committee includes representatives from WorkSafeBC, Employment Standards Branch, Commercial Vehicle Safety and Enforcement (CVSE) (Ministry of Transportation and Infrastructure), the RCMP and the Superintendent of Motor Vehicles (Ministry of Public Safety and Solicitor General)<sup>1</sup>.
- 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><sup>2</sup>.
- Questions regarding the number of vehicles that failed CVSE inspections, and explanations for the number, can be referred to the Ministry of Transportation and Infrastructure, which has overall responsibility for motor vehicle safety.

#### Farm Labour Contractors

- The *Employment Standards Act* (ESA) requires farm labour contractors to be licensed by the Director of Employment Standards.
- Applicants must pass a written test on the ESA, and post security for wages equal to 80 hours at minimum wage for each employee. In addition, a

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

<sup>2</sup> Inspections were significantly curtailed in 2020 due to Covid-19 pandemic.

## 2022/23 Estimates Note Advice to the Minister

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

WorkSafeBC clearance letter must be provided that shows the employer to be registered and in good standing, and current and valid vehicle inspection certificates must be submitted for any vehicle used to transport workers.

- The licence may be cancelled or suspended should the farm labour contractor be found to be in contravention of the ESA, certain provisions of the occupational health and safety regulations under the *Workers Compensation Act* or provisions of the *Motor Vehicle Act*.
- Farm labour contractors are required to deposit wages directly into the employee's bank account.
- The Employment Standards Branch (ESB) undertakes a combination of random roadside inspections, unannounced site inspections, worker interviews, payroll reviews and education sessions over the course of the growing and harvest season.
- In 2021 ESB conducted five education sessions with employers and recruiters to help them understand their obligations under both the ESA and the TFWPA as well as six general education sessions on the ESA, including one in Punjabi and one in Cantonese.

### ESB Agriculture Compliance Team, Selected Stats (Calendar Year 2021<sup>\*3</sup>)

- 32 farm site inspections
- 39 vehicle inspections<sup>4</sup>
- 14 determinations, resulting in 22 contraventions and \$28,500 in administrative penalties
- 51 total payroll audits (\*figure includes above 32 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.

Cabinet Confidences; Advice/Recommendations

<sup>4</sup> In March 2020, the COVID-19 pandemic caused the Interagency Committee's key partners (CVSE and WorkSafeBC) to postpone all roadside vehicle inspections. Cabinet Confidences;

Cabinet Confidences; Advice/Recommendations In  
2021 the # of vehicle inspection days was increased to normal levels but vehicle inspections were down as there were fewer vehicles on site.



## 2022/23 Estimates Note

### Advice to the Minister

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

- 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.
- 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, 2021, the minimum wage rate for SAWP workers was at least \$15.20 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.
- The Employment Standards Branch (ESB) provides information at educational seminars organized by the Mexican Consulate for SAWP employers and workers in the Lower Mainland and Interior.
- ESB attends meetings organized by the BC Fruit Growers' Association with the Jamaican Liaison Office and representatives from other Caribbean countries to review program operation and discuss issues.

## 2022/23 Estimates Note Advice to the Minister

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

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

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Child Employment

**Revised:** February 14, 2022

**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.
- Changes that came into effect on October 15, 2021:
  - require a permit from the Director of Employment Standards to employ a child 15 or younger – up from the previous requirement of 11 or younger, and
  - as an exception, allow 14- and 15-year-olds to perform “light work” without a Director’s permit but with parental consent, and
- These changes followed extensive consultations and a public engagement. They ensure that the work children and young people do is age-appropriate and safe for their health and development
- Changes the ministry is now working on will prohibit children under 16 from employment in hazardous work, or under 19 for certain hazardous work.
- We are undertaking further consultations and public engagement this Spring on the hazardous work regulations.
- The new child employment provisions bring BC’s child labour laws into compliance with international child labour obligations. They are also more in line with the standards elsewhere in Canada.

**Background/Status:**

- In 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 were allowed to work with their parent’s written consent.

## 2022/23 Estimates Note

### Advice to the Minister

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

- Children under 12 required 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.
- 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.

#### Update on Light Work

Government is implementing these improvements for the employment of young people in two phases. In the first phase, which came into effect on October 15, 2021, the Government brought into force changes to:

- Require a permit from the Director of Employment Standards to employ a child 15 or younger – up from the previous requirement of 11 or younger, and
- As an exception, allow 14- and 15-year-olds to perform "light work" without a Director's permit but with parental consent.

Examples of light work:

- recreation and sports club work, such as lifeguard, coach, golf caddy, camp counsellor, referee and umpire,
- light farm and yard work, such as gardening, harvesting by hand, clearing leaves and snow, and grass cutting,
- administrative and secretarial work,
- retail work, such as stocking shelves, packaging orders, laying out displays, sales and cashier,

## 2022/23 Estimates Note Advice to the Minister

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

- food service work, such as bussing tables, preparing food, dishwashing and serving food and non-alcoholic drinks, and
- skilled and technical work, such as computer programmer, visual artists, graphic designer, writer and editor.

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

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

Also effective October 15, 2021, children 12 and over may work for a business or farm owned by an immediate family member; however, they may not perform work involving specific unsafe elements including operating unsafe machinery and equipment; working at a construction, heavy manufacturing or heavy industry site; handling hazardous substances; entering confined spaces; or heavy lifting.

Cabinet Confidences; Advice/Recommendations

### 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.
  - ESB received 14 child employment permit applications in 2020, seven of which resulted in a permit being issued, compared to 102 applications in 2021 with 37 permits issued.
  - In 2020 and 2021, there were no contraventions of Section 9 of the *Employment Standards Act* (provisions in respect of hiring children), nor any

## 2022/23 Estimates Note Advice to the Minister

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

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

## 2022/23 Estimates Note Advice to the Minister

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

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

**Revised:** January 28, 2022

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

**Response:**

- The *Employment Standards Act* (Act) allows Cabinet, by regulation, to exclude classes of persons from all or parts of the Act (such as the hours of work and overtime provisions), as well as to set alternate standards as appropriate.
- Full exclusions, partial exclusions, and alternate standards seek to accommodate the 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 specific employment standards improvements, including developing a precarious work strategy, we expect a review of exclusions and alternate standards to follow.

**Background/Status:**

- The *Employment Standards Act* 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

**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

## 2022/23 Estimates Note Advice to the Minister

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

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

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

### Partial exclusions from the Act

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

### Alternate Standards from the Act

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



## 2022/23 Estimates Note Advice to the Minister

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

- 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 where the resident caretaker lives.

### British Columbia Law Institute Report on the Act

- The British Columbia Law Institute, a not-for-profit law reform agency, undertook a 4-year independent review of employment standards. 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.*”
- While government’s immediate focus is on specific employment standards improvements, including developing a precarious work strategy, a review of exclusions and alternate standards is expected to follow.

### **Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 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:** February 10, 2022

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

**Response:**

- The Ministry of Labour is committed to changes to restore confidence in the employment standards system for workers and employers in British Columbia.
- The Employment Standards Branch budget for 2022/23 is \$14.010 million, no change from the prior year.
- 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.
- 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 was often the subject of criticism.
- The ESB budget was relatively stable over several years, totalling between \$7.8-\$7.9 million per year from 2013/14 through 2017/18.
- Labour stakeholders claimed that 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*.

## 2022/23 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 increased.
- These increases supported the Minister of Labour's mandate letter commitment to ensure that employment standards are applied evenly and enforced.
- Through changes brought into force through the *Employment Standards Amendment Act*, Bill 8, including eliminating the self-help kit and increasing the wage recovery period to one year, workers now have increased access to the Branch and increased protections.
- The increases recognized that the ESB was 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 \$14 million over three years.

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

### Using the additional resource to transform ESB

- The increases in funding are allowing 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;

## 2022/23 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; and
  - Implement the *Temporary Foreign Worker Protection Act*, including the creation of the registries and a new unit to better protect temporary foreign workers.
- The ESB 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; and
  - 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 \$8.29 million per year in wages for workers (5-year averages).
  - Staff answering our multi-lingual and information line queries help approximately 85,160 callers per year (5-year average).
  - Staff deliver high quality output: 90 per cent of decisions issued by ESB were upheld on appeal (five-year average).

## 2022/23 Estimates Note Advice to the Minister

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

### *ESB Budget and Staff Positions*

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

### *ESB Service Indicators*

	2017/18	2018/19	2019/20	2020/2021	2021/2022 (forecasted)
Individual complaints closed within 6 months (Service Plan Target is >85%)	96%	92%	73%	47%	Cabinet Confidences; Advice/Recommendations

### **Contact:**

Mary Walsh A/Executive Director

Employment Standards 604 398 6108  
Branch

Cabinet Confidences; Advice/Recommendations

### Employment Standards Branch - Statistical Summary

<i>Calendar Year (Jan 1-December 31)</i>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>AVG.</b>
Complaints Received	5,063	4,958	7,294	7,403	6215	<b>6,187</b>
Complaints Closed	4,815	4,539	4,487	5,258	6169	<b>5,054</b>

Advice/Recommendations

Advice/Recommendations

## 2019/20 Fiscal Year Service Plan Measures \*

Advice/Recommendations

Contact: Mary Walsh A/Executive Director  
604-398-6108



## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Employment Standards Transformation

**Revised:** March 3, 2022

**Issue:** Modernizing service delivery in the Employment Standards Branch

**Response:**

- The Employment Standards Branch provides key services for both workers and employers in B.C.'s workplaces.
- We have prioritized improvements to the branch's business to modernize its service delivery, streamline processes and improve service delivery for all clients.
- In Budget 2019, \$14 million in new funds were invested over three years to increase employment standards protections and enforcement in the province.
- We are improving our offering of online services, such as our compliant intake, temporary layoff variance portal and online child permitting process, and we have established a toll-free multi-lingual information line to better serve BC's workers and employers.
- We have removed barriers to accessing branch services, like the "Self Help Kit" and we have established public registries of foreign worker recruiters and employers who hire Temporary Foreign Workers so vulnerable workers can view the status of a recruiter's licence or an employer's certification.
- We have improved our advisory services to provide service in 140 languages, so workers know their rights and employers know their obligations under 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 improved our web content to be accessible to those with visual impairments. These, and other improvements we are making will ensure that B.C. workplaces support an inclusive, sustainable economy that works for everyone.

*If asked what other improvements have been made...*

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



## 2022/23 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.
- In 2021 the ministry hired 24 temporary Employment Standards Officers to support the complaints team and realigned its organizational structure to better-use its resources, continuing its focus on reducing the backlog of worker complaints, and increasing compliance and enforcement activities like audits and investigations.
- The ministry is implementing a new Case Management System to streamline work assignment and complaint processing and to improve service to clients with automated reminders of license renewals and secure environments to upload documents.
- Once fully implemented in the summer of 2022, the branch will be able to leverage its data to further improve client outcomes across all lines of business including complaints processing, collections, and compliance and enforcement activity which will also support the Temporary Foreign Worker Protection Unit.

