

1995/96 Highlights

A new *Employment Standards Act* came into force on November 1, 1995. Significant features of the new Act include:

- Provisions for family responsibility leave
- Changes to notice and pay requirements for individual termination
- Flexible work schedules
- Banking of overtime
- Changes to statutory holiday pay eligibility
- Changes to complaint and appeal procedures
- Establishment of an independent Employment Standards Tribunal to hear appeals
- Employers may be charged interest on unpaid wages
- Penalties may be imposed on repeat offenders
- Every workplace required to post information about employment standards in British Columbia.

Changes to the Employment Standards Regulation included an increase to the provincial minimum wage from \$6.50 to \$7.00 per hour in November 1995 and increases to minimum piece rates paid to agricultural workers effective February 1996.

The process of transferring investigative responsibility for complaints under the *Human Rights Act* to the BC Council of Human Rights began this year and will be complete early in fiscal 1996/97 with an accompanying reduction in FTEs in the Branch.

Employment Standards Branch Activity Summary:

	1994/95	1995/96
Telephone Inquiries		
Toll-free province-wide service	n/a	181,824
Lower Mainland inquiry line	na/	258,556
Assignments		
Employment Standards	18,761	19,305
Labour Relations Board	1,260	1,320
Human Rights	771	519 ⁽¹⁾
Fair Wage	n/a	301
Collective Agreement Arbitration Bureau	n/a	360
Wage Recovery Orders⁽²⁾		
Director's Certificates issued	1,253	1,329
Value of Certificates	\$7,222,441.02	\$6,919,833.97
Number of Orders to Pay issued	2,512	2,027
Value of Orders to Pay issued	\$20,532,959.69	13,129,436.80
Determinations		
Wage Determinations issued	n/a	978
Penalty Determinations issued	n/a	685
Wage Recoveries		
Recovered by voluntary compliance	\$5,788,685.48	\$4,733,189
Recovered by litigation	\$6,892,728.41	17,410,577
Permits and Licenses		
Employment Agency Licenses	44	42
Farm Labour Contractor Licenses	76	76
Child Employment Permits	441	401

Note 1: Fewer assignments for human rights represent the transfer of investigative responsibility to the B.C. Council of Human Rights.

Note 2: As a transitional measure, investigations initiated under the pre-1995 Act result in 'Certificates' and 'Orders to pay.' Investigations completed under the new Act result in 'Determinations.'

1996/97 Highlights

The branch received 21,356 employment standards complaints and, through direct intervention, collected over \$10 million in unpaid wages on behalf of workers.

Assignments	1995/96	1996/97
Employment Standards	19,305	21,356
Labour Relations Board	1,320	1,408
Fair Wage	301	363
Collective Agreement Arbitration Bureau	360	330
Determinations Issued	978	3,414*
Permits and Licenses		
Farm Labour Contractor	76	76
Employment Agency	42	163

* In 1996, Wage Recovery Orders were replaced by Wage Determinations. This total corresponds to those reported in previous years as 'Directors Certificates Issued' and 'Orders to Pay Issued'.

Sidebar: From Complaints to Compliance

As the branch began to move toward a more proactive approach to doing business in 1996, a number of pilot projects were introduced to promote compliance to the *Employment Standards Act*, and reduce the need to respond to complaints. These

pilots included an early intervention process, sectoral compliance initiatives and client education sessions.

Maintaining the momentum begun with the introduction of new legislation in November 1995, the branch continued to

consult with various sectors, including the taxi industry, newspaper carriers, couriers, the agricultural community, home-based textile workers and the oil and gas industry, to ensure adherence to the *Act*.

The ESB Top 10

The Employment Standards Branch operates a province-wide inquiry service for employees and employers. Here are the ten most frequent questions received by our inquiry line staff:

1. I've just been fired, what are my rights?
2. I want to fire an employee, what are my rights?
3. What is the minimum wage?
4. How does statutory holiday pay work?
5. Am I entitled to paid coffee breaks?
6. When do I have to pay overtime?
7. My employer hasn't paid me, what can I do?
8. Does my employer have to pay sick leave?
9. Am I covered by employment standards?
10. When will my complaint be investigated?

