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Tab 1

**CONFIDENTIAL
KEY MESSAGES**

Ministry of Labour
Date: Jan. 24, 2019
Minister Responsible: Harry Bains

Ministry of Labour accomplishments

- We're supporting worker health and safety, modernizing labour legislation to support all workers in our province, and preventing the exploitation of vulnerable workers.
- We are working with our partners at WorkSafeBC, the Employment Standards Branch and the Labour Relations Board to increase compliance with laws and standards — to protect the lives and safety of workers.
- Our ministry is committed to making B.C. workplaces the safest in Canada.

Minimum wage:

- To help lift people out of poverty, we have set the path to reaching a minimum wage to at least \$15.20 an hour in 2021.
- Over the next three years, British Columbia's lowest-paid workers will get predictable wage increases that will allow businesses to plan and adapt to the changes.
- Our government is also raising liquor server wages every year until 2021 when it reaches the general minimum wage rate, so workers in that industry receive the same minimum wage that all other workers receive.
- The Fair Wages Commission is continuing its work — looking at the gap between the minimum wage and living wages in B.C.
- Increasing the minimum wage is about helping everyday workers — the lowest paid in the province — in their everyday struggle to make ends meet.

First responders and workplace trauma:

- We made it easier for emergency responders to access workers' compensation for mental trauma caused by their work.

- First responders, sheriffs and correctional officers who experience trauma on the job and are diagnosed with a mental disorder should not have the added stress of having to prove that their disorder is work-related in order to receive support and compensation.
- We're looking to add other professions as well.
- We look forward to working with others to ensure that all workers who experience mental health injuries as a result of trauma at work are supported in the best ways possible.

Employment Standards:

- Updating B.C.'s Employment Standards system is one of my main priorities.
- We need to make sure our standards are applied evenly, enforced and reflect the changing needs of today's workplaces. Employers and workers need a modern system where the standards are clear and enforced.
- As part of this work, we introduced several amendments to better support working families.
 - People caring for a terminally ill loved one, parents caring for a new child and parents coping with the death or disappearance of a child can now take longer, more flexible unpaid leaves of absence without having to worry about job security.
- We are considering the recommendations put forward in the BC Law Institute's final report, as well as feedback heard from the BC Employment Standards Coalition and the BC Federation of Labour.
- These reviews, along with what is in place in other jurisdictions in Canada, will be considered, as we look to further update our Employment Standards.

Labour Relations Code:

- The last full review of the Labour Relations Code was in 1992. A lot has changed in workplaces, and how people work in today's economy.
- I appointed a review panel who conducted research and public hearings around the province, and received written submissions from a wide variety

of interested groups and individuals.

- We released their report in October, and invited British Columbians to give us their thoughts on its recommendations to modernize B.C.'s Labour Relations Code.
- We will consider all of this feedback as government works to update the Labour Relations Code in the year ahead.
- To revitalize the work of the BC Labour Relations Board and the Employment Standards Tribunal, we appointed Jacquie de Aguayo as chair, making her the first female chair appointed to the BC Labour Relations Board.

Temporary foreign workers:

- Temporary foreign workers are vulnerable to abuse in the workplace, and it can be difficult for them to get help — this has been an issue in B.C. for too long.
- We've stepped up workplace protections with new legislation that will allow us to track recruiters and employers who hire foreign workers – and to proactively audit and inspect these businesses.
- With the legislation in place, we're now taking the next steps to implement the registry — including consulting with stakeholders and establishing the regulations that will bring the legislation into force.
- When violations occur, referrals can be made to the appropriate agencies for action (e.g., housing, health care).

WorkSafeBC:

- We are engaging with WorkSafeBC to reduce preventable workplace accidents and to focus on the services they provide to injured workers.
- We made changes to WorkSafeBC's board of directors to bring new perspective and focus to ensure injured workers are treated with respect and dignity.

- WorkSafeBC commissioned Paul Petrie to do an independent review of its policies. He came back with 43 recommendations; work is underway to implement them.
- WorkSafeBC is hiring 40 more prevention and investigation officers, stepping up inspections and issuing more citations, fines and penalties.
- WorkSafeBC is significantly increasing resources to focus on education, enforcement and prevention.

Other accomplishments:

- We are modernizing the Employment Standards Branch so all workers have the support they need, while giving the Branch the tools to track, investigate and penalize employers who don't comply.
- An annual increase of \$3 million to the Workers' and Employers' Advisers' Offices will enhance their capacity to provide independent advice and advocacy.
- We are taking action to improve asbestos safety for workers.
 - A working group has consulted broadly with the construction industry, municipalities, worker associations as well as homeowners.
 - A report from the working group, with recommendations based on their consultations will be finalized after further feedback is received.
- To better represent more than 3,600 workers and support patient care, the ministries of Labour and Health established a standalone bargaining unit for ambulance paramedics and dispatchers represented by CUPE Local 873 and employed by the BC Emergency Health Services.

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Tab 2

Jobs and Economy

Highlights:

- BC has had the lowest unemployment rate for 17 months in a row and wage growth is among the highest in Canada.
- Private sector forecasters estimate that BC real GDP grew by 2.3% in 2018 and expect it to grow by 2.6% in 2019 and in 2020 – the fastest in Canada.
- There have been 61,900 new jobs added to the economy in the past year.
- The Opposition may ask questions about the number of full time jobs lost in recent months, and claim this was caused by new or increased taxes brought in by the provincial government.

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Background:

- BC's economy expanded by 3.8% (+\$9.4 billion) in 2017, ranking second among provinces for economic growth, behind Alberta (+4.4%), and ahead of Prince Edward Island (+3.5%), Manitoba (+3.2%), and all other provinces.
- Private sector forecasters estimate BC real GDP to grow by 2.3% in 2018 – **among the highest in Canada** (behind Alberta and Quebec) and above the national average of 2.1%. [FIN – current to Nov 1]

January Labour Force Survey – released Friday January 4

Wage Growth

- BC ranked third among the provinces for year over year wage growth (2.3%).
- In the last year, BC's average wages grew by 4.1%
- 2018 was BC's highest annual wage growth in the last 10 years.

Unemployment

- The unemployment rate was 4.7%, which is the lowest in Canada for 17 months in a row.

Job Growth

- Year-over-year employment in the province increased by 61,900
- Month to month employment
 - -13,900 full time and +22,600 part time jobs
 - +16,200 private sector, +4,600 public sector and -12,100 self-employed

Exports and Retail

- Year-to-date, BC's merchandise exports rose 7.3% [FIN IN, Nov 2017 vs 2018]
- Exports to the US rose 2.8%, while exports to other countries rose 12.1% [FIN IN, Nov 2017 vs 2018]
- BC retail sales were up year-to-date, increasing by 2.3% [FIN IN, Nov 2017 vs 2018]

Housing

- In 2018, the total value of BC's building permits increased 22.3% compared to 2017. [FIN IN, Feb/19]
- BC's housing starts are well above the historic average. [FIN IN, Feb/19]

Tab 3

Community Benefits Agreement

Highlights:

- Opposition comments have focused on the potential added costs, the \$0.25/hour Council fund as well as the requirement for workers on the project to join the applicable Building Trades union for the duration of the project.

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Quotes:

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Tracey
MacKinnon, workforce development manager for LNG
Canada. (Jan. 22, 2019)

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Background:

- The Community Benefits Agreement was announced on July 16, 2018.
- The Community Benefits Agreement allows government to make sure that local people and communities get long-lasting benefits from public investments into major infrastructure projects, while maximizing the number of contractors that can bid on major infrastructure projects.
- Under the CBA, a diverse and qualified workforce will be supplied for select major public infrastructure projects through a newly created Crown corporation, BC Infrastructure Benefits Inc. (BCIB).

- BCIB will hire the project's construction workers, and will work with unions and contractors to dispatch labour, as well as manage payroll and benefits.
- Signatories to the Community Benefits Agreement are BCIB, and the Allied Infrastructure and Related Construction Council (AIRCC), which represents many of B.C.'s building trades.
- Contractors representing B.C.'s construction industry played an important advisory role as the agreement was developed.
- Highlights of the agreement include:
 - A targeted approach to maximizing apprenticeship opportunities on major public-infrastructure projects.
 - Focus on priority hiring and training of Indigenous peoples, and women.
 - Co-ordinated access to existing training programs, while identifying and addressing skills gaps.
 - Priority hiring for qualified individuals who live within close proximity of the projects.
 - Hiring flexibility for contractors, who can request named hires.
 - Wage alignment to prevailing industry rates to promote good wages for all employees.
- The first projects to be delivered under the new community benefits framework are the new Pattullo Bridge, and the four-laning projects on the Trans-Canada Highway between Kamloops and Alberta.
- Key benefits of the negotiated labour agreement include:
- Apprenticeships:
 - Increased apprenticeships in the skilled trades is essential to the development of British Columbia's workforce.
 - Targets will be aligned with the Government Apprenticeship Policy to maximize work-based training and opportunities to grow the skilled workforce.

- Training:
 - The development of construction skills for persons other than the Red Seal apprentices is essential to the development of British Columbia's workforce.
 - Wherever possible, existing government training programs and services will be leveraged.
 - Training needs will be assessed for each project, and a process will be established to co-ordinate the development of new training where gaps exist, in collaboration with training partners and building trades councils, as required.
- Indigenous and under-represented groups:
 - This agreement provides incremental and prioritized opportunities for the participation of Indigenous peoples and other traditionally under-represented groups on government infrastructure projects, in a safe environment that is free from discrimination and harassment.
 - Government has an existing consultation and accommodation process to address impacted Indigenous groups on projects. This process will continue and not be affected by the implementation of a labour agreement.
 - In addition, Indigenous peoples, women, and other traditionally under-represented groups will now have priority access to employment and training opportunities.
- Local people and businesses:
 - When local workers have greater access to work opportunities in their communities, local people can, in turn, build, invest and stay in their communities.
- Wages:
 - Wages have been negotiated to align with industry wages, based on prevailing construction rates.

- Since 1963, PLAs have been used by BC Hydro and the Allied Hydro Council to build dams in our province, with each one constructed on time and on budget.
- These include:
 - Peace Dams
 - W.A.C. Bennett 1968
 - BCH Transmission Systems – Peace Canyon Generating Station 1980
 - Columbia Dams
 - Duncan Dam 1967
 - Arrow/ Keenleyside 1968
 - Mica 1973
 - Run of River Dams
 - Kootenay Canal 1976
 - Seven Mile 1979
 - Revelstoke 1984
 - Allied Hydro Projects 1996 Agreement
 - Stave Falls Power Plant 2000
 - Keenleyside Powerplant Arrow Generating Station 2002
 - Burrard Upgrade 2003
 - Seven Mile Unit #4 – Seismic Upgrade 2003
 - Brilliant Power Plant 2007
 - Revelstoke Unit #5 2011
 - Waneta Power Plant 2015
 - Mica Unit #5 2014
 - Mica Unity #6 2016
 - Revelstoke Unit #6 Planned

Previous government project overruns:

- Previous procurement projects by the BC Liberals that ran over budget were:
 - In 2009, the BC place roof and renovations were estimated to cost \$365 million. The final project cost was \$514 million.
 - In 2004, the Vancouver Convention Centre was estimated at \$565 million, but the final cost was \$900 million.