## 2022/23 Estimates Note Advice to the Minister

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

**Attachment:** Appendix 1 – Transformation Project Overview 18/19 – 21/22

### **Contact**

Danine Leduc	ADM, Labour	250 208-2850
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Mary Walsh	A/Executive Director, ESB	604 398 6108
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## 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
	<b>Total</b>	<b>\$1,046,519</b>

## 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

## FY 20/21 Transformation Project Overview

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

## FY 21/22 Transformation Project Overview

Project Name	Description	Completion Date
Facilities	<ul style="list-style-type: none"> <li>Project completed in the Richmond Office to expand capacity and improve citizen accessibility and experience</li> <li>Started project to improve soundproofing in the Victoria Office</li> </ul>	April 30, 2022
Change Management	<ul style="list-style-type: none"> <li>Change Management work has been completed with continued focused training sessions on change resilience, diversity and inclusion and leading through change</li> <li>Branch focus on service delivery for workers and employers</li> </ul>	December 31, 2021
Case Management System	<ul style="list-style-type: none"> <li>New user-friendly Complaint intake form launched for public use</li> <li>Launched new Child Employment Permitting application and guided information for citizens on new permitting requirements</li> <li>Completed work for end-to-end processing of complaints files in new system</li> <li>Cabinet Confidences; Advice/Recommendations</li> <li>Expanded use of Variance application to include all types of variance requests</li> </ul>	Summer 2022
Records Mgmt.	<ul style="list-style-type: none"> <li>Reviewed and amended ORCs Records Schedule for ESB and the TFWPA</li> </ul>	March 31, 2022
Ice Pay	<ul style="list-style-type: none"> <li>Expanded use of icePay (over the phone payment option) to additional program areas and support collections for the Branch</li> </ul>	March 31, 2022
Complaints Intake	<ul style="list-style-type: none"> <li>Launched use of investigation process and use of new case management system for</li> <li>Utilized queue management in new case management system to triage work</li> </ul>	Dec 31, 2021
Org Design	<ul style="list-style-type: none"> <li>Continued hiring to support new Branch design and to fill vacancies</li> </ul>	March 31, 2022
TFWPA	<ul style="list-style-type: none"> <li>First year of renewals for TFW Employer Registration</li> </ul>	March 31, 2022

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Protection of Foreign Workers

**Revised:** February 10, 2022

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

**Response:**

- The *Temporary Foreign Worker Protection Act* (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 requires recruiters who recruit foreign workers for employment in British Columbia to be licenced and employers who hire certain temporary foreign workers for employment in BC to be registered. The TFWPA also contains compliance and enforcement provisions to better protect these vulnerable workers.
- As of Feb 1, 2022, there were:
  - 291 TFW Recruiter licenses issued and published, and
  - 3450 TFW Employer certificates of registration issued and published.

**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.
- The TFWPA 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

## 2022/23 Estimates Note Advice to the Minister

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

example, the bond may be used to reimburse a foreign worker if a recruiter illegally charged the worker a fee for recruitment services.

- 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.
- 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.
- 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:**

Michael Tanner

A/Executive  
Director

Labour Policy and  
Legislation Branch

778 974-2172



## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Updating Employment Standards

**Revised:** February 3, 2022

**Issue:** Updating employment standards

**Response:**

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

## 2022/23 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 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.
    - Regulations are required to fully implement Bill 8, including those that will bring into force provisions impacting temporary help agencies and employment of persons under 16 in hazardous industries or in hazardous work. Advice/Recommendations
- Advice/Recommendations

## 2022/23 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 of Labour 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 BC who are receiving a 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. A regulation subsequently set the number of paid days at up to five days per year.
- 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 Notes #52, "Parliamentary Secretary for the New Economy and its Role in the Ministry of Labour", and #53 "Precarious and Gig Worker Strategy"). Early work, including policy research to scope the issues and frame key questions for further investigation, has begun on this priority.
- 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.

## 2022/23 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 215/2021 – Brought into force a number of sections of 2019's Bill 8, including those making the complaint process more effective; promoting proactive enforcement by the ESB; establishing new definitions of "domestic worker" and "sitter"; increasing the general age for which a director's permit is required (from under 12 to under 16) for a child to work in BCA; and permitting 14- and 15-year-olds to perform "light work" without a permit but with parental or guardian consent.
- BC Reg 216/2021 - Added two additional situations under which employees may qualify for COVID-19-related leave; requires employers to provide unpaid leave to their employees to be vaccinated against COVID-19 or to assist a dependent family member to do the same.
- BC Reg 293/2021 – Created an employee entitlement of five days of employer-paid illness and injury leave per year, effective January 1, 2022.
- 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. The ministry continues to consider this recommendation.

### Contact:

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Minimum Wage and the Fair Wages Commission

**Revised:** February 3, 2022

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

**Response:**

- Government firmly believes that the lowest paid workers need support now more than ever.
- On June 1, 2021, Government fulfilled its commitment by increasing both the minimum wage and liquor server wage to \$15.20 an hour, making British Columbia's minimum wage the highest among Canadian provinces. This brought an end to the lower minimum wage for liquor servers in B.C., 80% of whom are women.
- Now that the minimum wage has reached this level, we are committed to tying the minimum wage to the rate of inflation for future increases. This will provide predictability and stability for both employers and workers.
- 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 2020 was 121,000. This represents 6 per cent of paid employees in British Columbia (i.e., excluding the self-employed). This represents a decrease from 7 per cent in 2019, but is an increase from 5.1 per cent in 2017. The overall

## 2022/23 Estimates Note Advice to the Minister

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

increase in the per cent of employees earning minimum wage would be expected with the significant increases in the minimum wage since 2017.

### 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 Limpricht representing labour interests and Ken Peacock representing business interests.
- On October 1, 2018, the chair of the commission was replaced with Professor Danielle van Jaarsveld of the UBC Sauder School of Business; the two other members remain in their roles.
- 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. Expenditures for 2021/22 are not yet available.
- In a report delivered to government in January 2018, following public consultations and receipt of research and submissions, the commission recommended the following four minimum wage increases over four years.
  - June 1, 2018: \$12.65 an hour (\$1.30 increase)
  - June 1, 2019: \$13.85 (\$1.20 increase)
  - June 1, 2020: \$14.60 (\$0.75 increase)
  - June 1, 2021: \$15.20 (\$0.60 increase)
- The commission also recommended that, depending on economic conditions, government consider an additional hourly increase of up to \$0.20, to \$15.40 an hour in 2021. Given the economic situation with COVID-19, government did not provide this additional 20 cent increase in 2021.
- The commission also provided recommendations and advice with respect to the ongoing role of a commission after 2021. This includes recommendations to:
  - Establish a permanent commission with staff to examine issues related to low-wages in B.C. and give advice on increases to the minimum wage.
  - Provide for a permanent research function 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.

## 2022/23 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, which is expected soon.

#### Future increases to the minimum wage

- For its 2020 election campaign, Government committed to tying the minimum wage to the rate of inflation once the minimum wage reached \$15.20/hour. Premier Horgan included this item as a priority in his mandate letter to the Minister of Labour. This is also consistent with the Fair Wages Commission's recommendations in its first report, regarding future adjustments to the minimum wage.
- For 2022, the minimum wage will increase by the average percentage change to the BC CPI for 2021. This would result in a 2.8 per cent increase, effective June 1, 2022. Applying this to the current general minimum wage rate (rounded to the nearest nickel), the new rate would be \$15.65, representing a 45-cent increase. The 2.8% adjustment would apply to all minimum wage rates (further details regarding application to alternate rates below).

## 2022/23 Estimates Note Advice to the Minister

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

Cabinet Confidences; Advice/Recommendations

### Other jurisdictions – current minimum wage rates

- B.C.'s current general minimum wage is \$15.20/hour, which, is first 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.
- Ontario's minimum wage was set at \$15/hour in 2021 and its legislation provides that, starting in 2022, the minimum wage will increase at the rate of inflation.

### 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 were increased to \$15.20 an hour, making this the highest minimum wage among Canadian provinces. This move brought an end to the lower minimum wage for liquor servers in B.C., 80% of whom are women.
- The move was based on the recommendations from the Fair Wages Commission's second report.

### Minimum Piece Rates



## 2022/23 Estimates Note

### Advice to the Minister

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

- B.C. farm workers who hand harvest certain berry, fruit or vegetable crops and who are employed on a piece work basis are paid for the amount they pick, and not in relation to a minimum hourly wage. The minimum piece rates for these crops are established in the Employment Standards Regulation.
- This system of regulated minimum piece rates, which is unique within Canada, was established in 1981 with the intent that an average, reasonably diligent hand harvester would be able to earn at least the equivalent of the general minimum hourly wage.
- In April 2018, the 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 hourly wage for piece-rate workers as of June 1, 2019, with piece rates as additional incentives. The Ministry of Labour determined more information was needed on the details of the piece rate system and, instead, implemented an 11.5 per cent rate increase to piece rates as of January 1, 2019, and hired agricultural economist 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.
- No changes were made to the minimum piece rates in 2020 and 2021. For 2022, the minimum piece rates will increase by the average percentage change to the BC CPI for 2021 (i.e., 2.8%), effective January 1, 2023. This delayed implementation date minimizes disruption for the agricultural sector by providing that the rate increases do not come into force during the harvest season. The Ministry of Agriculture, Food and Fisheries has indicated their support for these measures. The Ministry of Labour and the Ministry of Agriculture, Food and Fisheries remain engaged in further discussions respecting the future of minimum piece rates.

#### Other alternative minimum wage rates

- In addition to the minimum piece rates, the Employment Standards Regulation also establishes separate minimum pay provisions for "live-in camp leaders", "resident caretakers", and "live-in home support workers". In 2021, based on recommendations from the commission, the rates for "live-in camp leaders" and "resident caretakers" were increased by the same percentage and on the same schedule as the general hourly minimum wage.