1997/98 Highlights

- The Branch directly intervened in employment standards complaints for unpaid wages with respect to 17,698 employees. Total wages recovered on behalf of employees was over \$24 million; in addition, the Branch represented several thousand employees in situations involving company insolvency and bankruptcies.
- The Branch held 117 speaking seminars, investigated 579 variance applications and conducted 259 payroll audits.
- A *Skills Development and Fair Wage Act Compliance Team* was organized and conducted 517 site visits, issued 231 compliance orders and recovered total wages in excess of \$400,000 on behalf of employees.

Improving Services

Emphasizing the strategy to move towards a more proactive, compliance-oriented approach, the Branch fully implemented a number of pilot projects:

Early Intervention Program

To resolve disputes between employers and employees prior to a formal complaint being filed with the Branch. Under this initiative, 950 disputes were resolved and \$247,534 in unpaid wages were collected on behalf of employees.

Collection of unpaid wages

The collection of unpaid wages was contracted to an outside agency on a pilot project basis. This project will assist in the speedy recovery of wages while enabling Branch staff to focus on employer and employee inquiries and investigating and resolving complaints.

Specialized sectoral initiatives

Ongoing consultation progressed with various sectors including the trucking industry, oil and gas industry, automobile dealers, agricultural community, silviculture industry, domestic workers and home-based textile workers.

Protecting employment rights for domestic workers

The Branch worked in partnership with Human Resources Development Canada to develop ways to ensure the rights of domestic workers are protected. Since the start of this project, the number of domestic workers formally registered has risen to 556 from less than 100, and this number is expected to rise significantly over the next year. (See report following.)

Agriculture Enforcement

The Branch worked closely with the agricultural community and Human Resources Development Canada to deal with widespread non-compliance in the payment of wages and the manipulation of employment insurance entitlements.

The success of the agricultural sector intervention has led to plans to expand efforts into the ginseng farming industry in fiscal year 1998/99. (See detailed report in Highlights section of annual report.)

Restructuring the Case Management Data System

Branch data systems have been redesigned to more accurately reflect the type of work performed and to accommodate changes to streamline how work is processed.

Client Feedback:

"Throughout my dealings with (the officer), he was most helpful, provided me with the information I needed to make informed and careful decisions as to what would be in my best interests..."

"...we were impressed with the ESB and its positive, helpful attitude toward our claim."

"The (Skills Development and Fair Wage) Compliance Team has done a tremendous job of identifying violations at provincial government construction sites throughout the province."

Employment Standards Branch Activity Summary

Assignments	1995/96	1996/97	1997/98
Employment Standards	19,305	21,356	14,553*
Labour Relations Board	1,320	1,408	1,097
Skills Development/Fair Wage	301	363	461
Collective Agreement	360	330	387
Arbitration Bureau			

* in 1997/98 the ESB moved towards a more compliance-oriented approach rather than the previous complaint-reactive function. As a result, the number of complaints assigned for formal investigations has decreased significantly.

1998/1999 Highlights

- Total wages recovered on behalf of employees through voluntary compliance and litigation was over \$12 million.
- The Branch held 130 speaking seminars, investigated 610 variance applications and conducted 517 payroll audits.
- The *Skills Development and Fair Wage Act* Compliance Team conducted 78 payroll audits, 725 site visits, issued 191 compliance orders and recovered total wages in excess of \$550,000 on behalf of employees.

Employment Standards Branch Activity Summary

Assignments	1996/97	1997/98	1998/99
Employment Standards	21,356	14,553*	13,835
Labour Relations Board	1,408	1,097	1,161
Collective Agreement	330	387	280
Arbitration Bureau			

* in 1997/98 the ESB moved towards a more compliance-oriented approach rather than the previous complaint-reactive function. As a result, the number of complaints assigned for formal investigations has decreased significantly.