- When BC Hydro's Northwest Transmission Line was first proposed, it was estimated at \$404 million, but in 2013 it was re-estimated during construction that the final cost would be \$736 million.
- https://q053y1oyhx645cfec1k3q72w-wpengine.netdna-ssl.com/wp-content/uploads/2018/02/Con-Mon_winter2018_wagesurvey-FINAL.pdf
- <https://canada.constructconnect.com/joc/news/labour/2009/03/former-golden-ears-bridge-temp-workers-still-without-work-joc033089w>

BACKGROUND 1

For Immediate Release
2018PREM0057-001406
July 16, 2018

Office of the Premier
Ministry of Transportation and Infrastructure

Key benefits of labour agreement

The Community Benefits Agreement allows government to make sure that local people and communities get long-lasting benefits from public investments into major infrastructure projects, while maximizing the number of contractors that can bid on major infrastructure projects.

Key benefits of the negotiated labour agreement include:

Apprenticeships:

- Increased apprenticeships in the skilled trades is essential to the development of British Columbia's workforce.
- Targets will be aligned with the Government Apprenticeship Policy to maximize work-based training and opportunities to grow the skilled workforce.

Training:

- The development of construction skills for persons other than the Red Seal apprentices is essential to the development of British Columbia's workforce.
- Wherever possible, existing government training programs and services will be leveraged. Training needs will be assessed for each project, and a process will be established to co-ordinate the development of new training where gaps exist, in collaboration with training partners and building trades councils, as required.

Indigenous and under-represented groups:

- This agreement provides incremental and prioritized opportunities for the participation of Indigenous peoples and other traditionally under-represented groups on government infrastructure projects, in a safe environment that is free from discrimination and harassment.
- Government has an existing consultation and accommodation process to address impacted Indigenous considerations on projects. This process will continue and not be impacted by the implementation of a labour agreement.
- In addition, Indigenous peoples, women, and other traditionally under-represented groups will now have priority access to employment and training opportunities.

Local people and businesses:

- When local workers have greater access to work opportunities in their communities, local people can in turn build, invest and stay in their communities.

Wages:

- Wages have been negotiated to align with industry wages, based on prevailing construction rates.
- This provides good-paying jobs to workers on these projects, and provides cost certainty to government.

Contact:

Media Relations
Government Communications and Public
Engagement
Ministry of Transportation and Infrastructure
250 356-8241

Connect with the Province of B.C. at: news.gov.bc.ca/connect

BACKGROUNDER 2

For Immediate Release
2018PREM0057-001406
July 16, 2018

Office of the Premier
Ministry of Transportation and Infrastructure

New Crown agency to help build B.C. infrastructure

A new Crown corporation called BC Infrastructure Benefits Inc. (BCIB) has been created under the *Business Corporations Act*. It will act as signatory and the employer entity for the Community Benefits Agreement. The minister responsible is Claire Trevena, Minister of Transportation and Infrastructure.

A full governance body will be established as a priority for the new organization. The organization is expected to be fully operational in fall 2018.

The broader Community Benefits Framework will remain with core government. The mandate of BCIB is to provide the labour workforce for the construction of select public-sector infrastructure projects, delivered in accordance with terms and conditions of the Community Benefits Agreement.

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the Tri-Cities to the existing SkyTrain system.

"It is going to be on time and on budget," Fassbender told reporters at a media event in Port Moody Monday, where he announced funding for "welcoming plazas" at stations along the 11-kilometre route of the line.

With the project now said to be 85-per-cent complete, Fassbender repeated variations on the theme of the day a half-dozen times: "The project will be on time and on budget ... from my understanding the project will be on budget," etc.

As he spoke, the government circulated a press release announcing the latest target date for the line to be running: "Early 2017." The same release pegged the provincial government contribution to the \$1.43-billion project at "\$586 million."

Alas for Fassbender, a check through the government's online news archive turns up a press release from February 2009 — "New transit line to reduce congestion, improve mobility and create jobs" — announcing the green-lighting of the Evergreen line in time for that year's provincial election.

STORY CONTINUES BELOW

"The province has committed \$410 million to the project," it said. "Construction is expected to be completed in 2014." A further check of the archive produced an earlier release that added a note of precision to what was said to be a "realistic" completion date: "August 2014."

So the line that was going to be operating in the summer of 2014 won't be in service until early 2017, or 2½ years behind schedule. And the initial provincial government commitment of \$410 million has ballooned to \$586 million an overrun of 43 per cent.

Some of the delay is a product of widely reported difficulties in construction of the tunnel and guideway for the Evergreen line. The Liberals maintain the costs associated with those will be covered by the builder or the contingency portion of the project budget.

Ottawa's contribution to the overall cost is capped at \$424 million, the region is on the hook for \$400 million, and "other partners" are in for \$21 million.

However, most of a hoped-for contribution from private sector partners failed to materialize, leaving the provincial government on the hook for the balance. The \$173 million increase in the provincial commitment dates back to the fall of 2011 and it hasn't increased since then, which is where the Liberals get off saying the project is now on budget.

But when I challenged Fassbender Monday over the on-time, on-budget claim, he conceded that it would depend where one started the calculation — before all the revisions in the budget and construction schedule or afterward.

Standard fare for the B.C. Liberals, as regular readers of this space may recall.

On the four-lane South Fraser Perimeter Road (SFPR) linking Tsawwassen to Highway 1 at the Port Mann, the Liberals originally budgeted for it to be completed in 2012 at a cost of \$1 billion.

Instead the road opened in late 2013 at a cost of \$1.264 billion.

Ottawa having capped the federal contribution to the cost-shared project at \$365 million, B.C. was forced to pick up the entire overrun. Thus the provincial share grew from an initial \$635 million to \$899 million, and increase of 42 per cent.

Still, that didn't keep the Liberals from announcing that the SFPR had opened — you guessed it — "on time and on budget."

Nor is that the only example where the federal government practice of capping contributions to cost-shared projects put provincial taxpayers on the hook for a huge cost overrun.

The Vancouver Convention centre expansion project was projected to cost \$495 million when the B.C. Liberals launched it way back in 2002 without even a semblance of a business case or proper cost estimating.

The feds fixed their contribution at \$223 million, and refused to increase it, no matter how many times the Liberals pleaded for additional funding as construction fell way behind schedule and the budget soared.

When all the bills were totted up, the cost was \$841 million, a 70-per-cent overrun in most reckonings — but not as the B.C. Liberals saw things. Instead, they claimed the convention was under budget because the finished cost was less than the \$883 million figure they'd concocted in a late-in-the-day worst-case scenario.

Compounding the outrage, the Liberals tried to count the supposed \$42 million "saving" on the convention centre as a contribution to the cost of putting a retractable roof on B.C. Place.

The re-roofing was launched with a guesstimated cost of \$100 million to \$150 million, followed by a supposedly firm budget of \$365 million, and finished at \$514 million, an overrun of more than 41 per cent.

So to recap, the provincial share of the overrun on the convention centre was 70 per cent and in the 40-per-cent range on the other three examples mentioned above. Three of the four were behind schedule as well.

Still, the B.C. Liberals can't help themselves. "On time and on budget," just rolls off their collective tongues, no matter how many times the press releases in their own archive put the lie to the claim.

vpalmer@vancouver.sun.com

Tab 4

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Tab 5

MLA Salaries

Highlights:

- On April 11, Rob Shaw reported that MLAs received a 2.7% raise as of April 1, while public servants like nurses and social workers only receive a 2% pay hike.
- In 2007, an Independent Commission recommended tying MLA compensation to inflation.

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Expenses

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Tab 6

Surrey Investments

Highlights:

- This is a list of investments the government has made in Surrey.
- In his 2018 UBCM speech, the Leader of the Opposition suggested the provincial government is “not paying for the southside ramps” in Surrey as part of the Pattullo Bridge project.
- The opposition has repeatedly asked about the number of portables in Surrey.
- The opposition has repeatedly stated that the provincial government is not investing in transit in Surrey.
- Opposition MLAs may suggest the provincial government is not investing enough in Surrey’s growing community.

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Transportation:

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(Jonathan Cote, Mayor of New Westminster, on twitter, Feb. 16, 2018)

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(Linda Hepner, Former Mayor of Surrey, July 14, 2017)

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(Linda Hepner, Former Mayor of Surrey, Feb. 16, 2018)

Education:

“We’re on a roll now with school construction in Surrey and it’s great to see.”

– Laurie Larsen, Surrey Board of Education chair,
News Release (Feb. 7, 2019)

“As a result of this government’s commitment and funding, our district has seen more than 2,500 new student seats approved in just over a year and that has helped considerably to address our growth and space needs. Our board is very pleased with how this government is working closely with us and that collaboration is resulting in an acceleration of projects, which is what Surrey needs. [...] it’s our hope that the ministry’s commitment and current pace continues, as it is making a difference.”

– Laurie Larsen, Surrey Board of Education chair,
News Release (Nov. 21, 2018)

“Surrey Board of Trade Applauds BC Government on Continued Surrey School Investment Plan”

– Anita Huberman, Surrey Board of Trade, Twitter
(Nov. 21, 2018)

Tab 7

Records Management – General

Background:

- During QP in the Spring and Fall 2018 legislative session, the opposition questioned government's records management practises, and responses to FOI requests.

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Tab 8

**CONFIDENTIAL
KEY MESSAGES**

**Ministry of Labour
Date: Feb. 22, 2019
Minister Responsible: Harry Bains**

Ministry budget

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Tab 9

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Tab 10

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ADVICE TO MINISTER

KEY FACTS:

On Feb. 8, 2018, government announced that B.C.'s minimum wage will increase to at least \$15.20 an hour by June 2021 with increases each year, on June 1, for four years. On April 19, 2018, the ministry announced that B.C.'s minimum liquor server wage will be eliminated and that the wage of B.C. liquor servers will be equal to the general minimum wage by 2021.

B.C. has the third-highest minimum wage among provinces — up from seventh position in 2017.

Also on April 19, 2018, the ministry announced a schedule of increases for the daily rate for live-in camp leaders, as well as the monthly rates for resident caretakers and the minimum farm worker piece rates for harvesters of certain fruits and vegetables.

The alternate rate for live-in home support workers was originally planned to be eliminated, based on the commission's report that few or no workers exist in this category, but the ministry has since learned there are many workers in this category. The decision on this alternative wage has been deferred.

The BC Federation of Labour, who campaigned for a \$15/hour minimum wage with its "Fight for 15" campaign, has said that it thinks government is not bringing in increases fast enough, while the Canadian Federation of Independent Businesses has said the increases are too much, too soon and will lead to job losses. The 2016 BC Child Poverty Report Card, released Nov. 24, 2016 also advocates for a \$15/hr minimum wage, indexed annually to the cost of living.

Other Jurisdictions:

In September 2018, the Ontario government announced plans to freeze its minimum wage at \$14 per hour, and repeal the scheduled increase to \$15 per hour that was to take effect on Jan. 1, 2019. Instead, an income tax credit for gross income under \$30,000 is being proposed.

Alberta's minimum wage increases to \$15/hr on Oct. 1, 2018 giving the province the highest minimum wage in the country. Alberta abolished their liquor server rate effective Oct. 1, 2016.

In Washington, the general statewide rate for workers is \$11.50/hr effective Jan. 1/18. However, Seattle, Tacoma and SeaTac have higher local minimum wages. On June 2/14, Seattle council unanimously passed a motion to raise its minimum wage to \$15/hour from \$9.32/hour. This rate is being implemented over seven years and the rate applies differently to employers depending on its size.