## 2022/23 Estimates Note Advice to the Minister

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

- This approach will continue in 2022, where the minimum wage rates for live-in camp leaders and resident caretakers will increase by the average percentage change to the BC CPI for 2021 (i.e., 2.8%), effective June 1, 2022. This would result in the following rates:
  - \$125.06 per day for live-in camp leaders
  - \$937.82 per month plus \$76.58 per suite for those who manage nine to 60 residential suites - or \$3,194.43 per month for resident caretakers who manage 61 or more units.
- Advice/Recommendations
- For 2022, the minimum wage rate for live-in home support workers will increase by the average percentage change to the BC CPI for 2021 (i.e., 2.8%), effective June 1, 2022. This would result in a minimum daily rate of \$116.68. Advice/Recommendations

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

**Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

### Appendix 1 – General Minimum Wages in Canada (as of January 1, 2022)

Jurisdiction	Rate (\$/hr)	Effective Date	Notes on Future Changes
Nunavut	16.00	April 1, 2020	Annual mandatory review by Minister.
<b>British Columbia</b>	<b>15.20</b> (proposed: 15.65)	<b>June 1, 2021</b> (June 1, 2022)	<b>Government commitment to tie future minimum wage adjustments to inflation</b>
Yukon	15.20	August 1, 2021	On April 1 <sup>st</sup> of each year, the minimum wage is adjusted based on annual increase for the preceding calendar year in the CPI for Whitehorse.
Northwest Territories	15.20	September 1, 2021	Independent body gives advice.
Alberta	15.00	Oct 1, 2018	No required adjustments to minimum wage.
Ontario	15.00	Jan 1, 2022	On October 1 <sup>st</sup> of each year, the minimum wage is adjusted by the percentage change to the CPI for Ontario over the two preceding calendar years.
Quebec	13.50	May 1, 2021	No required adjustments to minimum wage.
Prince Edward Island	13.00	April 1, 2021	\$13.70 effective April 1, 2022 Independent body gives advice after an annual review.
Nova Scotia	12.95	April 1, 2021	Annual adjustment on April 1 <sup>st</sup> based on the percentage change in the national CPI for the calendar year immediately preceding the year in which the adjustment occurs. Effective 2022.
Newfoundland and Labrador	12.75	October 1, 2021	Annual adjustment on April 1 <sup>st</sup> based on the percentage change on the national CPI for the year immediately preceding the year in which the adjustment occurs. Effective 2022.
Manitoba	11.95	Oct 1, 2021	Annual adjustment on October 1 <sup>st</sup> based on the percentage change in the provincial CPI between the calendar year immediately before the date of adjustment and the calendar year two years before the date of adjustment.
Saskatchewan	11.81	Oct 1, 2021	Cabinet may annually adjust the minimum wage by June 30 <sup>th</sup> based on average increases in CPI and average hourly wage.
New Brunswick	11.75	April 1, 2021	\$12.75 effective April 1, 2022. \$13.75 effective October 1, 2022. Annual adjustment on April 1 <sup>st</sup> based on the percentage change in the provincial CPI between the calendar year immediately before the date of adjustment and the

## 2022/23 Estimates Note Advice to the Minister

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

			calendar year two years before the date of adjustment. Minister must review every two years.
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## 2022/23 Estimates Note Advice to the Minister

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

### ***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

## 2022/23 Estimates Note

### Advice to the Minister

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

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.

## 2022/23 Estimates Note Advice to the Minister

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

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 29<sup>th</sup> day of September, 2017.



\_\_\_\_\_  
Honourable Harry Bains, Minister of Labour

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Domestic or Sexual Violence Leave

**Revised:** January 31, 2022

**Issue:** Leave Respecting Domestic or Sexual Violence: Workplace Supports

**Response:**

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

**Background/Status:**

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



## 2022/23 Estimates Note

### Advice to the Minister

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

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

#### Contact:

Michael Tanner

A/Executive  
Director

Labour Policy and  
Legislation Branch

778 974-2172

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Employment Standards Branch Backlog Reduction

**Revised:** March 3, 2022

**Issue:** The pandemic has placed high demand on all of the branch's services, including complaints received by the Employment Standards Branch resulting in a backlog of worker complaints waiting to be assigned.

**Response:**

- The past two years of the pandemic impacted BC's workplaces, and employment standards branch provides critical advice and key services to support workers and employers in BC's workplaces.
- I am committed to ensuring that workers and employers have access to the Employment Standards Branch when they need it.
- In 2019, we began modernizing the Employment Standards Branch to make it easier for people to access needed services, because over the previous 16 years there were barriers and it was difficult to get help.
- As we removed barriers and began providing easier access, the volume of complaints rose 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.
- In 2021 we established a backlog reduction team and we hired and trained 24 new temporary Employment Standards Officers to focus on reducing the backlog.
- Government Financial Information
- We have implemented a triaging process so simpler cases can be resolved quickly, and we are making progress in improving the timeliness of our processing.
- Currently we are recruiting and onboarding 65 more temporary staff to expand the team dedicated to resolving complaints to continue work to reduce the backlog.
- We are continuing to invest in the Employment Standards Branch to ensure workers and employers can access the Branch's valuable advice and services when they need it.

## 2022/23 Estimates Note Advice to the Minister

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

### **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 2021 the Branch received 6,215 complaints however it experienced a significant increase in demand for advisory services with 122,792 calls and emails from workers and employers – up from 74,800 in 2020 and well over the 5 year average of 85,160.
- In addition, in 2019 the Ministry removed the Self-Help Kit, doubled the statutory recovery period from 6 months to one year and launched the *Temporary Foreign Worker Protection Act*. Pandemic response actions including temporary layoff variances, vaccination leave and illness and injury leave also resulted in new work for the Branch. All of these factors and improvements made the branch more accessible, and increased demand for its services.
- To address the increase in complaints, the Ministry has developed new, streamlined intake and triage processes to provide better outcomes for workers, improved the use of technology as part of its overall digital transformation strategy and improved information gathering to support faster complaint processing.
- As of January, 2022, the backlog was reduced by approximately 15% from 5,348 (this number is not public) to 4,548 reflecting a reduction of 800 complaints. Due to staff illness over the past two months associated with the COVID-19 and Omicron viruses, as well as the seasonal flu, the backlog has risen incrementally, resulting in some lost gains.
- The branch is actively recruiting and onboarding new temporary staff in all roles that support complaints process including Data Integrity Clerks, Employment Standards Officers and Industrial Relations Officers.

### **Contact:**

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

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Paid Sick Leave

**Revised:** February 3, 2022

**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, up to three days of paid leave related to COVID-19 sick leave for employees who have symptoms, are self-isolating, or are waiting for a test result, effective from May, 20 2021 until December 31, 2021; and,
  - for the long term, a permanent paid sick leave, effective January 1, 2022.
- In November 2021, an Order-in-Council was completed, which established a minimum entitlement to five days per year of employer-paid sick leave.
- This minimum entitlement was determined after a comprehensive public engagement and consultation process, including a public survey regarding current paid sick leave benefits for B.C. employees and public input on the number of days for such leave.
- I also personally met with representatives from the business community, labour organizations, Indigenous partners, and other stakeholders to hear their views.
- With the implementation of the new paid sick leave entitlement, B.C. now leads other provinces in supporting workers and ensuring that they do not have to go to work when they are sick.

**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 amended the *Employment Standards Act* (Act) to provide:

## 2022/23 Estimates Note

### Advice to the Minister

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

- a permanent entitlement to paid personal injury and illness leave; and
  - up to three days of paid COVID-19 sick leave.
- Paid personal illness and injury leave:
  - Effective January 1, 2022, all employees covered by the Act are eligible for 5 days of employer paid sick leave after 90 consecutive days of employment.
  - In order to meet the needs of workers and support healthy businesses, the number of paid days was determined after a comprehensive, multi-phase public engagement and consultation process over Summer and Fall 2021.
  - In the first phase, the Ministry of Labour invited all workers and employers to complete a survey regarding their current sick leave benefits, if any, and to comment on where improvements could be made.
  - This survey informed the second phase, where the Ministry developed a paper presenting three options for public feedback and consultation: a minimum entitlement of 3, 5 or 10 days of paid sick leave per year.
  - The Ministry then consulted on these options with a variety of stakeholders, including workers, employers, business associations, labour advocates, Indigenous partners, non-profit organizations, and local governments.
- Paid COVID-19 sick leave:
  - Employees in the following circumstances were eligible for up to three days of paid sick leave from the date of Royal Assent (May 20, 2021) until December 31, 2021:
    - they have been diagnosed with COVID-19 and are acting on the instructions or orders of a medical health officer or the advice of a medical practitioner, nurse practitioner, or registered nurse;
    - they are in quarantine or self-isolation in accordance with an order made by the provincial health officer or under the federal *Quarantine Act*, or in accordance with guidelines from the B.C. Centre for Disease Control or the Public Health Agency of Canada; or
    - they have been directed by their employer to stay home because of concerns about an exposure risk for others.
  - While employers were required to pay workers on COVID-19 sick leave their full wages, the Province reimbursed those employers who do not have an existing sick leave program up to \$200 per day per worker to cover costs. Beginning in June 2021, WorkSafeBC began administering the employer reimbursement program on behalf of the Province. For more

## **2022/23 Estimates Note Advice to the Minister**

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

information on this program see Estimates Note on Employer Reimbursement Program at TAB 23.

- An estimated 50% of B.C. employees did not previously have access to paid sick leave – meaning that upwards of one million workers in B.C. 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.

**Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Employer Reimbursement Program

**Revised:** March 3, 2022

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

**Response:**

- During the pandemic, many workers faced the difficult choice of going to work sick or losing pay. No worker should have to make this choice.
- In May, 2021 we passed amendments to the Employment Standards Act which included establishing a temporary paid sick leave for employees with COVID-19 related illness for up to three days. We also established a permanent entitlement to be determined following public consultations.
- The temporary leave was to help reduce the workplace transmission of COVID-19 and to fill identified gaps in the federal Canada Recovery Sickness Benefit.
- At that time we committed to supporting businesses who did not already provide paid sick leave with reimbursements for COVID-19 paid sick leave of up to \$200 a day per employee from May 20 until December 31, 2021.
- This meant workers didn't lose pay when they felt unwell during the pandemic and employers who did not offer paid sick leave could do so immediately to help stop the spread of the virus.
- WorkSafeBC administered the Employer Reimbursement program on behalf of government because of its existing IT infrastructure and database of registered BC employers.
- Government provided WorkSafeBC with \$1.4 million to administer and fund the creation of the reimbursement program, and provided all funding for claims reimbursement.
- The program processed more than 10,000 reimbursement claims for employers. <sup>Cabinet Confidences;  
Advice/Recommendations</sup> These claims covered more than 33,000 workers to take COVID-related paid sick leave.
- This temporary program is now closed as we have established 5 days of permanent paid sick leave effective January 1, 2022.

## 2022/23 Estimates Note Advice to the Minister

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

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

- The preliminary estimates to establish this program were prepared earlier in the year; the program launched on June 17, 2021 at a time when COVID-19 case counts were very low.
- Reimbursement claims from employers were sensitive to COVID transmission in our communities, which started increasing in September, 2021.
- The program was designed to ensure all eligible employers would receive reimbursements to December 31, 2021. Given the unpredictable nature of the pandemic, it was not possible to accurately forecast a total budget required for this project.