**Employment Standards Assignments by Community
April 1, 1998 to March 31, 1999**

Community	Assignments	Assignments	Investigative Staff
	Received	Closed*	
Abbotsford	846	924	4
Burnaby	2148	3268	14
Port Coquitlam	997	1473	5
Cranbrook	311	673	3
Courtney	491	851	3.5
Dawson Creek	531	737	2
Kamloops	688	1378	5
Kelowna	981	1729	7
Nanaimo	901	1249	5.5
Nelson	207	423	2
Penticton	433	636	3
Prince George	912	1352	7
Surrey	1916	2265	11
Terrace	370	744	3
Vancouver: East	613	846	5.8
Vancouver: West	539	636	5
Vancouver: Downtown	1104	1210	7.5
Vancouver: North Shore	654	895	3
Vancouver: Richmond	875	886	5
Victoria	1406	2541	12
Total	16,923	24,628	113.3

*includes assignments outstanding from previous year

1999/2000 Highlights

- Total wages recovered on behalf of employees through voluntary compliance and litigation was over \$11,300,000.
- The Branch held 154 speaking seminars, investigated 769 variance applications and conducted 482 payroll audits.
- The *Skills Development and Fair Wage Act* Compliance Team conducted 38 payroll audits, conducted 1,026 site visits, issued 123 compliance orders and recovered total wages in excess of \$365,000 on behalf of employees.
- Agents on the Branch information line have been responding to an average of 3,100 calls per week
- The information line was expanded to provide special service to employers and people for whom English is a second language.
- As part of the 'Know Your Rights' campaign, a series of workshops on the *Employment Standards Act* were delivered aimed at providing tools to immigrant-serving agencies through out the province.
- Following on the success in the lower mainland, the initiative in the agricultural sector was extended to the Okanagan valley.
- Licensing for talents agents throughout the province was implemented.
- Employment Agencies placing domestic workers became obligated to inform Employers that they are required to register the workers with the Branch.

Ministry of Labour Budget (\$000's)

	1998/1999		1999/2000		2000/2001	
	Actual	FTEs	Actual	FTEs	Budget	FTEs
LABOUR RELATIONS AND LABOUR PROGRAMS						
Administration (inc. Ministry Executive) ¹	3,091	20	3,543	23	4,288	23
Communications	248	3	269	4	317	4
Employment Standards	9,761	140	9,913	135	10,924	148
Skills Development & Fair Wage Team	733	15	708	14	705	14
ESB Tribunal	661	4	711	5	713	5
Pension Standards	571	8	552	8	615	8
Collective Agreement Arbitration Bureau	146	3	162	2	153	2
Policy & Legislation	671	10	492	10	630	10
Total	15,882	203	16,350	201	18,345	214
INDUSTRY, TRAINING & APPRENTICESHIP COMMISSION ²	26,226	3				
LABOUR RELATIONS BOARD	7,701	86	7,456	86	7,632	86
WORKERS' COMPENSATION REVIEW BOARD AND COMPENSATION ADVISORY SERVICES						
WCRB	7,848	100	7,578	100	8,034	100
Workers Advisors	2,954	40	3,021	40	3,477	48
Employers Advisors	1,605	20	1,678	20	2,102	28
Communication/Data Systems	746	n/a	637	n/a	940	n/a
Recoveries	(13,152)	n/a	(12,913)	n/a	(14,552)	n/a
Total (Net of Recoveries)	1	160	1	160	1	176
RACING AND GAMING⁴						
BC Racing Commission					9,737	18
BC Gaming Commission					104,020	69
Gaming Policy Secretariat					34,143	12
Recoveries					(144,126)	
Total (Net of Recoveries)					3,774	99
MINISTRY TOTAL	23,584	449	23,807	447	25,978	575

1 Central support such as Human Resources, Financial Services, Information Management and FOI/Records Management, are provided by the Ministry of Education.

2 Reflects the transfer of the post-secondary technical training programs.

3 Beginning in 98/99 funds were transferred to the Ministry of Advanced Education, Training and Technology and FTE's are no longer counted in the Ministry's allocation.

4 With a government re-reorganization in late 1999, gaming in British Columbia became the responsibility of the Minister of Labour. Figures shown are for the full year.