General Minimum Wages in Canada (as of May 1, 2019):

Jurisdiction	Rate (\$/hr)	Effective Date	Notes on Future Changes
Alberta	15.00	Oct 1, 2018	
Ontario	14.00	Jan 1, 2018	Holding at \$14 and considering an income tax credit instead
Northwest Territories	13.46	April 1, 2018	Independent body gives advice
Nunavut	13.00	April 1, 2016	Mandatory review by Minister
Yukon	12.71	April 1, 2019	<ul style="list-style-type: none">On April 1 of each year, the rate increases based on annual increase for the preceding year in the CPI for Whitehorse
British Columbia	12.65	June 1, 2018	<ul style="list-style-type: none">June 1, 2018: \$12.65 an hour (\$1.30 increase)June 1, 2019: \$13.85 (\$1.20 increase)

			<ul style="list-style-type: none"> • June 1, 2020: \$14.60 (\$0.75 increase) • June 1, 2021: \$15.20 (\$0.60 increase)
Quebec	12.50	May 1, 2019	Commitments for further yearly increases with the goal of a minimum wage rate at 50% of the average wage by 2020
Prince Edward Island	12.25	April 1, 2019	Independent body gives advice
Nova Scotia	11.55	April 1, 2019	Government has committed to increases of 30 cents PLUS CPI (estimated at 25 cents) for three years (until 2021). Future increases tied to CPI. Independent body gives advice
New Brunswick	11.50	April 1, 2019	Future changes tied to inflation. Minister review every two years
Newfoundland and Labrador	11.40	April 1, 2019	Future annual increases based on CPI. Independent body gives advice
Manitoba	11.35	Oct 1, 2018	Yearly increases indexed to provincial CPI
Saskatchewan	11.06	Oct 1, 2018	Yearly increases based on average of increases in CPI and average hourly wage

Media Interest: There's been sustained media interest, by major and regional outlet, on minimum wage-impacts for workers and businesses. One theme to the inquiries has been regarding the cumulative effect or cost on businesses.

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Tab 11

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Jan. 24, 2019

Minister Responsible: Harry Bains

Fair Wages Commission

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KEY FACTS:

The Ministry of Labour established the Fair Wages Commission in October 2017 with the mandate to advise government on an approach to raising provincial minimum wages with increases that are regular, measured and predictable.

To date, the commission has submitted two reports to government. The first, released in January 2018, made recommendations on a path for increases to the general minimum wage. Government accepted these recommendations and committed to reaching a general minimum wage of at least \$15.20 per hour by 2021 — with the first increase occurring on June 1, 2018.

The second, released in April 2018, made recommendations on increases for workers who earn an alternate minimum wage, including: liquor servers, piece rate farmworkers, 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.

The original announcement of the second report stated the alternate wage for live-in home support workers would be eliminated based on the understanding that there are very few workers in this category. However, since the announcement in April 2018, several social services groups have expressed concern, saying that they employ several hundred workers who fall into this category and the wage raise, resulting from the elimination of the category, is not affordable in this timeframe. The decision to eliminate this alternate wage category has now been reversed while the ministry re-examines the issue in consultation with the ministries of Children and Family Development and Social Development and Poverty Reduction.

An increase to minimum piece rates for farmworkers occurred Jan. 1, 2019. Meanwhile, agricultural economist Karen Taylor conducted an in-depth study between September and December 2018. The study has now been submitted to government for review.

As part of its mandate, the commission has also been asked to report back to government by the end of July 2019 on the gap between the minimum wage and living wages in B.C.

About the commission:

The Fair Wages Commission consists of a chair and two members. On Oct. 1, 2018, the chair of the commission was replaced; the two other members remain in their roles. Members of the commission represent both employer and worker interests. The commission has been tasked to:

- Analyze other jurisdictions that have adopted \$15 minimum wages;
- Consult widely;
- Ensure the incremental increases are regular, measured and predictable;
- Look at the other minimum wage rates, such as piece rates for agricultural workers and the liquor server rate; and
- Review how to close the gap between the minimum wage and living wages.

There is a budget of \$490,000 over two years for the commission and its operations. The budget is \$240,000 for 2017/18 and \$250,000 in 2018/19 and will cover payment for appointees, costs for travel, consultations and contract writing/publication, and support such as research and advisory services.

The Fair Wages Commission falls under the Confidence and Supply Agreement between the BC NDP and BC Green caucuses.

Information on engagement, including media and stakeholder outreach:

- From Oct. 26 to Dec. 7, 2017, there were eight regional meetings with full programs in nearly every community.
- A total of 178 presentations were made to the commission. Examples of organizations presenting: Retail Council of Canada, BC Poverty Reduction Coalition, BC Canadian Manufacturers and Exporters, BC Federation of Labour, Restaurant associations, farm associations, various regional Chambers of Commerce, teacher associations, student associations and unions.
- An additional 1,360 research briefs, answers to a questionnaire or comments were received from a wide range of people including workers, employers, advocacy groups, unions and business groups.
- Between Nov. 14 and Dec. 7, 2017, there was communications outreach to about 50 media outlets in communities with in-person sessions resulting in at least 35 news stories.
- Created a govTogetherBC engagement web page that social media channels were directed to. A total of 4,040 people visited the web page within the six-week engagement period, spending an average of four minutes on the site.
- In November 2017, advertisements were placed in 21 regional newspapers to help inform the public of both the in-person consultations and the opportunity to provide feedback by email. The ads were placed in communities that had the in-person hearings as well as bigger communities where the option to provide feedback is by email. Total cost is approximately \$12,000 paid for by Government Communications and Public Engagement.
- A poster, web button and newsletter wording was sent to 103 stakeholders to share with their members and encourage participation.
 - For example, the BC Restaurant & Food Services Association alone has over 3,000 members who should have received information and been encouraged to participate.
 - The BC Poverty Reduction Coalition shared information about the engagement sessions on their website, as well as directly with their 50 plus members and newsletter distribution list.
 - BC Chamber of Commerce, various university student unions, regional governments, and Indigenous and First Nations groups are just some of the many groups that were contacted to help spread the word.

Media Interest: Significant media coverage of the work undertaken by the Fair Wages Commission. Focus hasn't been on the commission members.

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Withheld pursuant to/removed as

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour
Date: Jan. 24, 2019
Minister Responsible: Harry Bains

Fair Wages Commission

s.13

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Withheld pursuant to/removed as

s.13

KEY FACTS:

The Ministry of Labour established the Fair Wages Commission in October 2017 with the mandate to advise government on an approach to raising provincial minimum wages with increases that are regular, measured and predictable.

To date, the commission has submitted two reports to government. The first, released in January 2018, made recommendations on a path for increases to the general minimum wage. Government accepted these recommendations and committed to reaching a general minimum wage of at least \$15.20 per hour by 2021 — with the first increase occurring on June 1, 2018.

The second, released in April 2018, made recommendations on increases for workers who earn an alternate minimum wage, including: liquor servers, piece rate farmworkers, 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.

The original announcement of the second report stated the alternate wage for live-in home support workers would be eliminated based on the understanding that there are very few workers in this category. However, since the announcement in April 2018, several social services groups have expressed concern, saying that they employ several hundred workers who fall into this category and the wage raise, resulting from the elimination of the category, is not affordable in this timeframe. The decision to eliminate this alternate wage category has now been reversed while the ministry re-examines the issue in consultation with the ministries of Children and Family Development and Social Development and Poverty Reduction.

An increase to minimum piece rates for farmworkers occurred Jan. 1, 2019. Meanwhile, agricultural economist Karen Taylor conducted an in-depth study between September and December 2018. The study has now been submitted to government for review.

As part of its mandate, the commission has also been asked to report back to government by the end of July 2019 on the gap between the minimum wage and living wages in B.C.

About the commission:

The Fair Wages Commission consists of a chair and two members. On Oct. 1, 2018, the chair of the commission was replaced; the two other members remain in their roles. Members of the commission represent both employer and worker interests. The commission has been tasked to:

- Analyze other jurisdictions that have adopted \$15 minimum wages;
- Consult widely;
- Ensure the incremental increases are regular, measured and predictable;
- Look at the other minimum wage rates, such as piece rates for agricultural workers and the liquor server rate; and
- Review how to close the gap between the minimum wage and living wages.

There is a budget of \$490,000 over two years for the commission and its operations. The budget is \$240,000 for 2017/18 and \$250,000 in 2018/19 and will cover payment for appointees, costs for travel, consultations and contract writing/publication, and support such as research and advisory services.

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- From Oct. 26 to Dec. 7, 2017, there were eight regional meetings with full programs in nearly every community.
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 - For example, the BC Restaurant & Food Services Association alone has over 3,000 members who should have received information and been encouraged to participate.
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 - BC Chamber of Commerce, various university student unions, regional governments, and Indigenous and First Nations groups are just some of the many groups that were contacted to help spread the word.

Media Interest: Significant media coverage of the work undertaken by the Fair Wages Commission. Focus hasn't been on the commission members.

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Withheld pursuant to/removed as

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ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

**Ministry of Labour
Date: Jan. 24, 2019
Minister Responsible: Harry Bains**

Agricultural piece rates

s.13

ADVICE TO MINISTER

KEY FACTS:

On Jan. 10, 2019, agricultural economist Karen Taylor submitted to government her study on piece rates in B.C. The study was commissioned by government after an April 2018 report by the Fair Wages Commission made recommendations to increase minimum piece rates and introduce a minimum hourly wage as a pay base for piece-rate workers, yet also identified gaps in the information available on B.C.'s piece rate system.

Dr. Taylor's study took place between September and December 2018. 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.

s.12; s.13

The Ministry of Labour is currently reviewing Dr. Taylor's study and deciding on next steps.

On January 1, the agriculture piece rates increased by 11.5% - this rate of increase and timing differed from the commission's recommendation, which was 15% on June 1, 2018.

Farmer Associations like the BC Fruit Growers and the BC Cherry Association have been critical of increases to piece rates in the media, stating that farmers will have to absorb the increase into their earnings. Since their fruit competes on the global market, they cannot pass the increase along to customers by increasing the price of their produce.

BC Poverty Reduction Coalition has said that the piece-rate system needs to be abolished, as some workers are not even making the equivalent of the minimum hourly wage.

The July 16, 2018 news release announcing the hiring of Karen Taylor stated that: "her findings will be provided to the Fair Wages Commission ... and inform the commission's recommendations to government on how to reform piece rates for agriculture workers."

Media Interest: There's been moderate media interest on potential changes to the piece rate system and the effect rising worker wages has on growers and B.C.'s agriculture sector. Business in Vancouver and Black Press covered the Jan. 1, 2019 rate increases.