### **Background/Status:**

- The legislation establishing temporary covid-19 related paid sick leave was in effect from May 20, 2021 to December 31, 2021.
- WorkSafeBC launched the program June 17, 2021. Initial uptake by employers was low. BC's Immunization Plan was well underway in June 2021 and COVID-19 case counts were low.
- Estimates by the Ministry of Finance indicated the reimbursement program could require government funding of \$321 million reflecting a 60% uptake by approximately 620,000 eligible BC employees taking all 3 days of paid sick leave at some point between May 20 and December 31, 2021.
- All employees who are covered by the Employment Standards Act were eligible for the 3 days of temporary COVID-19 related leave. The self-employed, employees of federally-regulated sectors and some professions are specifically excluded from the Act.
- Employers who already provided sick leave benefits to all or some of their workers were not eligible for reimbursement.
- The intake for employers to submit eligible claims closed January 17, 2022 (for leave taken by December 31, 2021) but was re-opened January 28 to February 11, 2022 to provide additional time for employers to submit claims. 500 additional claims were received.

### **Contact:**

Danine Leduc ADM

Phone Number  
250-208-2850

Advice/Recommendations; Legal Information; Government Financial Information



Page 085 of 163

Withheld pursuant to/removed as

Cabinet Confidences ; Advice/Recommendations ; Government Financial Information

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** National Day for Truth and Reconciliation

**Revised:** February 3, 2022

**Issue:** National Day of Truth and Reconciliation, September 30

**Response:**

- The National Day for Truth and Reconciliation on September 30 is a federal holiday that commemorates the tragedy of the residential school system, while seeking to promote reconciliation between Indigenous and non-Indigenous communities.
- In 2021, the BC provincial public service and public sector observed the holiday, and other employers had the choice how to observe the day.
- In August 2021, the Minister of Indigenous Relations and Reconciliation and the Minister of Finance indicated that the Province will work with Indigenous leaders, organizations and communities on the best and most respectful ways to mark Truth and Reconciliation Day here in B.C., followed by engagement with business and labour stakeholders for their perspectives on how the national day is commemorated in future years.

**Background/Status:**

- On June 5, 2021, the Federal Government passed an amendment to the *Canada Labour Code* through Bill C-5, to add a new, “National Day for Truth and Reconciliation” for federally regulated workers that will be observed as a statutory holiday each year on September 30.
- Bill C-5 responded to the Truth and Reconciliation Commission of Canada’s call to action number 80 by creating a holiday called the National Day for Truth and Reconciliation, which seeks to honour First Nations, Inuit and Métis survivors of residential schools and their families and communities and to ensure that public commemoration of their history and the legacy of residential schools remains a vital component of the reconciliation process.
- The date of September 30, chosen by the federal government, builds on the grassroots momentum of Orange Shirt Day, which is already known as a day to remember the legacy of residential schools and to move forward with reconciliation. The Truth and Reconciliation Commission recommendation did not specify a date for the holiday.

## 2022/23 Estimates Note

### Advice to the Minister

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

- The Ministry of Indigenous Relations and Reconciliation will be engaging with Indigenous leaders, organizations, and communities on how best to mark Truth and Reconciliation Day in BC. The Ministry of Labour will then engage with business and labour stakeholders.
- The new statutory holiday, under the *Canada Labour Code*, does not apply to provincially regulated workers (but does apply to roughly 10% of BC workers employed in banks, airlines, the post office, and other federally regulated sectors). However, provincially regulated employees may be entitled to the federal holiday where they have collective agreement provisions that require employers to honour federal holidays (of which there are several including the BCGEU Main Agreement for the BC Public Service).
- For September 30, 2021, the national holiday was observed by federal employees and workers in federally regulated workplaces. The Ministers of Finance and of Indigenous Relations and Reconciliation advised provincial public-sector employers to honour this day, which also recognized the obligations in the vast majority of public sector collective agreements. Many public services remained open but operated at reduced levels. However, most schools, post-secondary institutions, some health sector workplaces, and Crown corporations were closed.
- Manitoba, Nova Scotia and PEI formally recognized September 30, 2021, as a holiday. Schools closed, and provincially employed workers had the day off work. Flags on government buildings were lowered to half-mast.

#### Contact:

First Michael  
Tanner

Title A/Executive  
Director

Branch Name Labour  
Policy and Legislation

Phone Number  
778 974-2172

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** B.C. Labour Relations Board Update

**Revised:** February 3, 2022

**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 February 5, 2022, the LRB is staffed with the following Order in Council (OIC) appointments:

Name	Position	Term
Jennifer Glougie	Chair	February 5, 2025
Brett Matthews	Associate Chair	July 30, 2025

## 2022/23 Estimates Note Advice to the Minister

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

Name	Position	Term
Najeeb Hassan	Registrar and Vice-Chair	December 2, 2024
Andres Barker	Vice-Chair	April 30, 2025
David Duncan Chesman, Q.C.	Vice-Chair	July 30, 2025
Stephanie Ann Drake	Vice-Chair	July 30, 2025
Karen Jewell	Vice-Chair	April 30, 2025

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

### LRB Chair

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

### Members

- The Code provides, in addition to vice chairs, for the appointment of as many members equal in number representative of employers and employees as the Lieutenant Governor in Council considers proper.

## 2022/23 Estimates Note Advice to the Minister

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

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

## Voting Processes

- Necessitated by the Pandemic, the LRB successfully implemented online voting in certifications. Except for a handful of mail ballot votes, all votes held since June 8, 2020, have been conducted electronically and within the five business-day window set out in the Code.
- 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

### Intergovernmental Communications

## 2022/23 Estimates Note Advice to the Minister

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

twice as likely to result in voter turnout in the 85% to 94% range than in person or mail voting.

### 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.
  - Intergovernmental Communications
- 
- 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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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Collective Bargaining

**Revised:** February 4, 2022

**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. There may be pressure from the public, the parties involved and line ministries, or there may be political pressure to intervene in a particular dispute. The issue for the Ministry is identifying when and how to intervene, if at all.



## 2022/23 Estimates Note

### Advice to the Minister

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

- 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.

## 2022/23 Estimates Note Advice to the Minister

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

- In past years, 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:**

Trevor Hughes	Deputy Minister	Ministry of Labour	778 974-2189
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Forestry Successorship

**Revised:** February 10, 2022

**Issue:** Industrial Inquiry Commission on Forestry Successorship

**Response:**

- Prior to the last election, I announced government's intention to appoint an Industrial Inquiry Commission (IIC) under the *Labour Relations Code* (the Code) to undertake a focused engagement with stakeholders about contract tendering and successorship in the BC forest sector.
- The IIC builds on recommendations government received from the 2018 independent review of the Labour Relations Code, which identified forestry industry successorship protections as an area that needed further consultation, study and analysis.
- This past November I announced the appointment of the Vince Remy and Amanda Rogers as the IIC and I have now received their report.
- My Ministry is currently reviewing the report and is engaging with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development on this matter.
- We are 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

## 2022/23 Estimates Note Advice to the Minister

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

Advice/Recommendations; Intergovernmental Communications

- In November, 2021, Government appointed Vince Ready and Amanda Rodgers as an IIC to recommend ways to protect workers when contract tendering and the transfer of cutting and timber-harvesting rights fall outside of section 35 of the Labour Relations Code. Section 35 ensures that the collective bargaining rights of employees are protected when a business or part of it is sold, leased, transferred or otherwise disposed of.
- The Terms of Reference for the IIC stipulated that the consultation period was to last for no more than 45 days and that the report would be issued to the Minister within 60 days. The Ministry received the IIC report on February 10, 2022 and is taking to time study the report.

**Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Ensuring Workers' Unionization and Collective Bargaining Rights

**Revised:** February 4, 2022

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

**Response:**

- Government is committed to ensuring that every worker has the right to join a union and bargain for fair working conditions.
- This builds on the 2019 changes to the *Labour Relations Code*, under 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.
- While Bill 30 has implemented important measures to support workers, Government is examining further actions we can take to build on these improvements as we look towards full economic recovery.

### **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.

Advice/Recommendations

**Union certification process:** The Bill 30, 2019, amendments to the *Labour Relations Code* (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 calendar days to 5 business days), strengthening the restrictions on employer communication during an organizing campaign, as well as expanding the Labour Relations Board's ability to impose certification in response to employer unfair practices.

## 2022/23 Estimates Note Advice to the Minister

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

Advice/Recommendations

**Precarious Work Strategy:** In connection with another mandate letter commitment for the Minister of Labour and the Parliamentary Secretary for the New Economy to develop a strategy on precarious work and the gig economy, <sup>Advice/Recommendations</sup>  
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.

Advice/Recommendations

### Contact:

Michael Tanner	Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Asbestos

**Revised:** February 18, 2022

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

**Response:**

- The Government of British Columbia is keenly aware of the extent to which asbestos is a significant health and safety issue for B.C. workplaces and workers.
- It is for this reason that on February 16, 2022, I introduced Bill 5, the *Workers Compensation Amendment Act, 2022*.
- This legislation brings in new protections to help keep workers safe from the danger of asbestos.
- These amendments will require that asbestos abatement contractors be licensed to operate in B.C. and will require workers and employers who perform asbestos abatement work to complete mandatory safety training and certification.
- These proposed amendments will help strengthen existing regulatory requirements for asbestos abatement work.
- Until now, B.C. has lacked a comprehensive licensing and training system for asbestos abatement contractors.
- This important legislation was informed by ministry consultations with stakeholders and a public engagement process, which found overwhelming support for the changes in Bill 5.
- The Ministry of Labour continues to work with the other ministries and WorkSafeBC to develop actions aimed at keeping workers, members of the general public and the environment protected from the dangers of asbestos.

- Asbestos safety is a matter of significant concern to the Government of British Columbia, worker and employer stakeholders, WorkSafeBC, local governments, public health officials and the general public.
- 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

## 2022/23 Estimates Note Advice to the Minister

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

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.
- As part of its mandate, in December 2018, the Working Group released a report *“Keeping Workers, the Public and the Environment Safe from Asbestos: Working Group Draft Final Report and Recommended Actions”* (the Report). The Report, through research and analysis, identified key issue areas surrounding asbestos that span through a continuum of identification, handling, abatement and disposal.
- The Report also identified 16 recommendations on strategies and initiatives that the British Columbia government and its agencies could undertake to further protect British Columbians and the environment from the dangers of asbestos.
- Based upon the recommendations included in this final report, the working group was directed to develop an action plan that addresses these recommendations.
- As part of the action plan development, government undertook a public engagement (from January 11 to February 11, 2022) on a proposal to establish a licensing requirement for asbestos abatement contractors and safety training requirements for workers and contractors who undertake asbestos abatement work.
- Following the introduction of Bill 5, the Ministry of Labour will continue to work with other ministries and WorkSafeBC to develop actions aimed at keeping workers, members of the general public and the environment protected from the dangers of asbestos.

**Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Bullying, Harassment and Mental Disorders

**Revised:** January 28, 2022

**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.

## 2022/23 Estimates Note Advice to the Minister

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

- 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.

- Cabinet Confidences; Advice/Recommendations

### Recent Ministry Developments

- In May 2021, Sandra Hassan, federal Deputy Minister of Labour and Associate Deputy Minister of Employment and Social Development wrote to Trevor Hughes, Deputy Minister of Labour, seeking the Government of British Columbia's formal support for Canada's ratification of the International Labour Organization (ILO) Violence and Harassment Convention, 2019.
- Following a technical review by Ministry of Labour and WorkSafeBC staff <sup>Cabinet</sup> the Deputy Minister of Labour wrote to the federal Deputy Minister advising her that the Government of British Columbia supports Canada's ratification of the Convention.,  
Cabinet Confidences; Advice/Recommendations
- The federal Ministry of Labour has advised the Ministry that the federal government intends to proceed with ratifying the Convention as soon as it receives confirmation from all provinces and territories that they support ratification.

### **Contact:**

Michael Tanner

A/Executive  
Director

Labour Policy and  
Legislation Branch

778 974-2172

## 2022/23 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:** February 7, 2022

**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 also permit government to designate other occupations by regulation.
- In 2019 government passed a regulation to add nurses, emergency dispatchers and publicly funded health-care assistants to the mental disorder presumption.
- As Minister responsible for WorkSafeBC, I also acknowledged the need to look at other sectors for this presumption, because certain professions are more likely to experience trauma on the job that can lead to mental illness.
- WorkSafeBC has established a first responders' mental health steering committee, with participation from government, employers and unions representing first responders, to look at ways to reduce incidents of work-related mental health issues, including Post-Traumatic Stress Disorder. The 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.
- The federal, provincial and territorial ministers responsible for labour have been working together to reduce the stigma associated with mental health issues in the workplace, explore ways to enhance supports, and share information on best practices and research across provinces and territories.

## 2022/23 Estimates Note Advice to the Minister

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

### **Background/Status:**

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

- The *Workers Compensation Act* 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.
- 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.

## 2022/23 Estimates Note

### Advice to the Minister

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

- 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 2021 and is working on the development of goals for 2022. The 2021 goals were:
  - Host a first responder mental health Speaker Series;
  - Conduct and publish a series of Deeper-Dive conversations;
  - Improve understanding of first responder issues by mental health practitioners;
  - Develop a framework for organizations to use to ensure families have the tools to support first responders and to ensure mental health is incorporated into retirement transitioning;
  - Ensure first responders have the mental health supports they need during the COVID-19 pandemic;
  - Increase awareness of the resources available on the BC First Responders’ Mental Health website.

## 2022/23 Estimates Note Advice to the Minister

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

- 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.

### 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.
- As part of the Strategic Labour Policy Committee 2021-2022 work plan, the Canadian Centre for Occupational Health and Safety is conducting a review of what is being done in the area of workplace mental health, including psychological health and safety practices and legislation across Canada. The goal of this work includes identifying commonalities and gaps, promising initiatives and evolving practices, as well as uncovering approaches that may lead to benefits if adopted nationally.

Cabinet Confidences; Advice/Recommendations

### **Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Mental Health and Firefighters Cancer Presumptions - Update

**Revised:** February 7, 2022

**Issue:** Mental disorder presumption and cancer presumptions for firefighters.

**Response:**

- Government is keenly aware of the difficult circumstances many first responders, including firefighters, have faced and the toll this can take on them.
- In spring 2018, government amended the *Workers Compensation Act* to provide a new mental disorder presumption for paramedics, police, 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 firefighters and other workers covered by these changes do every day to serve and protect British Columbians.
- The *Workers Compensation Act* recognizes 13 cancers as occupational diseases that are presumed to be associated with long-term employment as a firefighter unless the contrary is proved in an individual case.
- Each cancer presumption requires that the fire fighter has worked for a minimum cumulative period of employment to be eligible for the presumption.
- The British Columbia Professional Fire Fighters Association (BCPFFA) has also approached government requesting additions and other changes to the current list of cancer presumptions provided to firefighters in British Columbia.
- Government is considering these requests.

**Background/Status:**

- The BCPFFA consists of the 51 locals who represent professional fire fighters in the province. There are approximately 3,800 career fire fighters in B.C.
- The BCPFFA, held its annual Robert E. Hall 2021 Legislative Conference in March 2021 and will likely hold another such conference in March 2022.

## **2022/23 Estimates Note Advice to the Minister**

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

- The BCPFFA provided government with the following issues for the 2021 conference:
  - Requested changes to the fire fighter cancer presumptions:
    - Reduce the minimum cumulative period of employment to qualify for the testicular and colon cancer presumptions from 20 to 10 years.
    - Include all reproductive cancers that are covered in other jurisdictions across Canada, including cervical and ovarian cancer.
  - Mandatory cancer prevention programs for fire fighters in British Columbia
  - A fire fighter cancer awareness and prevention program
- Government has indicated that it will give these requests due consideration.

**Contact:**

Michael Tanner

A/Executive  
Director

Labour Policy and  
Legislation Branch

778 974-2172



## 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:** February 18, 2022

**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.

I would also note that 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.

## 2021/22 Estimates Note Advice to the Minister

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

### **Background/Status:**

- WorkSafeBC's mandate includes promoting the prevention of workplace injuries, diseases, mental disorders and deaths while ensuring sound financial management for a viable workers' compensation system.
- The Minister of Labour maintains an ongoing dialogue with the WorkSafeBC Chair about worker safety. Discussions include emerging safety issues and accidents that can highlight areas where more work needs to be done, including legislative, regulatory, policy and program actions.
- WorkSafeBC's 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.
- Cabinet Confidences; 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.

### **Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Workers' Compensation Review

**Revised:** February 23, 2022

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

**Response:**

- A fair, effective and respectful workers' compensation system is of utmost importance to this government.
- This includes ensuring that injured and ill workers, and surviving dependants, receive fair and timely compensation and are treated with dignity and respect.
- Significant changes have been made to the workers' compensation system to improve programs and services to injured workers in British Columbia, including Bill 23, *Workers Compensation Amendment Act, 2020*, which provides better support to injured workers and their families and enhances WorkSafeBC's ability to investigate workplace incidents.
- In April 2019, Janet Patterson, a retired labour lawyer, was appointed to carry out a focused review of the workers' compensation system.
- Government made this report public so the people who provided feedback know that their voices have been heard and reflected in the report and its findings.
- Going forward, there is still work that needs to be done to improve WorkSafeBC's overall service to workers, including bringing forward further amendments to the Workers Compensation Act in 2022.

**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.

## 2022/23 Estimates Note

### Advice to the Minister

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

- 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.
- 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 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.

## 2022/23 Estimates Note

### Advice to the Minister

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

- 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 Boggyo 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,
  - 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.

## 2022/23 Estimates Note Advice to the Minister

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

- 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. Cabinet Confidences; Advice/Recommendations  
Cabinet Confidences; Advice/Recommendations
- 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 and identifies 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. On February 16, 2022, government introduced Bill 5, the *Workers Compensation Amendment Act, 2022*. These amendments will require asbestos abatement contractors be licensed to operate in B.C. and will require workers and employers who perform asbestos abatement work to complete mandatory safety training and certification.

### Contact:

Michael Tanner

A/Executive  
Director

Labour Policy and  
Legislation Branch

778 974-2172

## **2022/23 Estimates Note Advice to the Minister**

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

**Title:** Extending Coverage to Professional Athletes

**Revised:** February 5, 2022

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

**Response:**

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

**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. For example, 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.

## 2022/23 Estimates Note Advice to the Minister

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

- 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 (CFLPA), alongside representatives from the Professional Lacrosse Players' Association, Professional Hockey Players' Association and the National Hockey League Players' Association.
- Representations were made in support of appropriate workers' compensation coverage for all professional athletes working in Canada.
- On Feb. 28, 2019, 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 CFLPA regarding this issue.
- In January 2022, the CFLPA met with WorkSafeBC staff on this issue.
- WorkSafeBC's Policy, Regulation and Research Department (PRRD) has a preliminary analysis of this issue underway as part of its 2019-2021 policy priorities in its Compensation and Occupational Disease Workplan.
- WorkSafeBC's Board of Directors (BOD) is currently developing the 2022-2024 Compensation and Occupational Disease Workplan which includes setting policy priorities. Consultation on the proposed workplan occurred from December 10, 2021 to January 14, 2022. The PRRD received submissions from professional players associations and that feedback will be provided to the BOD, along with all other stakeholder submissions, when it sets the new 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.

**Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Safety Headgear - Update

**Revised:** February 23, 2022

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

**Response:**

- Keeping workers safe on the job is a key responsibility for all employers.
- In the past, many employers relied on hard hats as the best way to protect workers from head injury on construction sites and other worksites.
- At the same time, making workplaces in British Columbia more inclusive is a priority for this government.
- In 2019, I asked WorkSafeBC to review the safety headgear regulations and consider changes to make them more inclusive.
- On September 1, 2021, the Occupational Health and Safety (OHS) Regulation was changed for safety headgear, such as hard hats, in the workplace.
- This change creates more inclusive workplaces. Government is building an economy that benefits everyone, which includes ensuring safe workplaces are inclusive to people regardless of their faith.
- With the changed OHS Regulation, employers must now take steps to eliminate or minimize the risk of head injury from thrown or falling objects before requiring a hardhat.
- Some members of the Sikh community have noted that the new regulation may not adequately address the concerns of observant Sikhs in the workplace.
- I would note that this regulation is still very new, and that greater knowledge and awareness of the regulation needs to take place before we can determine whether and how the regulation is working as intended.
- I certainly support this new regulation and I can assure all workers and employers that I will continue to monitor how the implementation of this regulation unfolds over time, especially in light of my commitments to worker safety and inclusivity in British Columbia.

