



File: 292-30/LBR-2020-04183

December 15, 2020

**Re: Request for Access to Records**  
***Freedom of Information and Protection of Privacy Act (FOIPPA)***

I am writing further to your request received by the Ministry of Labour. You narrowed your request on August 19, 2020 through conversation with Kelly Harms and again in October through conversation with me. Your request is for:

*Regarding the Employment Standards Branch, please provide:*

- 1. All written determinations, decisions, assessments and/or judgments relating to the application of the ESA, ss. 30.3 and 30.4 (April 2019 to present)*
- 2. The number of complaints received by the Branch that reference or raise the ESA ss. 30.3 and 30.4. (April 2019 to present)*
- 3. The number of complaints that raise or reference the ESA, ss. 30.03 and 30.4, that remain open and without resolution (April 2019 to present)*
- 4. The average length of time between in number of weeks between receipt of a complaint and resolution of a complaint that references or raises the ESA ss. 30.3 and 30.4 (April 2019 to present)*
- 5. The dollar value of gratuities that have been repaid to employees as a result of Branch investigations and or dispute resolution in reference to the ESA ss. 30.3 and 30.4 (April 2019 to present)*
- 6. Any training materials used by Branch staff to assist in the interpretation and application of the ESA, ss. 30.3 and 30.4 (April 2019 to present)*
- 7. The total value of gratuities that were paid to employees as a result of the voluntary payment of gratuities by Fairmont Whistler in response to the Branch investigation of a tipping redistribution complaint that were paid on or around January/February 2020.*

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8. *All documents and correspondence held by the branch or government that are publicly available that relate to the Fairmont Tipping investigation, collected between August 2019 and present. (Date Range for Record Search: From 4/1/2019 To 7/5/2020)*

As discussed, the ministry is providing records in response to part 1 of your request. The ministry states that information related to the total number of complaints received or that remain open during a given time period, and the average number of weeks between receipt and resolution of a complaint is not readily available. The ministry does not keep information about how voluntary resolution payments are calculated. The ministry states that none of the documents and correspondence related to an investigation into tipping at the Fairmont are publicly available.

Some information in the records has been withheld pursuant to sections 15 (Disclosure harmful to law enforcement), 21 (Disclosure harmful to business interests of a third party) and 22 (Disclosure harmful to personal privacy) of FOIPPA. A complete copy of FOIPPA is available online at:

[http://www.bclaws.ca/civix/document/id/complete/statreg/96165\\_00](http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00)

In addition, information that is available for purchase by the public has been withheld under section 3 (1) (j) of FOIPPA. We have provided you with the best available copy, although you may find that some pages are in poor condition.

Your file is now closed.

The records located in response to your request will be delivered through the BC Secure File Transfer Service. Separate emails will follow from the BC SFT Notification Service directing you how to set up an account and where to obtain your records. A guide for using the SFTS is enclosed for your convenience.

These records will be published on the BC Government's Open Information website a minimum of ten business days after release. To find out more about Open Information, please access the Open Information website at: [www.gov.bc.ca/openinformation](http://www.gov.bc.ca/openinformation)

If you have any questions regarding your request, please contact me at 778 698-2673. This number can be reached toll-free by calling from Vancouver, 604 660-2421, or from elsewhere in BC, 1 800 663-7867 and asking to be transferred to 778 698-2673.

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy King". The signature is stylized with a large "P" and "K".

Peggy King, FOI Specialist  
On behalf of Ken Bejcek, Manager  
Business and Infrastructure Team, Information Access Operations

Enclosures

# **BC Government Secure File Transfer Service**

## **Information Access Operations Ad-Hoc User Guide**

### **Introduction**

The purpose of this document is to provide the basics skills required to use the Secure File Transfer Service (SFTS) as a temporary user (also known as ad-hoc). Your account has limited functionality and can only be used to receive files from an authorized BC Government user.

### **How to Log on to the Service**

As a temporary user of the SFTS, you must be invited to use this service by being a recipient of a sent package from an authorized user. The first time a BC Government user has sent a package to you, you will receive a welcome email notification with a temporary password to set up your account and a link to the service.

Note that your temporary account's username is your email address. The password is a temporary one and will need to be changed upon the first login.

### **Home Screen**

Once you are successfully logged in, you will see the Home screen with your records package in your Inbox. To download your records, simply click on the records package and then click on the Download button beside the file(s). You will be able to download the package up to five times and all packages will expire 35 days after being received.

### **Troubleshooting**

Your temporary SFTS account has an expiration timer of 7 days, unless the account is logged into again or receives a new package. After a further 7 days after your account has been marked as expired, it will be deleted. You will need to have a new ad-hoc account created by being re-invited to the service.

Passwords expire after 90 days. If you have forgotten your password, but your account is still active, you can use the "Request a password change" link on the Login page. An email will be sent to you providing you the URL to confirm the password change.

If you encounter technical issues with the service, please call the technical support line at 250-387-7000 and select option 3. You will need to advise the representative that you are requesting assistance as an ad-hoc user of the BC Secure File Transfer Service.

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
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If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

**Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:**

Information and Privacy Commissioner  
PO Box 9038 Stn Prov Govt  
4th Floor, 947 Fort Street  
Victoria BC V8W 9A4  
Telephone 250 387-5629      Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.