Table 1 Minimum wage increases and unemployment rates in BC: 2000 - 2017

	MONTH	HOURLY MINIMUM WAGE	INCREASE (\$)	INCREASE (%)	UNEMPLOYMENT RATE (%)
2000	November	\$7.60	0.45	6.29	7.2
2001	November	\$8.00	0.40	5.25	7.7
2002		\$8.00	0	-	8.5
2003		\$8.00	0	-	8
2004		\$8.00	0	-	7.2
2005		\$8.00	0	-	5.9
2006		\$8.00	0	-	4.8
2007		\$8.00	0	-	4.3
2008		\$8.00	0	-	4.6
2009		\$8.00	0	-	7.7
2010		\$8.00	0	-	7.6
2011	May	\$8.75	0.75	9.38	7.5
	November	\$9.50	0.75	8.57	7.5
2012		\$10.25	0.75	7.89	6.8
2015		\$10.45	0.20	1.95	6.2
2016		\$10.85	0.40	3.83	6.0
2017		\$11.35	0.50	4.61	4.9

Source: Government of Canada, Hourly Minimum Wages in CANADA for Adult Workers; Average Annual Unemployment Rate (<http://www.stats.gov.nl.ca/statistics/labour/pdf/unemprate.pdf>)

Table 2. Percent increases of minimum wages for piece rates and general minimum wage: 1990-2017

	1990	1992	1995	1996	1998	1999	2000	2001	2003	2011	2015	2016	2017	PERCENT INCREASE 1990-2017
	PER CENT INCREASE													
General minimum wage	10.00%	0.10%	18.18%	7.69%	2.14%	0.00%	6.29%	5.26%	0.00%	18.75%	10.00%	3.83%	4.61%	127.00%
Apples	5.28%	9.95%	9.21%	0.00%	2.13%	7.59%	6.29%	5.27%	-3.58%	9.36%	1.93%	3.85%	4.60%	72.35%
Apricots	5.24%	10.05%	9.21%	8.22%	2.11%	7.57%	6.31%	5.26%	-3.60%	9.36%	1.94%	3.85%	4.62%	86.68%
Beans	3.85%	11.11%	10.00%	9.09%	2.22%	7.61%	6.06%	5.71%	-3.60%	9.35%	2.14%	3.77%	4.44%	91.85%
Blueberries	3.92%	11.32%	0.00%	3.39%	2.30%	7.69%	6.25%	5.32%	-3.72%	9.39%	2.02%	3.71%	4.53%	65.28%
Brussel sprouts	5.56%	10.53%	9.52%	8.70%	2.40%	7.81%	5.80%	5.48%	-3.25%	9.40%	1.84%	3.61%	4.65%	89.47%
Cherries	7.41%	10.34%	8.12%	0.00%	2.31%	7.34%	6.32%	5.45%	-3.76%	9.27%	1.79%	3.95%	4.64%	71.03%
Daffodils	0.00%	0.00%	0.00%	0.00%	1.82%	0.00%	0.00%	11.61%	0.00%	9.60%	2.19%	3.57%	4.83%	38.18%
Grapes	5.24%	10.05%	9.21%	0.00%	2.14%	7.63%	6.24%	5.26%	-3.60%	9.35%	1.93%	3.84%	4.59%	72.42%
Mushrooms	3.45%	10.00%	9.70%	0.00%	2.21%	7.57%	6.53%	5.19%	-3.59%	9.30%	2.13%	3.75%	4.42%	73.33%
Peaches	5.24%	10.05%	9.21%	0.00%	2.14%	7.63%	6.24%	5.26%	-3.60%	9.35%	1.93%	3.84%	4.59%	72.42%
Pears	5.29%	9.98%	9.22%	0.00%	2.16%	7.60%	6.27%	5.32%	-3.62%	9.40%	1.93%	3.83%	4.62%	72.51%
Peas	6.25%	11.76%	8.42%	9.22%	2.22%	7.39%	6.48%	5.32%	-3.61%	9.36%	2.05%	3.69%	4.53%	90.00%
Prune plums	5.29%	9.98%	9.22%	0.00%	2.16%	7.60%	6.27%	5.32%	-3.62%	9.40%	1.93%	3.83%	4.62%	72.51%
Raspberries	5.00%	11.90%	8.51%	7.84%	2.18%	7.47%	6.29%	5.30%	-3.55%	9.51%	1.96%	3.85%	4.50%	88.10%
Strawberries	5.13%	9.76%	9.78%	7.29%	2.26%	7.75%	6.16%	5.16%	-3.68%	9.24%	2.04%	3.71%	4.68%	85.37%

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s.13

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Jan. 24, 2018

Minister Responsible: Harry Bains

Live-in home support minimum wage

s.13

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s.12 ; s.13

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Page 117 of 298 to/à Page 118 of 298

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ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour

Date: Jan. 23, 2018

Minister Responsible: Harry Bains

Temporary Foreign Workers

s.13

ADVICE TO MINISTER

KEY FACTS:

The Temporary Foreign Worker Protection Act received royal assent on Nov. 7, 2018. Work is currently underway to develop the regulations to support implementation of the legislation s.13

Next, the ministry will begin the online licensing of recruiters wishing to recruit temporary foreign workers. The online registration of employers wishing to hire temporary foreign workers will follow.

An important aspect of the legislation is that it prohibits foreign worker recruiters and employers from engaging in certain abusive practices. This includes: charging fees for recruitment services and employment, retaining a foreign worker's passport or other documents, and misrepresenting employment opportunities.

In 2018/19, the Ministry of Labour received a budget increase of \$250,000 to support planning activities for the development of the registry s.13; s.17
s.13; s.17

In 2017, the federal government issued approximately 47,620 work permits for foreign nationals destined for B.C., of which 16,865 were issued under the Temporary Foreign Worker Program. B.C. is second to only Ontario in terms of the number of work permits issued. In the first six months of 2018, migrant worker applications were highest in B.C. with 20,907 applications submitted, followed by Ontario with 17,583 (Stats Canada).

The Temporary Foreign Worker Program is a federal program. While provinces typically receive aggregate information on the number of temporary foreign workers, they do not receive personal details on specific worker names, where they're employed, by whom, or when their employment permits expire.

In B.C., responsibility is spread out across a number of agencies including the ministries of Labour and Jobs, Trade and Technology, WorkSafeBC, health authorities and municipalities.

Mistreatment:

A foreign worker cannot be required to post a bond or pay a deposit to ensure they will finish a work term or employment contract, or to pay a penalty if they do not. It is illegal to charge fees to any worker to find a job in B.C. Section 10 of the Employment Standards Act specifically prohibits charging fees in exchange for employment.

Under the Canada-B.C. Immigration Agreement, B.C. can support TFWs to obtain new work permits from the federal government in circumstances where they may be at risk. This means TFWs will have the ability to take a job with a different employer if they find themselves in an abusive situation. TFWs may also be more likely to report employment standard violations and other violations.

Many organizations were consulted in developing the legislation, including, but not limited to:

s.13; s.16

Media Interest: Regular media coverage of temporary foreign workers — including caregiving, farming, mining and restaurant sectors. Inquiries are both with respect to individual cases of worker rights and employment standards violations – as well as inquiries into the legislation and registry.

Most relevant media coverage demonstrating abuses:

CBC Day Break @7:12 am on Oct. 2, 2018 about complaints against Greenwood motel and restaurant (reminder of proprietor lawsuit against CBC).

Globe and Mail, Sept 20, 2018 by Camille Bains entitled Court certifies foreign worker lawsuits. Class action against Mac's Convenience Stores and three immigration consultants.

CBC North (PG) on June 24, 2018 spoke of an Indian restaurant in Surry forced to repay \$32k to a Tandoori cook for unpaid wages after being made to work 12 hours a day, 6 days a week.

The Tyee on May 7, 2018 by Anelyse Weiler in an article entitled Farm worker program leaves women vulnerable to sexual violence. It's a SAWP case about a female farm worker sexually abused by the employer and then when she complained, they tried to bribe her.

North Shore News on Aug 20, 2017 by Jane Seyd in an article entitled restaurant ordered to pay \$10k in TFW case. Prov Court ordered the restaurant to pay the \$10k after the Dubai woman traveled here for a job that didn't pan out.

Surrey Now Leader on Oct 10, 2017 by unspecified reporter in an article entitled Surrey Trucking company ordered to pay \$350k after underpaying TFW. The Surrey trucking company was fined \$10k and order to pay back \$350k after underpaying 20 TFWs.

Fernie Free Press on Dec 21, 2016 by Ezra Black entitled TFW Dispute Settled. Human Rights case settled against Tim Hortons where 6 employees accused the franchise owner of not paying overtime.

Metronews on Dec 16, 2016 by Jen St. Denis in BC's TFW's routinely pay thousands in illegal recruitment fees. A Philippines trucker paid \$15k for a trucking job, made to work 8-12 hours/day but paid for six.

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April 30, 2019

To: Agriculture Stakeholders

RE: Ministry of Labour – Employment Standards Act Amendments – Child Labour

On April 29, our government introduced changes to B.C.'s *Employment Standards Act* that will better protect workers through the province, including children and youth.

We know that these proposed changes will be of interest to your members – farming is often hard work and regularly requires young people and the whole family pitching in. We want to assure you that our government will not be bringing any changes into effect without engaging extensively with you and your members to ensure we continue to support family farms and young people's participation in agriculture in B.C.

Most of the details of this legislation are still to come through regulation. We will be engaging extensively with farmers, ranchers and your organization to ensure the changes we are making support the unique needs of farming families and communities when it comes to children and work.

We will be in touch with details on how you and your members can participate in the months ahead. Until consultation and development of regulations is concluded, no changes will come into effect and the existing law remains in place.

Everyone wants our children to be safe and healthy. The changes we have introduced are about keeping our children safe, while ensuring kids can continue to help out on the family farm.

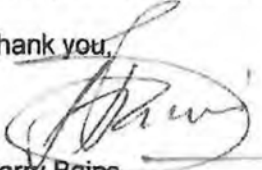
Your upcoming input will be critical to allow us to target the regulations to support family farms.

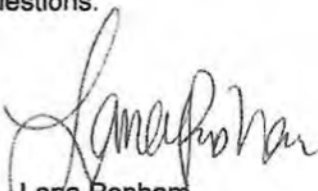
Families throughout B.C. work together every day to grow the food we count on and fuel prosperity in farming communities. Getting kids involved in agriculture from a young age is critical to raising the next generation of talented B.C. farmers and ranchers.

We look forward to working with you to continue to support farmers and ranchers in B.C.

Please do not hesitate to contact us if you have questions.

Thank you,


Harry Bains
Minister of Labour


Lana Popham
Minister of Agriculture

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Labour Date: April 30, 2019 Minister Responsible: Harry Bains</p>	<p>ESA amendments 2019</p>
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s.13

KEY FACTS:

On April 29, 2019, the Minister of Labour introduced amendments to the Employment Standards Act. Highlights of the amendments include:

Better child employment protections — proposed amendments will:

- Raise the age that a child may work without an Employment Standards Branch permit from 12 to 16.
- Set age-appropriate restrictions on the type of work employees aged 14 to 18 may perform. Specifically, children under 16 would be prohibited from working in industries or occupations likely to endanger their health, safety, or morals.
- Maintain existing regulations that allow children to work in recorded and live entertainment with parental consent.
- Bring B.C. into alignment with international child employment standards, as well as regulations in all other Canadian jurisdictions for protecting children from dangerous work.

Expanded job-protected leaves — proposed amendments will:

- Create a new unpaid, job-protected leave for workers who have experienced, or are the parent of a child that's experienced, domestic or sexual violence.
- Create a new unpaid, job-protected leave for workers needing to care for a critically ill family member and expand the definition of "immediate family" to include a parent or a child of the worker's spouse
- Align with federal Employment Insurance (EI) benefits introduced in December 2017 to provide financial support to those caring for a critically ill family member.

Stronger wage recovery regulations — proposed amendments will:

- Establish a legal framework for regulating tip pooling and protecting workers' rights with respect to tips and gratuities.
- Prohibit employers from withholding tips or other gratuities from workers, deducting amounts from them, or requiring them to be turned over to the employer.
- Permit tip pooling, but specify that the employer may not share in the tip pool except when the employer performs the same work as workers who share in the pool.
- Extend the recovery period for owed wages from six months to 12 months — with the possibility of extending the period to 24 months under some circumstances.
- Strengthen several other provisions within the Act aimed at ensuring that workers recover as much wages and other amounts owing to them as possible.