## **2022/23 Estimates Note Advice to the Minister**

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

### **Background/Status:**

- Keeping workers safe on the job is a key responsibility for all employers. In the past, many employers relied on hard hats as the best way to protect workers from head injury on construction sites and other worksites.
- In the past, the Sikh community has raised concerns about not being able to fully participate in the workforce because of some employers' approach to the safety headgear requirement.
- In some workplaces, safety headgear, such as hard hats, is used to protect workers from head injury from falling objects and other hazards. In many workplaces, employers have approached the regulation with a blanket rule requiring all workers to wear a hard hat on the job, even in areas where the level of risk may be low or non-existent.
- In 2019 Minister Bains asked WorkSafeBC to review safety headgear regulations and consider changes to make them more inclusive.
- WorkSafeBC held extensive public and stakeholder consultations in 2020 and early 2021. Employers, industry associations, workers, unions and community leaders shared their perspectives on the proposed changes, which were considered as part of the decision.
- On April 27, 2021, the WorkSafeBC board of directors approved a regulatory change to Part 8 of the Occupational Health and Safety Regulation (OHSR) dealing with safety headgear.
- On September 1, 2021, this regulatory change came into effect.
- With the changed OHS Regulation, employers must now take steps to eliminate or minimize the risk of head injury from thrown or falling object. For example, employers can set up safe zones on the worksite where there is no risk of objects falling from above or install safety nets to prevent falling objects from hitting anyone working below.
- However, in cases where the employer can't eliminate or reduce the risk to a level that protects worker safety, hard hats are still needed.
- The World Sikh Organization is concerned that the new regulation is not addressing their concerns and is again calling on government to legislate an exemption to the hardhat requirement.
- Government has indicated that the regulation has only been in place for a few months and that more time is required to determine whether the regulation is working or not.
- Government has also indicated that more public education and awareness is needed, and is underway, to support the effective implementation of the new regulation.

## 2022/23 Estimates Note Advice to the Minister

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

- If a worker can't wear a hard hat because they wear religious headwear such as a turban, the worker may:
  - Talk to their employer or supervisor to find out what they have done to eliminate or reduce risks to the lowest level practicable before relying on safety headgear to protect the worker from head injuries.
  - If the worker has a worker representative or joint health and safety committee at their workplace, the worker can talk to them about what the employer has done to reduce risks so that hard hats are not needed.
- If a worker has questions or concerns about the steps an employer has taken to reduce the risk, they may contact WorkSafeBC's Prevention Information Line.

**Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

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

**Revised:** February 25, 2022

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

**Response:**

- My mandate letter includes direction to develop better options for chronic work-related pain, including improving pain management practices for injured workers and providing treatment on demand to those with chronic pain as a result of workplace injuries.
- I am working collaboratively with the Ministry of Mental Health and Addictions and WorkSafeBC to develop options that ensure injured workers have the medical care and pain management they need.
- This includes improving pain management practices for injured workers and providing a variety of supports to those with chronic pain as a result of a workplace injury.
- It also includes collaborating with the Ministry of Mental Health and Addictions to support the expansion of the Tailgate Toolkit harm reduction program piloted by the Vancouver Island Construction Association for construction and trades workplaces across B.C.
- WorkSafeBC is considering its policies related to chronic pain as part of its 2022-2024 workplan.

**Background/Status:**

- The *Workers Compensation Act* does not specifically refer to pain or chronic pain as a compensable condition. However, WorkSafeBC policy provides that a worker's pain symptoms may be accepted as compensable where the evidence indicates that the pain results as a consequence of an employment-related injury, mental disorder, or occupational disease.
- Guidance on determining a worker's entitlement to compensation for pain and chronic pain is set out in two separate policies in WorkSafeBC's Rehabilitation Services & Claims Manual.

## 2022/23 Estimates Note Advice to the Minister

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

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

### WorkSafeBC's review of this issue

- WorkSafeBC's Policy Priorities Compensation and Occupational Disease Workplan is considering the chronic pain issue.
- WorkSafeBC's review will address a number of issues to improve consistency in the adjudication and management of chronic pain.
- To date, the following issues have been identified for clarification:
  - whether the current permanent disability benefits for chronic pain, fixed at 2.5% of total disability, is appropriate;
  - whether chronic pain should be adjudicated under the Permanent Disability Evaluation Schedule (PDES); and
  - whether the terminology used in the current policies is appropriate.
- Work on this project, including a review of recommendations resulting from Paul Petrie's compensation policy review, will continue into 2022.

### **Contact:**

Michael Tanner

A/Executive  
Director

Labour Policy and  
Legislation Branch

778 974-2172

## **2022/23 Estimates Note Advice to the Minister**

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

**Title:** Completion of 2019 Forest Worker Support Programs

**Revised:** Feb 3, 2022

**Issue:** Completion of the 2019 Retirement Bridging Program for Mill Workers and Job Placement Co-ordination Offices

**Response:**

- In 2019, our government launched a three-year, \$69-million suite of programs to help forestry workers and contractors transition during a down-turn in the forest sector.
- These programs together included early retirement bridging, retraining and job matching services, a Forest Employment program and community support grants and resiliency projects.
- The Bridging to Retirement Program delivered over \$46 million in funding to help more than 1,000 older workers retire early, creating vacancies for over 600 forestry jobs for younger workers, keeping our communities strong.
- The Job Placement Program engaged with more than 7,000 workers to help them connect to government services and matched more than 800 displaced workers with training opportunities.
- I'm proud of the supports we have provided for forestry workers over the past 3 years. And I appreciate the support and commitment from communities, organized labour, Indigenous people and employers helped make these programs successful.
- We continue to support workers, contractors, their families and communities with updated programs to align with the Old Growth Strategy.  
  
Intake is open for millworkers, contractors and their employees who may be interested in accessing bridging funding to retire in their communities and create vacancies for younger workers.
- Forestry workers will continue to be supported to access training and jobs through coordinated, targeted programs offered by WorkBC, the Ministry of Forests, and the Ministry of Advanced Education, Skills and Training.

## 2022/23 Estimates Note Advice to the Minister

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

### **Background/Status:**

- Of the initial \$69 million allocation, the Ministry of Labour received \$42 million to fund the Bridging to Retirement Program and Job Placement Program; the remaining \$27 million went to other ministries.
- The ministry received an additional \$10 million in funding from the Stronger BC initiative, to expand the program to the coastal forest region, and an additional \$8 million to create jobs in working mills.
- Labour has spent over \$46 million on the Bridging to Retirement Program and anticipates using the full \$4M budget allocated for 2021/22. The benefits have averaged \$44,000 per worker.
- The Job Placement Program has helped displaced forest workers with retraining and job searches and supported them to access other government services.
- The Clearwater, Mackenzie, Fort St John, and Fort St James offices are now closed, and the workers are being served through virtual service delivery and the 100 Mile House Office, which will continue to operate until the end of March 2022.
- The program expects that all workers will be successfully placed in training or jobs by the close of the 100 Mile House office on March 31, 2022.
- Forestry workers will continue to be supported to access training and jobs through coordinated, targeted programs offered by WorkBC, the Ministry of Forests, and the Ministry of Advanced Education, Skills and Training.

### **Contact:**

Rebecca Johnston	Title	Branch Name	Phone Number
	Executive Director,	ADMO, Forestry	236.478.1943
	Forestry Worker	Worker Support	
	Support Programs	Programs	

### **Attachment: 2019 Bridging to Retirement Program Totals**

# Bridging to Retirement Forest Worker Support Programs

March 2, 2022

## BRIDGING TO RETIREMENT PROGRAM INFORMATION

- The Provincial government announced \$69M in September 2019 to fund a series of temporary measures to support BC forest workers impacted by mill closures and shift reductions in BC's Interior communities. Due to the strong interest in the Program, government also provided an additional \$8M to the Program and provided \$10M for the Coastal region.
- The Program has supported 1,069 forest workers by providing over \$46M in retirement bridge funding between December 2019 and August 2021.
- The Job Placement Coordination Offices have assisted over 600 clients, either through skills training, job placement, resume assistance, and/or other services.

## BRIDGING TO RETIREMENT PROGRAM FUNDING TOTALS – INTERIOR & COASTAL

**Grand Total of Committed Funding: \$46.70M**

Advice/Recommendations

**Total Number of Approved Applications: 1,069**

Advice/Recommendations

## FEEDBACK FOR ALL FOREST WORKER SUPPORT PROGRAMS

- Personal Information Worker: "I am grateful for all the hard work everyone put in...I really appreciate all the steps and am excited to retire."
- Personal Information Worker: "You have been extremely helpful and I really appreciate all the hard work you have put in to help applicants."
- Personal Information Worker: "Thank you again for such good news! It means a lot to our family."
- Personal Information Worker: "I am so excited to be retiring and really thankful for the program. My mind is so happy inside knowing that I will be retiring in a couple of weeks."
- Personal Information 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."

**CONFIDENTIAL ADVICE TO MINISTER**



## 2022/23 Estimates Note Advice to the Minister

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

**Title:** FLNRORD's (JERI's effective April 1, 2022) Worker Training and Job Opportunity Office

**Revised:** March 7, 2022

**Issue:** New collaborative support office to advance rural economic opportunities and diversification.

**Response:**

- Our government is committed to supporting workers in transition – and I am supporting the Parliamentary Secretary for Rural and Regional Development (PS Roly Russell) in work he is leading in a shared mandate letter commitment to establish the new Worker Training and Job Opportunity Office.
- The Office will work strategically across our government to maximize the impact of our economic recovery plan for workers and communities during COVID-19 and beyond to focus on:
  - retraining workers,
  - supporting resource communities facing job loss,
  - developing higher value goods, and
  - accessing new global markets and opportunities for BC products.
- My staff are working with staff from the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) and with the Ministry of Jobs, Economic Recovery, and Innovation (JERI) to share information from our Forestry Worker Support Programs to help inform this important work. The establishment of this office and drive forward rural economic diversification and workforce opportunities.
- This is collaborative work we are doing to support forestry workers, their families, and communities with ongoing opportunities for resource communities around the province.
- This Office is aligned with government's priority to put people first and promote an inclusive, sustainable economy for all British Columbians.
- My Ministry looks forward to continuing the productive work related to this Office.

## 2022/23 Estimates Note Advice to the Minister

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

Cabinet Confidences; Advice/Recommendations

**Contact:**

Danine Leduc	ADM, Labour Assistant Deputy Minister	Forestry Worker Support Programs	250.208.2850
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Old Growth Strategy – Ministry of Labour’s Role

**Revised:** February 10,2022

**Issue:** Government has a coordinated response to support workers, their families and communities as Old Growth Deferral decisions are made..

**Response:**

- We are committed to ensuring that workers, their families and communities are supported with a suite of programs working in partnership with Ministries of Forests, Jobs, Economic Recovery and Innovation, and Advanced Education, Skills and Training to implement the new Forest Worker and Economic Transition Supports Initiative.
- The initiative includes an updated Bridging to Retirement Program, and it will assist workers across BC who are impacted by the deferral decisions in the forest sector.
- We are providing both immediate support for workers and forest-dependent businesses and we are supporting communities to thrive over the longer term.
- This will help to maintain strong communities, provide stable career paths in the forest industry, and retain needed skills in communities.
- It will enable older mill workers, contractors and their employees to transition to retirement creating vacancies for younger impacted workers.
- Our updated Bridging to Retirement Program serves a broader range of forestry workers and forestry-dependent contractors, operates province-wide and also includes workers from value-added and re-manufacturing operations.