Modernized Employment Standards Branch services — proposed amendments will:

- Remove the self-help kit as a prerequisite to filing a complaint with the Employment Standards Branch.

- Require the Director of the Employment Standards Branch to conduct a threshold investigation on intake of any complaint.
- Modernize other areas related to services provided by the Employment Standards Branch.

The amendments are based, in part, on recommendations made in the BC Law Institute's report on reforms to the Act, as well as input from the BC Employment Standards Coalition, the BC Federation of Labour, workers, employers and the public — and are part of a broader plan to modernize the Employment Standards Act, which has not been significantly updated in 15 years.

The Ministry of Labour invited the public to give their feedback on these and other areas of potential reform for a thirty-day period, Feb. 28 – Mar. 31, 2019.

Media Interest: The announcement garnered significant media interest from most major outlets — sustained historical interest from CBC, CKNW, the Lawyers' Daily.

**CONFIDENTIAL
KEY MESSAGES**

**Ministry of Labour
Date: March 5, 2019
Minister Responsible: Harry Bains**

**Employment Standards
Act proposed changes**

s.13

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour
Date: Jan 18, 2019
Minister Responsible: Harry Bains

Employment Standards Branch Transformation

s.13

KEY FACTS:

The Ministry of Labour is moving forward with a plan to transform the way B.C.'s Employment Standards Branch delivers services. This includes improving client interactions with the branch, improving the way employment standards are enforced, and the way complaints are processed and resolved.

First steps in the transformation include transformation readiness projects to pilot new internal processes within the Employment Standards Branch itself and do not include legislative changes. This includes:

- A multi-lingual information phone service that is being piloted from Jan. to Mar. 2019. This will provide access to employment standards information in over 100 languages, increasing access to information and services for people who speak a language other than English.
- Updating the website and creating new tools, forms and educational materials in multiple languages for workers and employers.
- Creating a new online licensing and registration system to support implementation of the new Temporary Foreign Worker Protection Act;
- Service delivery research to identify the needs of clients, stakeholders and staff.

s.13; s.17

s.13

The Minister has articulated a vision for an effective, modernized and accessible system where employers and workers have a strong awareness and understanding of the Employment Standards system and B.C.'s standards are evenly, meaningfully and proactively enforced.

The BC Law Institute's recommendations are generally in agreement with these changes. The Institute's final report was released in Dec. 2018.

Media Interest: There has been media coverage of changes to B.C.'s overall employment standards system, including Business in Vancouver.

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Labour Date: Jan. 23, 2019 Minister Responsible: Harry Bains</p>	<p>BC Law Institute Final Report</p>
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s.13

KEY FACTS:

On Dec. 10, 2018, the BC Law Institute published its final report on reforms of B.C.'s Employment Standards Act. The report has 71 recommendations and is the result of a four year project, since 2014, with support from labour, business organizations and the Law Foundation of BC.

The Ministry of Labour participated as an ex officio member in the BCLI's review and also contributed funding in the amount of \$30,000 over two years.

The project committee included representation for both workers and employers. Most of the recommendations put forward are unanimous amongst the project committee members, but not every recommendation. For some issues, the members are split between several possible recommendations.

The Ministry has also received input on potential amendments to the Employment Standards Act from other interested stakeholders including the BC Employment Standards Coalition and the BC Federation of Labour.

Based on input from all parties, as well as employment standards in place in other jurisdictions, the Ministry of Labour is looking to put forward select priority amendments to the Act in spring 2019.

BCLI's recommendations include:

Hours of work

- Allow other standard patterns of working hours outside of the current 8-hour day, 40-hour week standard.
- Allow employees to decline overtime work under certain circumstances.
- Allow employers and employees to make flexible work arrangements that allow an employee to work additional time to make up for time taken off (flex time).
- Require employers to give at least 24-hour's notice of a change to an employee's work schedule and allow employees to refuse work if proper notice is not given.

Wages and payment

- Include provisions on regulating tips and gratuities similar to what is included in Ontario's Employment Standards Act — i.e. an employer may not withhold tips, deduct amounts from them, or require them to be turned over to the employer, and employers may not share in tip pooling (with some exceptions).
- Require employees to work 16 of the 60 days (currently the Act requires 15 of the 30 days) preceding a statutory holiday in order to be paid for the holiday — the 16 days must include the day before and after the holiday.
- Require employees to work on their last scheduled working day before the statutory holiday in question, and first scheduled working day afterward, in order to be paid for the holiday.

Special leaves

- Align B.C.'s compassionate care leave entitlement with federal Employment Insurance benefits (already completed).
- Combining sick leave and family responsibility leave. Replace the current provision that allows up to five days of unpaid leave per year to care for a child or member of an employee's immediate family with a provision that allows seven days of unpaid leave per year to care for family or for an employee's own illness. B.C. and Nunavut are the only jurisdictions in Canada without a legislative requirement that an employee be given time off when sick.
- A dialogue involving health professionals, employers' organizations and labour organizations should take place regarding the need for medical certificates ("sick notes") to justify absence of work due to illness.
- Do not introduce new leave entitlements for categories that would not impact a broad cross-section of the population — such as leave for organ donation, domestic violence or citizenship ceremonies.

Vulnerable employees

- Prohibit the employment of children aged 15 and under in industries that are likely to endanger their health, safety or morals.
- Remove the requirement for an employee defined as a "domestic" to live at the employer's residence.
- Review the exclusions of farm workers from Parts 4 and 5 of the ESA (Hours of work and Overtime and Statutory Holidays) as part of a larger review of all exclusions.

Complaint process

- Mandatory use of the self-help kit should be discontinued.
- Require the Director of the Employment Standards Branch to perform a threshold investigation of every complaint, clarifying the section of the ESA that states the Director may refuse to investigate on a number of grounds.

Media Interest: There has been some media interest in the BC Law Institute's review, most recent inquiry was from the CBC, Canadian Payroll Reporter.

KEY MESSAGES: Child Labour Laws
Ministry of Labour – Feb. 11, 2019

s.13

BC Liberal MLA Worries Child Labour Laws Will Make it Impossible for Kids to Buy New Bicycles

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May 7, 2019 [SHARE](#) [TWEET](#)

BC Liberal MLA John Martin worries proposed labour regulations aimed at protecting children from workplace injury and exploitation will make it impossible for 13-year-olds to save up for new bicycles.

Responding to the BC government's proposed [reforms](#) to the province's labour code and Employment Standards Act, which include new permit regulations for employers hiring child workers under the age of 14, Martin [tweeted](#):

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However, CCPA economist David Fairey pointed out that when Martin, who was [born in 1959](#), was 13-years-old, regulations around child labour were likely stricter than the reforms proposed last week by the BC government.

As *PressProgress* previously reported, between 2007 and 2017, WorkSafe BC paid out a total of \$5.2 million to injured child workers under the age of 15 thanks to lax labour laws introduced by the old BC Liberal government in 2003.

Legal scholar Joel Bakan described BC's child labour laws as "the most astonishingly neglectful" in North America.

The BC government's proposed changes include raising the minimum age a child can work in regular employment from 12 to 16, and restricting the dangerous work 16 to 18 year olds can perform. 14 and 15 year olds will be allowed to undertake non-hazardous light work, such as delivering newspapers, stocking shelves and working on family farms.

First Call BC communications and development co-ordinator Helesia Luke explained that the new proposals still allow employers to apply for permits to hire children under the age of 14, provided the employer complies with legal standards.

She did, however, note it may restrict the use of child labour in cases where it does violate those standards

Luke also said many agricultural child labourers today are not just working summer jobs to save money for new bicycles, but are being exploited and injured on a long-term basis.

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Canadian Coalition for the Rights of Children chair Kathy Vandergrift told *PressProgress*, under the old rules,

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Garnier, Jack LBR:EX

From: Cheevers, Michael LBR:EX
Sent: May 13, 2019 12:25 PM
To: Garnier, Jack LBR:EX
Subject: Fwd: KM - Employment Standards Branch cases - May 13 2019
Attachments: KM - Employment Standards Branch cases - May 13 2019.docx; ATT00001.htm

Pls include this email with the note

Michael Cheevers
Ministerial Assistant to the Hon. Harry Bains
Minister of Labour

Begin forwarded message:

From: "McCaffrey, Julianne GCPE:EX" <Julianne.McCaffrey@gov.bc.ca>
Date: May 13, 2019 at 11:39:21 AM PDT
To: "Cooling, Karen LBR:EX" <Karen.Cooling@gov.bc.ca>, "Cheevers, Michael LBR:EX" <Michael.Cheevers@gov.bc.ca>
Cc: "Talbot, Sarena GCPE:EX" <Sarena.Talbot@gov.bc.ca>, "Wey, Melody GCPE:EX" <Melody.Wey@gov.bc.ca>
Subject: KM - Employment Standards Branch cases - May 13 2019

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<p>CONFIDENTIAL KEY MESSAGES</p> <p>Ministry of Labour Date: May 13, 2019 Minister Responsible: Harry Bains</p>	<p>Employment Standards Branch cases</p>
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Media Interest: Media has followed each of these stories, and often request copies of complaints made to the Branch. Complaint forms are only provided to third parties under FOI request and redacted to ensure they contain no personal information. Alternatively, the Branch may give the complaint form to the complainant to disclose to media themselves.

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour
Date: March 27, 2019
Minister Responsible: Harry Bains

Cinesite complaint – overtime pay in hi-tech sector

s.13

KEY FACTS:

Part 7 of the Employment Standards Regulation refers to exclusions to the ESA for high technology companies.

The section defines “high technology professional” and “high technology company” and provides that the hours of work and overtime and statutory holiday parts of the Act do not apply to high technology professionals. Other provisions, such as minimum wage, vacation pay and entitlements on termination, continue to apply to high technology professionals.

This section came into force in early 1999. It is intended to apply to employees who possess a high degree of knowledge and understanding of specialized technology or scientific fields. The expectation was that these professionals would be in high demand in the high-tech sector and would be paid well for their efforts.

In August 2016 a complaint was filed with the ESB, by Unifor Local 2000, on behalf of animators who worked for an animation studio – Nitrogen Studios in Vancouver – calling for overtime pay for the long hours of work the employees did on a film.

The company, now owned by Cinesite, cited the section of the ESR as the reason they did not have to pay their employees overtime. ESB’s investigation concluded that that section did not apply to the work the animators were doing, because they were not designing software or other high-tech products – they were working with existing products.

The company has been ordered to pay the overtime owed to the employees, and a \$500 fine. The company has indicated it will comply with the ruling.

Media Interest: Major media coverage of the results of the ESB decision



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Provincial Political Contributions Search Results

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Contributor Name	Date From	Date To	Contributor Class	Filer Name	Filer Type	Affiliation	Electoral District	Event Name
istuary			(ALL)	(ALL)	(ALL)	(ALL)	(ALL)	(ALL)

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Search Results

Total For This Search: \$1,756.00

Records 1-3 of 3

Contributor Name	Date	Amount	Class	Principal Officer 1	Principal Officer 2	Filer Name	Filer Type	Affiliation	Contribution Type	Event Date	Electoral District	ED Boundary Established
ISTUARY INNOVATION LABS INC	2015/11/30	\$388.00	2	YI AN SUN		BC LIBERAL PARTY	POLITICAL PARTY	BC LIBERAL PARTY				
ISTUARY INNOVATION LABS INC	2015/11/30	\$388.00	2	YI AN SUN		BC LIBERAL PARTY	POLITICAL PARTY	BC LIBERAL PARTY				
ISTUARY INNOVATION LABS INC	2017/05/05	\$980.00	2	YI AN SUN		BC LIBERAL PARTY	POLITICAL PARTY	BC LIBERAL PARTY				

New BC Liberal leader linked to corruption in China

February 4, 2018 [Politics](#) [7 Comments](#)



By ThinkPol Staff

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[Cover photo: Andrew Wilkinson with Istuary CEO Ethan Sun, who's facing legal action for allegedly running a Ponzi scheme. Credit: Province of British Columbia]



Greetings from Minister Andrew Wilkinson

It is a pleasure to acknowledge Istuary Innovation Group as a creator of business and job opportunities for British Columbians, particularly those in the high-tech industry.

Career opportunities in the technology sector are growing in British Columbia. More than 9,000 technology companies provide 84,000 jobs. The sector contributes more than \$23.2 billion in annual revenue. B.C. expects more than one million job openings by 2022, and careers in technology are among the top 60 occupations in the British Columbia 2022 Labour Market Outlook.

Our government is helping British Columbians get the skills they need for these in-demand occupations through B.C.'s Skills for Jobs Blueprint. More than 78% of the expected job openings will require post-secondary education, and B.C.'s Skills for Jobs Blueprint aligns funding to support programs that help students graduate job-ready.

I would also like to recognize the work of Istuary Innovation Group for helping with the exchange of British Columbian technological resources with Asia. I travelled to China earlier this year as part of a B.C. international trade mission to strengthen relationships and joint research, and to encourage the two-way flow of students and faculty between our province and China. International trade and investment in technology are important to the BC Jobs Plan, and our government is helping British Columbians get the skills necessary to contribute to a diverse, strong and growing economy.

I congratulate Istuary Innovation Group on the work you are doing in incubating tech companies, and supporting entrepreneurs, and I wish you every success with your event.

Honourable Andrew Wilkinson
Minister of Advanced Education

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ISSUES NOTE

Ministry of Labour

Date: April 24, 2018

Minister Responsible: Hon. Harry Bains

Istuary Innovation - Unpaid Employees

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The Employment Standards Branch doesn't make its decisions public. The Branch delivers decisions on investigations and the complaints in accordance with the Employment Standards Act.

Istuary Innovation was a Canadian technology company, specializing in software development and using local technology in global markets. The company was founded in 2012 and was located in downtown Vancouver with around 300 employees. Starting as a start-up incubator, the company grew to having operations in three countries, 30 cities and employing over 1,500 employees worldwide (according to company profile).

It's little surprise that the investors fell for Sun's scheme as Istuary Group seems to have had the full blessing of politicians at all levels and all stripes.

Canadian Minister of Citizenship and Immigration designated Istuary Idea Labs Inc, part of the Istuary Group, as a designated incubator for the startup visa program on August 19, 2017, even while litigation against the company was pending^[7]<http://www.gazette.gc.ca/rp-pr/p1/2017/2017-08-19/html/notice-avis-eng.php>.

Former Premier Christy Clark personally thanked CEO Ethan Sun in a hand-written note for the support he gave her during a trade mission to China.

"It's great to watch your company grow and thrive," Clark wrote.



THE HONOURABLE CHRISTY CLARK
PREMIER OF BRITISH COLUMBIA

Nov. 7, 2015

Dear Ethan,

I was delighted to be a part of
your many MOU signings in China
and am grateful for your generous
support of our mission. It's great to
watch your company grow and thrive!

Christy Clark.

The company also joined BC's former trade minister Minister Teresa Wat's trade junket to China at the taxpayers expense^[8]https://archive.news.gov.bc.ca/releases/news_releases_2013-2017/2015MIT0013-000363.htm.

Istuary also seems to have had the support of HQ Vancouver President, Yuen Pau Woo, who was appointed as a senator by Prime Minister Justin Trudeau last year^[9]<http://www.hqvancouver.ca/istuary-innovation-group-announce-the-opening-of-their-hq-in-vancouver/>.

"We are delighted to support their expansion in Canada and plans for further growth into Asia," Woo said in a 2015 press release. "Istuary's expansion demonstrates why British Columbia is a natural choice for companies looking to benefit from the strong business support ecosystem and our close ties with Asia."

The fallout from the Istuary scandal may soon start hitting Canadian banks who lent money to the company and the CEO, especially the Royal Bank of Canada, which is listed as a mortgage holder of the properties mentioned in the lawsuit.

ThinkPol needs your help. While other media outlets are content reproducing real estate industry press releases, we carry out painstaking analysis of real estate data, spending hours combing through the data. And the data isn't free. Each title search alone costs us \$12.

Please consider chipping in to help ThinkPol.

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Tech investors in US, Canada scammed out of millions as Ponzi operator flees back to China

September 27, 2017 [Front Page](#), [Uncategorized](#) [6 Comments](#)



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By Amy Chen

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: May 8, 2019

Minister Responsible: Harry Bains

Legislative exclusions for athletes

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KEY FACTS:

The Canadian Football League Players' Association (CFLPA), Professional Lacrosse Players' Association (PLPA), Professional Hockey Players' Association (PHPA) and the National Hockey League Players' Association (NHLPA) are raising concerns about the exclusion of professional athletes from coverage under provincial workers' compensation systems. They say that professional athletes should have the same rights and protections as other employees in B.C. The associations calling for changes represent nearly 3,500 players. Western Hockey League (WHL) players have also raised concerns.

On May 7, 2019, it was announced that the CFLPA and the United Steelworkers of Canada have signed a "strategic alliance" agreement. This is not a merger; both organizations retain independence. A news release states that the relationship "will benefit from a forum to exchange ideas, define areas of mutual interest, and develop cooperative strategies and mechanisms for the sharing of resources in the pursuit of common aims." In a demonstration of solidarity, USW National Director of Canada, Ken Neumann joined the CFLPA Bargaining Committee during the most recent round of collective negotiations in Toronto (May 6-8).

On Oct. 29, 2018, Premier Horgan and Minister Bains met with representatives from the football, lacrosse and hockey associations to discuss their concerns. In a press release following the meeting, the CFLPA requested support to address the following:

- The exclusion of professional athletes unfairly restricts those athletes from the standard protections available in every workplace and allows the employers of these players to sidestep their full responsibility for the care and safety of their employees.
- Failing to address gaps in coverage, the group believes that the province's public healthcare system becomes the default source of care for many injured players.

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.

The CFL

The CFLPA is calling on government to ensure players get support to heal from injuries beyond support provided by the league (which, according to the CFLPA, usually ends after a year).

Currently, a long-standing WorkSafeBC order exempts professional athletes from workers' compensation coverage. Players and teams are expected to manage these issues independently. The CFLPA has submitted a request to Minister Bains to extend workers' compensation coverage to professional athletes.

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. At this time, it appears the CFLPA has not been in contact with other provinces on this issue.

The WHL

In June 2017, an Alberta judge ruled that a class-action lawsuit against the Western Hockey League could proceed, making it the second such case against a major junior league in Canada. The suit contends that players were paid less than the minimum wage — as little as \$35 per week for between 40 to 65 hours of work — and is asking for back wages, overtime and vacation pay. The suit is ongoing.

As of February 2016, major junior ice hockey players in B.C. are explicitly excluded from the Employment Standards Act, including the right to be paid minimum wage, if the player is entitled to receive a post-secondary scholarship.

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In July 2018, WHL players provided testimony in an Oregon court, claiming they were mistreated and subjected to violence, shelving a bill that would have excluded Oregon players from employment protection, similar to the exclusion in B.C. An independent investigator for the WHL concluded the players' claims are false.

Canadian Hockey League (CHL)

Currently in Ontario, there is an effort by the CHL to keep major junior hockey players under the title of amateur athletes and have them exempted from Ontario's employment standards. There is a lawsuit underway against the CHL by current and many former players for outstanding wages, overtime pay, holiday pay and vacation pay. Most other jurisdictions in which CHL teams play have reviewed this issue and already passed exemptions/clarifications on employment standards, including Quebec, New Brunswick, B.C, Saskatchewan, Nova Scotia, Manitoba and Prince Edward Island, as well as Washington and Michigan.

Media interest: There have been some media enquiries including Radio-Canada, Saskatchewan and Bob Mackin of theBreaker.news. StarMetro covered the strategic alliance between the CFLPA and the USW in May 2019. Previously there were a few media requests in 2016 and early 2017, following up on the ESA exclusion of major junior hockey players. There has been media coverage, including the Canadian Press, of the lawsuit in Ontario.

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CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Jan. 7, 2019

Minister Responsible: Harry Bains

Legislative exclusions for athletes

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KEY FACTS:

The Canadian Football League Players' Association (CFLPA), Professional Lacrosse Players' Association (PLPA), Professional Hockey Players' Association (PHPA) and the National Hockey League Players' Association (NHLPA) are raising concerns about the exclusion of professional athletes from coverage under provincial workers' compensation system. They say that professional athletes should have the same rights and protections other employees in B.C. The associations calling for changes represent nearly 3,500 players. Western Hockey League (WHL) players have also raised concerns.

On Oct. 29, 2018, Premier Horgan and Minister Bains met with representatives from the football, lacrosse and hockey associations to discuss their concerns. In a press release following the meeting, the CFLPA requested support through the following:

- The exclusion of professional athletes unfairly restricts those athletes from the standard protections available in every workplace and allows the employers of these players to sidestep their full responsibility for the care and safety of their employees.
- Failing to address gaps in coverage, the group believes that the province's public healthcare system becomes the default source of care for many injured players.

The CFL

The CFLPA is calling on government to ensure players get support to heal from injuries beyond support provided by the league (which, according to the CFLPA, usually ends after a year).

Currently, a long-standing WorkSafeBC order exempts professional athletes from workers' compensation coverage. Players and teams are expected to manage these issues independently. The CFLPA has submitted a request to Minister Bains to extend workers' compensation coverage to professional athletes.

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. At this time, it appears the CFLPA has not been in contact with other provinces on this issue.

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In June 2017, an Alberta judge ruled that a class-action lawsuit against the Western Hockey League could proceed, making it the second such case against a major junior league in Canada. The suit contends that players were paid less than the minimum wage — as little as \$35 per week for between 40 to 65 hours of work — and is asking for back wages, overtime and vacation pay. The suit is ongoing.

Since February 2016, major junior ice hockey players in B.C. are explicitly excluded from the Employment Standards Act, including the right to be paid minimum wage, if the player is entitled to receive a post-secondary scholarship.

In July 2018, WHL players provided testimony in an Oregon court, claiming they were mistreated and subjected to violence, shelving a bill that would have excluded Oregon players from employment protection, similar to the exclusion in B.C. An independent investigator for the WHL concluded the players' claims are false.

Canadian Hockey League (CHL)

Currently in Ontario, there is an effort by the CHL to keep major junior hockey players under the title of amateur athletes and have them exempted from Ontario's employment standards. There is currently a lawsuit underway against the CHL by current and many former players for outstanding wages, overtime pay, holiday pay and vacation pay. Most other jurisdictions in which CHL teams play have reviewed this issue and already passed exemptions/clarifications on employment standards, including Quebec, New

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Brunswick, B.C, Saskatchewan, Nova Scotia, Manitoba and Prince Edward Island, as well as Washington and Michigan.

Media interest: There have been some media enquiries including Radio-Canada, Saskatchewan and Bob Mackin of theBreaker.news. Previously there were a few media requests in 2016 and early 2017, following up on the ESA exclusion of major junior hockey players. There has been media coverage, including the Canadian Press, of the lawsuit in Ontario.