**Background/Status:**

- On November 2,2021, Ministry of Forests (FOR), the Ministry of Labour (LBR) and Advanced Education, Skills and Training (AEST), announced implementation of the Forest Worker and Economic Transition Supports Initiative (the Initiative) in response to Cabinet approved old growth deferrals.
- Budget 2022 provides \$185 million over the fiscal plan to support communities through the deferral of logging in old growth forests. This includes funding to connect workers to employment opportunities, to provide skills training to community members and to forge partnerships with businesses and communities to transition and create jobs through diversified economies and infrastructure projects.

## 2022/23 Estimates Note Advice to the Minister

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

- The ministry's specific funding allocation over the 3 years of the program are not yet announced.
- Government action is required to provide support to impacted workers and to ensure rural communities have the resources they need to diversify their economies and be resilient.
- Short-term supports will enable workers to move to retirement or pursue new training and job opportunities and support contractors to operate their businesses while identifying new revenue sources.
- The Ministry of Labour's one program offers an expanded Bridging to Retirement Program for forest dependent workers of contractors, mill workers, and owner/operators.

**Contact:**

Rebecca Johnston	Executive Director	ADMO, Forestry Workers Support Programs	236.478.1943
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Bridging to Retirement Program

**Revised:** February 10, 2022

**Issue:** Expanded Retirement Bridging Program for Old Growth workers

**Response:**

- Our government is committed to supporting workers, their families and communities as part of a suite of forest worker supports related to old growth deferrals.
- We are focussed on ensuring that workers have access to the supports they need whether that is training, job placement, or retirement transition.
- Impacted workers, contractors and communities can access forest worker support programs online for many programs including the retirement bridging program, the forest employment program, community support grants and training opportunities.
- Our Bridging to Retirement program offers up to \$75,000 to mill workers, contractors and their employees to transition to retirement. Those impacted by job loss, closures, or shift reductions and those who voluntarily wish to retire, with employer consent, can participate in the program.
- Intake is now open for impacted mill workers, contractors and their employees to apply to access bridging funding. Intake for voluntary retirees will be opening soon.

If asked about budget for the program:

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

## 2022/23 Estimates Note Advice to the Minister

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

- The 2019 Bridging to Retirement 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:**

- There are three streams for the expanded Bridging to Retirement Program: one for impacted mill workers and employees of forest dependent contractors, a voluntary stream for retirees in working mills and a new stream for owners of forestry-dependent contracting operations.
- Mill workers and employees of contractors will be eligible for funding if they:
  - Are a full-time employee in any B.C Mill or Forest Dependent Contractor;
  - Are 55 years of age or older (no maximum) at the time of application; and,
  - Have been working in the forestry industry for the last 2 consecutive years (or, if they have been displaced since Nov 2, 2021, the 2 consecutive years prior to the displacement date);
  - Were displaced on or after Nov 2, 2021, due to an old growth deferral decision or pause on BC Timber Sales resulting in a permanent or indefinite closure or a curtailment of at least 4 months.
- Older workers can voluntarily transition to retirement from working mills or forest dependent contractors 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.
- To receive retirement bridging funding, the applicant must agree to permanently vacate his or her position and all seniority with the employer, and not work as an “employee” for a period of at least 18 months. Retirees can start or operate their own business, to support rural economic development.
- 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

## 2022/23 Estimates Note Advice to the Minister

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

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.

**Contact:**

Rebecca Johnston	Executive Director	Labour Forestry Worker Support Programs	236 478-1943
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## 2022/23 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:** February 16, 2022

**Issue:** The Parliamentary Secretary's mandate and workplan

**Response:**

- I am very pleased that Adam Walker, Parliamentary Secretary for the New Economy, is 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 continues 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. This work is well under way, and as part of it, Parliamentary Secretary Walker continues to develop a deep understanding of the issues.

**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.
  - 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.



## 2022/23 Estimates Note Advice to the Minister

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

Cabinet Confidences; Advice/Recommendations

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Cabinet Confidences; Advice/Recommendations

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.
- For more information on the precarious and gig worker strategy, see note # 53.

### Contact:

Michael Tanner

A/Executive  
Director

Labour Policy and  
Legislation Branch

778 974-2172

## 2022/23 Estimates Note Advice to the Minister

**Ministry:** Ministry of Labour  
**Minister Responsible:** Honourable Harry Bains

**Title:** Precarious and Gig Worker Strategy

Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations

**Revised:** February 17, 2022

**Issue:** Precarious and Gig Worker Strategy

**Response:**

- 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.
  - 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.
- The economy and workforce have changed dramatically over the past few decades and we've seen the growth of precarious work and the gig economy.
- The increase in gig and precarious work includes a growing prevalence of other independent contractors, part-time work and people working multiple jobs. BC's labour laws and policies have not always kept up with these changes.
- Cabinet Confidences; Advice/Recommendations
- The precarious work strategy will address the problem of ensuring appropriate working conditions, benefits, rights and protections for precarious and gig economy workers, while also encouraging innovative businesses and work opportunities in the new economy to succeed.

## 2022/23 Estimates Note Advice to the Minister

**Ministry:** Ministry of Labour  
**Minister Responsible:** Honourable Harry Bains

### **Background/Status:**

- A specific challenge for gig workers is that they are often considered independent workers who are not “employees” covered by the protections of the *Employment Standards Act*, including minimum wage, overtime pay, and job-protected leaves. Sometimes gig workers are truly independent workers, but other times they may be employees who are incorrectly classified as independent workers.
- The economy and workforce have changed dramatically over the past few decades and we’ve seen the growth of precarious work and the gig economy.
- The increase in gig and precarious work includes flexible and temporary jobs, often served by way of an online platform. While rideshare drivers and food delivery couriers have received much public attention in recent years, precarious work exists in many economic sectors including administrative and support services, non-profits, cleaners, tour operators, retail, cooks, domestic workers and caregivers, healthcare, and musicians and artists.
- The increase in other forms of precarious work includes a growing prevalence of other independent contractors, part-time work and people working multiple jobs. BC’s labour laws and policies have not always kept up with these changes.

- Cabinet Confidences; Advice/Recommendations

- Cabinet Confidences; Advice/Recommendations

- The precarious and gig worker strategy supports BC’s Economic Plan by supporting people and families and fostering innovation by encouraging the creation of flexible, well-paying jobs, often relying on new technologies.

### **Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

**Ministry:** Ministry of Labour  
**Minister Responsible:** Honourable Harry Bains

**Title:** Minister's Mandate Priority to Create New Consultative Mechanism

**Revised:** February 9, 2022

**Issue:** Minister's Mandate Priority to Create New Consultative Mechanisms

**Response:**

- Establishing new consultative mechanisms to engage employer and worker representatives continues to be an important priority.
- New mechanisms 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.

**Background/Status:**

- The Minister's 2020 mandate letter includes direction to
  - "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."
- Throughout 2021 the Ministry developed a potential model for a consultative body made up of individuals from the employer and worker communities. To date, the model has not been implemented.
- The Ministry has engaged in other forms of extensive consultation over the past year – including robust and multi-phased processes to obtain input on the COVID-19 and permanent sick leave provisions, new child employment regulations, and proposals for asbestos licensing and certified training.
- The Ministry has also been increasing its efforts to engage with Indigenous partners, in support of government's reconciliation commitments. This has included the sick leave, child employment and asbestos changes, as well as paid domestic and sexual violence leave. [See Tab 57 on the *Declaration of the Rights of Indigenous Peoples Act* for more details.]

**Contact:**

Michael Tanner	A/Executive Director	Policy and Legislation Branch	778-974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

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

**Revised:** February 3, 2022

**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.

## 2022/23 Estimates Note Advice to the Minister

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

- Staff at both ministries have established a “Roles, Responsibilities and Accountabilities” document, under which staff consult each other and work cooperatively on matters of mutual interest regarding the LRB and EST.
- The budget and administrative oversight of the Workers’ Compensation Appeal Tribunal did not transfer to the Ministry of Attorney General because the Workers’ Compensation Appeal Tribunal is funded by WorkSafeBC and not by government.

**Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

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

**Revised:** February 7, 2022

**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 Ministry's work is also guided by Government's 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.
- The Ministry has advanced Government's diversity and inclusion strategy by implementing measures at all levels of the Ministry, including the promotion of inclusive language and increasing awareness of the diverse needs of ministry staff as well as clients served by the Ministry.
- The Ministry is committed to developing more respectful and diverse workplaces and to ensuring that clients in under-represented equity groups are supported when accessing government services.

## 2022/23 Estimates Note Advice to the Minister

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

### **Background/Status:**

#### *Gender-Based Analysis Plus (GBA+)*

- GBA+ is an analytical tool that includes the examination of a range of identity factors (gender, Indigeneity, race, class, age, education, sexual orientation, language, ability, 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.
  - 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



## 2022/23 Estimates Note Advice to the Minister

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

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.

### Diversity and Inclusion Strategy

- The Ministry is actively supporting Government's diversity and inclusiveness strategy by working to develop more respectful and diverse workplaces and by ensuring that clients in under-represented equity groups are supported when accessing government services.
- Internally, the Ministry has built Equity, Diversity and Inclusion into job postings, has offered training regarding unconscious bias, Indigenous reconciliation, and actively promoted related corporate training. Staff have also identified issues related to inclusivity – e.g., the use of gender-based language in correspondence, gendered washrooms signage – which programs have responded to. Job descriptions are being reviewed for inclusive language.

Externally, certain programs at the Ministry have modified intake processes to allow the public to choose preferred pronouns, program websites have been reviewed and modified for accessibility, and steps have been taken to improve accessibility at physical work locations as well.

### **Contact:**

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

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

**Revised:** February 4, 2022

**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, paid sick leave, improved child employment regulations and the workers' compensation system.

### **Background/Status:**

- 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.

## 2022/23 Estimates Note

### Advice to the Minister

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

- 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, paid sick leave, improved child labour regulations and the workers' compensation system including the occupational disease and mental disorder presumptions.
    - Engagement with First Nations to discuss access barriers to Ministry programs and services by Indigenous groups and individuals.
    - Enhanced accessibility of ministry programs to Indigenous clients through engagement on Indigenous Language service delivery.
  - Building Ministry capacity and raising Indigenous cultural awareness through mandatory training requirements for ministry staff and requirements to perform policy analysis and operational delivery through a lens that embodies the principles and commitments guiding the Province's relationship with Indigenous Peoples.