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**CONFIDENTIAL
ISSUES NOTE**

**Ministry of Labour
Date: Mar. 29, 2019
Minister Responsible: Harry Bains**

Ride-hailing and employment standards

s.13

KEY FACTS:

On Nov. 19, 2018, the Ministry of Transportation and Infrastructure introduced legislation to enable ride-hailing in B.C. Since the introduction, there has been mixed reaction from the media and the public on this topic. Most stakeholders are expressing concern over the timeline for implementation (fall 2019), as well as concerns surrounding boundaries, supply and fares.

The Bill passed, with amendments allowing for the appointment of a Select Standing Committee on Crown Corporations to make recommendations on regulations regarding app-based ride-hailing. This committee was tasked to make recommendations on driver licensing requirements, boundaries, supply, price and fare regimes. The committee's mandate did not cover employment standards for drivers. The committee submitted its report to the legislature on March 26, 2019.

There have been questions raised in the media over whether drivers are considered employees or independent contractors, and what protections there are for drivers. A number of legal actions have been undertaken in other jurisdictions over whether drivers are employees or not, with mixed conclusions.

If drivers are considered employees, the companies would need to pay Canada Pension Plan, employment insurance, and workers' compensation premiums; and provide vacation pay, stat holiday pay, overtime and minimum wages.

In January 2019, Vancouver's city council approved a set of principles to guide city staff on their input to the select standing committee. Included is the principle of "economic viability" directing the city to "advocate for a regulatory regime that provides strong employment standards and the opportunity to make a living wage for ride-hailing drivers, as contractors or employees."

The Employment Standards Branch hasn't investigated whether ride-hailing drivers are employees or independent contractors under the Employment Standards Act, since the service isn't operating in B.C. yet and it is not yet known how the companies will set up the agreements with drivers. However, the Branch issued a decision in March 2018 involving three drivers of a cab company and whether they were employees or independent contractors. In that case, the Branch found that they were employees. That decision was appealed by the cab company, based on the complex corporate structure behind how cabs are operated and owned. The Employment Standards Tribunal ruled against the cab company, but the company has now requested the Tribunal reconsider that decision.

Additional information from a 2017 article in Business in Vancouver:

It's a complex situation that many jurisdictions are trying to tackle, as demonstrated by the class action suit in Ontario where holding an employer accountable is made more difficult because they're located out-of-country (Netherlands), and in situations like we're seeing in the U.S. where drivers are struggling to unionize. A number of similar lawsuits have been launched in other jurisdictions. In the U.K. and California, employment standards decisions found drivers were employees, but these were appealed.

"In Canada, if deemed an employer, they would need to pay Canada Pension Plan, employment insurance and workers' compensation premiums for each of its drivers. The retroactive liability on fees paid to date would be massive. Complying with employment standards legislation would mean Uber would owe minimum wages to drivers plus vacation pay, statutory holiday pay and overtime pay premiums. Collectively, these obligations and associated administrative expense could dramatically undermine Uber's business model and cost advantage over taxis. But when the terms Uber offers to drivers are considered in light of Canadian law, it appears unlikely the drivers will be found to be employees. The legal test for employee status in Canada has a lengthy legal history and depends on weighing a number of factors to reach an overall conclusion." (2017 article in Business in Vancouver)

Media Interest: There has been significant major media interest in ride hailing and when it will be legally coming to B.C.

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<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry: Transportation and Infrastructure Date: March 26, 2019 Minister Responsible: Claire Trevena</p>	<p>Ride-hailing – Select Standing Committee Report</p>
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BACKGROUND:

As part of legislation passed in the fall session, the Legislative Assembly passed a motion to appoint the Select Standing Committee on Crown Corporations to examine, inquire into and make recommendations on regulations regarding transportation network services in British Columbia, specifically, criteria and policies respecting the Passenger Transportation Board's authority to establish boundaries, supply, and the pricing regime for these services.

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The Committee was also to consider and make recommendations for regulations on appropriate class of drivers' licence for drivers of ride-hailing vehicles.

In early 2019 the Select Standing Committee on Crown Corporations held public consultations in Vancouver to hear from stakeholders and the public to make recommendations on regulations regarding transportation network services in British Columbia.

The committee is required to deliver a report by March 26th. The report is non-binding and provides recommendations on the above stated criteria.

Communications Contact: Sonia
Lowe 250-882-6696

Program Area Contact: Steve
Haywood - 604 220-7176

Minister's Office	Program Area	Deputy	Communications
	SH		SL

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**CONFIDENTIAL
ISSUES NOTE**

**Ministry of Labour
Date: April 30, 2019
Minister Responsible: Harry Bains**

**Labour Relations Code
amendments
2019**

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KEY FACTS:

The Minister of Labour will introduce amendments to the Labour Relations Code on April 30. Highlights of the amendments include:

Union certification:

- Increase the ability of the Labour Relations Board to order union certification when an employer is found to have unduly interfered with the certification process.
- Shorten the requirements for the time between a union certification application and an employee vote.

Successorship (contract flipping):

- Extend successorship protection to re-tendering of service contracts in specific areas:
 - Building cleaning/janitorial services
 - Security services
 - Bus transportation services
 - Food, housekeeping and security services in the health care sector
 - Care aides in long-term and seniors care
 - Food services at other facilities and institutions **Note: this change goes further than what was recommended in the panel's report.
- Successorship protection was also considered for the forestry sector, however the majority opinion on the panel was to request further study on this and noted that they did not have the benefit of hearing from any forestry stakeholders on the matter. Labour staff will work with FLNRO on a study.

Raids:

- Reduce the divisiveness and disruption to employers, unions and employees by modifying the open periods in which unions can 'raid' each other to provide a more balanced approach and be more consistent with other Canadian jurisdictions.
- Current legislation allows for raids to occur in the 7th or 8th month of each year of the collective agreement.
- The amendments will reduce the period of raids as follows:
 - For collective agreements of three years or less, raids may occur in the 7th or 8th month of the last year of the agreement.
 - For collective agreement of more than three years, raids may occur in the 7th or 8th month of the third year of the agreement, and in each subsequent year.
 - In the construction sector, the limitations will also be modified as above, but restricted to July or August, rather than the 7th or 8th month of the agreement.

Education as an essential service:

- Remove references to educational programs as 'essential services' in recognition of the 2015 Supreme Court of Canada ruling that the right to strike is constitutionally protected; and that essential services are limited to a "clear and imminent threat to the life, personal safety or health of the whole or part of the population."
- The Labour Relations Board will continue to have discretion to determine that some essential education services – such as grade 12 examinations – must not be disrupted.

Media Interest: Major media interest from provincial and local media, usually with a focus on successorship rights (contract-flipping), union certification (secret ballots) and the review of the Code completed by the Section 3 review panel.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry: Labour Date: Jan. 22, 2019 Minister Responsible: Harry Bains	Labour Relations Code review
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KEY FACTS:

On August 31, the Labour Relations Code review panel submitted its report with recommendations to the Ministry. The report was made public on Oct. 25, and the ministry invited feedback on the recommendations from the public, by Nov. 30 – 49 submissions were received. Key stakeholders are also being consulted prior to making final decisions.

The independent panel was established on Feb. 6, 2018 as a committee of special advisors under Section 3 of the Labour Relations Code. The panel was chaired by Michael Fleming, a mediator/arbitrator and former associate chair of the BC Labour Relations Board. Members included two labour and employment lawyers, with Sandra Banister representing union interests, and Barry Dong sitting on behalf of employer interests.

The panel was tasked with undertaking consultations, research and reporting back to the Minister by August 2018, with recommendations on any amendments to the Code that will better support a growing, sustainable economy. The panel also reviewed recent labour law changes in other Canadian jurisdictions to ensure B.C.'s Code is consistent with best practices elsewhere.

From February 19 to April 24, the panel undertook extensive public consultation. Individuals and organizations were invited to present their views by email and in-person. Further dialogue was then gathered through reply submissions, where individuals or organizations could comment on other submissions or provide further feedback.

The panel heard from labour organizations, business, industry stakeholders, individual citizens and legal professionals. In total, 83 presentations were made at ten regional meetings held in 9 locations. 79 submissions, 19 replies (representing 26 organizations) and 93 emails were received. All organization/expert submissions have been posted online; private citizen submissions were not posted unless requested by that person.

The Labour Relations Code establishes the relationships between labour and management – how workers join unions, how employers and unions interact, and how collective bargaining disputes are resolved. The last comprehensive reviews of B.C.'s Labour Relations Code took place in 1992, with a modest review in 2003. The last substantive amendments were made in 2001 and 2002.

The Minister's mandate letter included the following: "Ensure British Columbians have the same rights and protections enjoyed by other Canadians by reviewing the Labour Code to ensure workplaces support a growing, sustainable economy with fair laws for workers and businesses."

The appointment of a *Labour Relations Code* review panel is consistent with and supports the Confidence and Supply Agreement (CASA) between the BC NDP caucus and the BC Green caucus. CASA contains the following commitment: "*Improve fairness for workers, ensure balance in workplaces, and improve measures to protect the safety of workers at work so that everyone goes home safely and that workers and families are protected in cases of death or injury.*"

Report summary and key recommendations:

The report outlines the consultations undertaken; the history of B.C.'s Code since it was enacted in 1973, and its various significant amendments since then; and briefly describes the changing nature of the workplace in terms of demographics, growth of non-standard work, globalization and 'fissuring' of the economy, technological change, growth of the service sector, and union density. It concludes that all these factors highlight the need for reform and ongoing review of the Code.

The report also stresses that political priorities over the past 30 years have seen numerous "pendulum swings" to the Code, which is not consistent with predictability or a fair balance between the needs of employers and rights of workers.

Significant recommendations include the following:

- **Section 3:** A committee of special advisors should be appointed to undertake consultative reviews of the Code periodically, and not less than every five years.
- **Employer communications with employees:** The language of Sections 6 and 8 be amended to be consistent with other jurisdictions and strike a better balance between employer communication and the prevention of undue interference with employee choice.
- **Unfair labour practices:** When an employer engages in unfair practices, such as firings or interference to try to prevent union certification, the Labour Relations Board should have wider discretion to impose certification.
- **Card check vs. secret ballot certification:** B.C. uses a two-step process where workers sign cards supporting a union and, if a threshold is reached, a secret ballot is held. Two members of the Panel recommend the two-part process be retained, while the third member recommends certification by card check alone.
- **Successorship (contract flipping):** While bargaining rights and collective agreement obligations are assumed by a successor employer where a business has been sold or transferred, these obligations do not apply to contracting out or re-tendering of contracts. Over recent years, this has led to negative impacts in some sectors such as health and senior care, building cleaning, security, etc.

The panel recommends that successorship protection be extended to re-tendering of contracts for specific services: building cleaning, security, bus transportation, and the health care sector (food, housekeeping, security, care aides, long-term or seniors' care). Other sectors could be added by regulation. One member of the panel also recommends the successorship protection be extended to the logging sector.

Note: The panel recommends changes to the Code to address these concerns, as well as repealing related sections of two Health statutes, established by the previous government – the *Health and Social Services Delivery Improvement Act* and the *Health Sector Partnerships Agreement Act*. These Acts led to extensive layoffs of health care workers, through contract flipping practices. On Nov. 8, Health Minister Dix introduced a Bill that will repeal both those Acts in their entirety.