## 2022/23 Estimates Note Advice to the Minister

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

- 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

Michael Tanner	A/Executive Director	Labour Policy and Legislation Branch	778 974-2172
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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Deputy Minister's Office – Budget

**Revised:** February 08, 2022

**Issue:** Deputy Minister's Office Budget in 2022/23

**Response:**

- The Deputy Minister's Office budget in 2022/23 is \$543,000. This budget is unchanged from 2021/22.
- The budget includes funding to support the salary and benefits for the Deputy Minister and support staff, travel, information systems and general office expenses.
- The Deputy Minister's Travel is published monthly on Open Information

**Background/Status:**

Estimates Budget	FY22 Estimates (\$)	FY23 Estimates (\$)	Variance (\$)
Salaries and Benefits	460,000	460,000	0
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
<b>TOTAL</b>	<b>\$543,000</b>	<b>\$543,000</b>	<b>\$0</b>

**Contact:**

Karina Mercredi      Manager,  
Financial      Management Services      250.508.3745  
Planning

## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Executive Compensation (Agencies, Boards and Commissions)

**Revised:** March 3, 2022

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

**Response:**

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

**Background/Status:**

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

## 2022/23 Estimates Note

### Advice to the Minister

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

- 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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## 2022/23 Estimates Note Advice to the Minister

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

**Title:** Minister's Office – Budget

**Revised:** February 8, 2022

**Issue:** Minister's Office Budget in 2022/23

**Response:**

- The Minister's Office budget for 2022/23 is \$638,000; an \$8,000 increase from 2021/22 budget of \$630,000.
- The Minister's Office received an increase of \$8,000 for a 2% growth in salaries built into the Minister's Office Budget.
- The Minister's Office has a staff complement of 6 FTEs.

### **Background/Detail**

Minister's Office			
Expenditure Type	2021/22 Estimates	2022/23 Estimates	Increase/ (Decrease)
Salaries	361,000	368,000	7,000
Benefits	121,000	122,000	1,000
Legislative Salaries	72,000	72,000	0
Travel	50,000	50,000	0
Information Systems	10,000	10,000	0
Office and Business	17,000	17,000	0
Other Expenses	0	0	0
Recoveries	(1,000)	(1,000)	0
<b>TOTAL</b>	<b>\$630,000</b>	<b>\$630,000</b>	<b>\$8,000</b>

### **Minister's Office Budget Increase:**

- In 2020/21, a cross Government review led by the Premier's Office and the Ministry of Finance was completed to better align budgets with staffing levels and historic spending. An incremental increase of \$35,000 was provided in 2021/22, and the salaries budget assumed 2% growth in the out years (\$8,000 in 2022/23).



## 2022/23 Estimates Note Advice to the Minister

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

- 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 \$368,000 supports the following Minister's Office Staff Complement:
  - One Senior Ministerial Assistant;
  - One Ministerial Assistant;
  - One Executive Assistant\*;
  - One Administrative Coordinator;
  - One Administrative Assistant; and,Cabinet Confidences; Advice/Recommendations

### **Contact:**

Karina Mercredi	Manager, Financial Planning	Management Services	250.508.3745
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## 2022/23 Executive Financial Officer Information Note

Ministry: Labour

**Title:** Minister's Office – Travel

**Revised:** February 8, 2022

**Issue:** Minister's Office Travel Expenditures

**Response:**

- The Minister of Labour's Office has a 2022/23 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, 2021.
- My travel expenses for the period April 1 to December 31, 2021 are \$3,184.75.

*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.

## 2022/23 Executive Financial Officer Information Note

Ministry: Labour

### Minister's Quarterly Travel Expense Summary

**Name:** Honourable Harry Bains

**Quarter:** 2021 Oct to Dec

**Portfolio:** Labour

Travel expense summary (amount paid this quarter):

In Province Flights: \$ 442.51

Other Travel in Province: \$ 1,483.34

Out of Country Travel: \$ -

Out of Province Travel: \$ -

Total travel expenses paid this quarter: \$ 1,925.85

Travel expenses fiscal year-to-date: \$ 3,184.75

# **Ministry of Labour**

## **2022/23 – 2024/25 Service Plan**

**February 2022**



For more information on the Ministry of Labour contact:

PO Box 9206 Stn Prov Govt

Victoria, B.C., V8W 9T5

250-356-1346

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 2022/23 – 2024/25 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  
February 4, 2022

## Table of Contents

Minister's Accountability Statement .....	3
Purpose of the Ministry.....	5
Strategic Direction .....	5
Performance Planning.....	7
Financial Summary .....	11
Appendix A: Agencies, Boards, Commissions and Tribunals.....	12

## Purpose of the Ministry

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

In this context, the Ministry has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, the *Workers Compensation Act* and the *Temporary Foreign Worker Protection Act* – and for the effective administration and enforcement of those statutes. The Ministry houses the [Employment Standards Branch](#), the [Workers' Advisers Office](#), the [Employers' Advisers Office](#) and the [Bridging to Retirement Program](#). The Ministry has legislative responsibility for [WorkSafeBC](#), and for the Ministry's three tribunals: the [Labour Relations Board](#), the [Employment Standards Tribunal](#) and the [Workers' Compensation Appeal Tribunal](#).

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

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

## Strategic Direction

In 2022/2023, the Government of British Columbia will continue its whole-of-government response to the COVID-19 pandemic with a focus on protecting the health, social and economic well-being of British Columbians. Building on our economic, environmental, and social strengths while looking to seize opportunities to improve outcomes for all British Columbians will be an important aspect of each ministry's work as we respond to COVID-19 and recover from devastating floods and wildfires. The policies, programs and projects developed over the course of this service plan period will align with the five foundational principles established by Government in 2020: putting people first; working toward lasting and meaningful reconciliation; supporting equity and anti-racism; ensuring a better future through fighting climate change and



meeting our greenhouse gas reduction targets; and supporting a strong, sustainable economy that works for everyone.

This 2022/23 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 gig<sup>1</sup> 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

- Continue to 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 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.
- Utilize the advice and experience provided by consultative mechanisms designed to engage employer and worker representatives in consideration of any changes proposed to workplace legislation to ensure the widest possible support.
- Continue to prioritize opportunities for Ministry engagement with Indigenous Peoples as part of the ongoing effort to implement the *Declaration on the Rights of Indigenous Peoples Act*.

Performance Measure(s)	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
1.1a Percentage of Employment Standards Branch complaints resolved within 180 days	N/A <sup>1</sup>	New Baseline	80% or Improve	85% or Improve

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

<sup>1</sup>The Employment Standards Branch is currently undertaking a project to address the backlog of worker complaints; the project data for 21/22 is not yet available.

#### 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.

<sup>1</sup> 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.

## **Discussion**

In previous years, a target to resolve at least 85 per cent of disputes within 180 days was established to promote 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 modernize its complaints resolution processes as part of an ongoing business transformation initiative. In addition, the branch's new case management system is expected to be fully in place in the middle of the 2022/23 fiscal year. The Ministry is committed to ensuring a timeliness metric continues to be reported and new baseline is established in 2022/23 to reflect the updated process at the branch expected to be fully implemented.

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

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

#### **Key Strategies**

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

Performance Measure(s)	2020/21 Baseline	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
2.1a Number of community outreach sessions conducted annually by the Workers' Advisers Office (WAO) <sup>1</sup>	10	12	Maintain or Improve	Maintain or Improve	Maintain or Improve
2.1b Number of educational outreach sessions conducted annually by the Employers' Advisers Office (EAO) <sup>2</sup>	130	90	Maintain or Improve	Maintain or Improve	Maintain or Improve

Data source:

<sup>1</sup>Ministry of Labour, Workers' Advisers Office internal data.

<sup>2</sup>Ministry of Labour, Employers' Advisers Office internal data.

### 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.

2020/21 has been selected as a new baseline year for this measure as it reflects a new normal, for the foreseeable future, in terms of client interaction as a result of the COVID-19 pandemic.

## Objective 2.2: Maintain an effective B.C. Temporary Foreign Worker Protection (TFWPA) 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)	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
2.2 Number of proactive investigations undertaken under the TFWPA	20	Maintain or Improve	Maintain or Improve	Maintain or Improve

Data source: Employment Standards Branch data.

## Linking Performance Measure to Objective

Proactive investigations of employers that hire foreign workers and of agencies that recruit foreign workers 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.

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

The B.C. government is providing a strategically coordinated and comprehensive suite of supports for B.C. forest workers, contractors, workers, employers, and communities in response to the impacts of old growth harvesting deferrals, which resulted from recommendations in the June 2020 Old Growth Strategic Review report, [A New Future for Old Forests](#). The Ministry of Labour is delivering an expanded Bridging to Retirement program starting in January 2022.

### Objective 3.1: Implement Bridging to Retirement program to support forest workers that may be impacted by old growth harvesting deferrals

#### Key Strategies

- Administer the Bridging to Retirement Program to transition older workers to retirement and manage the transitional impacts resulting in employment loss and forestry contract reductions.
- Work collaboratively with other ministries to connect forest workers with industry needs for employment opportunities.

Performance Measure(s)	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
3.1a Number of workers receiving bridging benefit funding offers <sup>1</sup>	N/A	TBD	TBD	TBD

Data source: Ministry of Labour, Bridging to Retirement Program internal data.

<sup>1</sup>Current year forecasts and future year targets are not yet available given the infancy of the program. Updates to be provided in next year's Service Plan.

## Linking Performance Measure to Objective

3.1 There are three streams within the Bridging to Retirement Program: one for older impacted workers, one for older impacted contractors and their employees, and one for older workers voluntarily wishing to retire from a working operation to create a vacancy for a younger worker. The number of applications with funding offers is a direct measure of the number of people who will benefit from the bridging benefit.

## Financial Summary

Core Business Area	2021/22 Restated Estimates <sup>1</sup>	2022/23 Estimates <sup>2</sup>	2023/24 Plan	2024/25 Plan
<b>Operating Expenses (\$000)</b>				
Labour Programs	15,787	15,828	15,828	15,828
Executive and Support Services	1,587	1,595	1,604	1,604
<b>Total</b>	<b>17,374</b>	<b>17,423</b>	<b>17,432</b>	<b>17,432</b>
<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b>				
Labour Programs	3	3	3	3
<b>Total</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>

<sup>1</sup> For comparative purposes, amounts shown for 2021/22 have been restated to be consistent with the presentation of the 2022/23 Estimates.

<sup>2</sup> The Financial Summary table does not include the costs of the Bridging to Retirement program, which is funded through Vote 45 Contingencies (All Ministries) and New Programs.

\* 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 February 4, 2022, 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