- **Essential services – education:** B.C. is the only Canadian jurisdiction that includes education as an essential service. The panel recommends that references in Section 72 – added in 2002 – expressly referring to education as an essential service, be repealed.
- **Dispute resolution/mediation:** Improved dispute resolution and mediation processes to facilitate increased co-operative labour management relations and successful collective agreement negotiations
- **Resources for the Board:** The panel notes that the Board is underfunded and cannot meet its obligations under the Code, citing a 46% reduction in funding between 2004 and 2017, resulting in serious challenges to the Board's efficacy. It recommends increasing the Board's funding, which is under the responsibility of the Attorney General.

Media Interest: There has been ongoing, albeit low-key, media interest in the review since it was announced. It is usually mentioned in articles about B.C.'s economy and concerns raised by the business community.

<p style="text-align: center;">CONFIDENTIAL KEY MESSAGES</p> <p>Ministry of Labour Date: Jan. 23, 2019 Minister Responsible: Harry Bains</p>	<p style="text-align: center;">Certification</p>
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s.13

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CONFIDENTIAL

KEY MESSAGES

Ministry of Labour

Date: Apr. 10, 2019

Minister Responsible: Harry Bains

**Review of Babine and
Lakeland reports**

s.13

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INFORMATION BULLETIN

For Immediate Release
2019LBR0004-000613
April 10, 2019

Ministry of Labour

Province to assess implementation of worker safety recommendations

VICTORIA – Vancouver lawyer Lisa Helps has been contracted by the Province to assess how WorkSafeBC implemented worker safety recommendations following the two sawmill explosions at Babine Forest Products and Lakeland Mills.

Helps will also provide advice on potential legislative changes to improve safety for B.C. workers.

Coroner's inquests were conducted into the deaths of four individuals who died in the Jan. 20, 2012, Babine Forest Products sawmill explosion and the April 24, 2012, Lakeland Mills explosion. Government commissioned two other reports in 2014 — the Dyble Report and Macatee Report. Together, these reports and the 2015 coroner's verdicts that followed included recommendations directed at government and other agencies.

Helps will seek input from relevant stakeholders and staff in WorkSafeBC and the ministries of Attorney General, Public Safety and Solicitor General, and Labour. She will also invite workers affected by the explosions, and their families, to share their perspectives on the issues under review.

A report, including recommendations, will be delivered to the attorney general by mid-July 2019. After review, the attorney general will make public any recommendations related to improving processes or legislation.

Government is stepping up to provide important and overdue answers to the families and victims and to ensure that resources are in place to prevent similar tragedies from happening again.

Contact:

Media Relations
Government Communications and Public
Engagement
Ministry of Labour
778 698-8964

Connect with the Province of B.C. at: news.gov.bc.ca/connect

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry: Labour Date: Jan. 22, 2019 Minister Responsible: Harry Bains	WCA presumption clauses
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Key Facts:

Presumption for mental disorders:

In April 2018, government amended the Workers Compensation Act to add post-traumatic stress disorder and other mental disorders arising from traumatic events caused by work to the list of conditions/diseases associated with certain types of jobs.

A presumption provides that if a worker has been employed in a particular occupation and develops a disease that is recognized as being associated with that occupation, the disease is presumed to have been due to the nature of their employment, unless the contrary is proved. The worker is thus eligible for workers' compensation without requiring specific scientific or medical evidence to establish that their disease arose out of their employment.

Criticisms of the amendments included:

- Lack of retroactivity, particularly for workers recently denied workers' compensation.
- Questions about what is being done to prevent these mental injuries; and lack of access to services (e.g., counselling) in some parts of the province.

The BC Nurses' Union has been vocal in their request to be included in the presumption under the Workers Compensation Act for post-traumatic stress disorder and other mental disorders.

When the legislation was introduced, the BCNU issued a news release expressing disappointment in nurses not being included in the mental health presumption. In May, BCNU hosted a rally with 500 nurses calling for inclusion in the mental health presumption. This rally received major media, and community specific, coverage. In June, the BCNU ran a paid advertising campaign on nursing needs, including highlighting nurses' exposure to traumatic situations and experience with PTSD.

Other labour groups, such as emergency dispatchers, are also lobbying to be included in the mental disorder presumption. Green Leader Andrew Weaver is strongly advocating for these groups and others, including teachers. The legislative amendments were drafted to allow other professions to be added in future, through regulatory amendments.

Cancer presumption for federal firefighters:

The 2018 amendments also extended the cancer presumption for municipal/local government firefighters to federally-employed firefighters, specifically those employed at Department of National Defense (DND) bases. This responded to a request from the federal Minister of Employment, Workforce Development and Labour received in September 2017.

Previously, federal firefighters qualified for the heart disease/injury presumption, but the cancer presumption had been limited to local government firefighters since 2005, due in part to a recognition that local firefighters combat fires in buildings, industrial settings and vehicles, and are potentially exposed to more carcinogens than other firefighters (such as forest fire fighters).

This amendment recognized that DND firefighters are also potentially exposed to carcinogens, and frequently assist municipal firefighters at off-base incidents. The cancer presumptions for

ADVICE TO MINISTER

firefighters were first brought in in 2005. Firefighters covered by the presumption are eligible whether they work fulltime, part-time or as volunteer firefighters.

New concerns regarding forest firefighters and fire investigators:

In August 2018, the BC Government and Service Employees' Union expressed the need to include forest firefighters in the cancer and mental disorder presumptions, and the BC Professional Fire Fighters' Association on the need to include fire investigators in the same presumptions that are available to firefighters.

Currently, the Workers Compensation Act cancer and mental disorder presumptions for firefighters explicitly exclude forest firefighters. The BCGEU wrote to Minister Bains, saying that forest firefighters need inclusion because of their inherent risk due to exposure to smoke and other carcinogens, and to work-related traumas.

The current exclusion of forest firefighters is based on the understanding that they do not face the same cancer risks as urban or municipal firefighters, as they do not contend with fires that have hazardous building materials, chemicals and other toxins released into the air. Other Canadian jurisdictions do not include forest firefighters in their cancer presumptions. The BCGEU argues that unlike a structure fire, forest fire crews out in the bush often must deal with thick smoke for 12 to 14 hours a day. They also argue that forest firefighters are increasingly exposed to toxic chemicals and other burning hazardous materials as the number of urban/wildfire interface fires increases.

The exclusion of fire investigators is based on the WCA requirement that the firefighter be assigned primarily to fire suppression duties. The BC Professional Fire Fighters' Association argues that fire investigators' duties require them to work at the scene of a fire during and after it has been suppressed, exposing them to the same toxins and traumas as a fire fighter.

Media interest: Significant major and regional media coverage of the amendment and of the BCNU's continuing call for inclusion.

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CONFIDENTIAL
ISSUES NOTE

Ministry of Labour
Date Updated: Jan. 28, 2019
Minister Responsible: Harry Bains

**Worker Safety in the
Health Care Sector**

s.13

KEY FACTS:

Violence in the health care sector, and nurse's exposure to traumatic events in the workplace, is a major concern for the ministries of Labour, Health and is an area of focus for WorkSafeBC. For organizations such as the BC Nurses' Union, improving working conditions and protecting nurses against violence is a major area of advocacy. This includes asking for presumptive coverage for nurses' mental health.

Forensic Psychiatric Hospital

Given the complex population at the Forensic Psychiatric Hospital, patient aggression has been an ongoing challenge. There was an increase in staff assaults in 2018, which caused a great deal of concern for management and attracted attention from the unions, WorkSafeBC and the media. On Jan. 21, 2019 WorkSafeBC issued an order and an administrative penalty of \$646,302.88 (the maximum allowed) for incidents that took place in March and May 2018. WorkSafeBC is also working with the hospital on making changes to address staff safety that include an increase in staff, extra training and the presence of security officers 24 hours a day.

Violence in Health Care:

In an average month, 26 nurses report serious assaults to WorkSafeBC and will have to take time off after being attacked.

In 2017, there were 2,200 accepted claims by WorkSafeBC that were due to acts of violence or force; 55 per cent of claims originated from the health care and social services sector.

Health Care Assistants have the highest number of time-loss claims (36%). HCAs, along with Registered Nurses and Licensed Practical Nurses, social workers, home support workers and paramedics, represent 75% of all time-loss claims in the health care and social services subsector. Point-of-care interactions between health care workers and patients/clients pose the greatest risk of injury to health care workers.

Violence towards HCA's is the second most common cause of occupational injury for this group of workers, next to overexertion. Violence towards these workers accounted for 15% of injuries in 2017. The health care and social services subsector represents 11% of the worker population and 18% of all time-loss claims for all of B.C. in 2017.

High Risk Strategy:

In 2017, the Canadian health care and social service sector had an injury rate of 3.6 per 100 workers and a serious injury rate of 0.2 per 100 workers. This compares to a B.C. average injury rate of 2.18, and a serious injury rate of 0.3. To address this, WorkSafeBC developed a Health Care High Risk Strategy, which was renewed in 2018 for a further three-year cycle.

The High Risk Strategy is designed to reduce the health care and social services sector's serious injury rate through implementation of risk-reduction tactics directed towards high risk work activities. The strategy focuses prevention initiatives on identified areas of high risk to apply resources where they will be most effective.

As of the end of September (third quarter), WorkSafeBC prevention officers inspected 155 locations in 2018 and issued 229 orders. In late June, WorkSafeBC imposed an administrative penalty of \$628,034.57 on the Interior Health Authority for failing to ensure the health and safety of its workers, and for failing to conduct an assessment of violence risks to its workers (these were both repeated and high-risk violations).

ADVICE TO MINISTER

Three of the focus areas for the 2018-2020 Health Care High Risk Strategy are:

- Preventing acts of violence toward health care workers
- Prevention of musculoskeletal injuries for the BC Ambulance Service
- Employer Internal Responsibility Systems

Media Interest: Media coverage of attacks at the Forensic Psychiatric Hospital and Nurses' Union president Christine Sorenson called for better security measures.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour
Date Updated: Jan. 28, 2019
Minister Responsible: Harry Bains

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s.13

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ADVICE TO MINISTER

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Surplus

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Surplus

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Surplus

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry: Labour Date: Jan. 24, 2019 Minister Responsible: Harry Bains	WorkSafeBC 2019 premium rates
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s.13

KEY FACTS:

On Oct. 25, 2018, WorkSafeBC's board of directors finalized the premiums for 2019, an average base rate of 1.55% of employers' assessable payroll. This rate is the same as the 2018 average base rate.

Consultations with stakeholders took place between July and September 2018. As well, general information sessions were held in many areas of the province from July 16 to 24.

2018	2019
Premium rate: 1.55	Premium rate: 1.55
Projected Cost rate: 1.67	Projected Cost rate: 1.68
26% of employers had an increase	46% of employers will see an increase
<i>Note: 2017's rate was 1.65%; the drop between 2017 and 2018 accounts for the lower number of employers (26%) who saw an increase in 2018, relative to 2019 (46%)</i>	
Accident Fund at \$6.4B (as at Dec. 31, 2017) *10.5% increase over 2017 *2.9 billion more than required to meet the 130% funding target.	Not available yet
Assets over liabilities: 147% (target is 130%)	Not available yet

Most recent data for claims costs and injury rates:

2017 claims costs: \$1.6B

2017 provincial injury rate: 2.18 per 100 workers (down from 2016: 2.20 per 100 workers)

Rate increases in specific industries:

Industry	2018 Rate	2019 Rate
Ski Hill Operators	5.67	6.30
Convenience Store, Farm Market or Specialty Food Store	1.27	1.40
Gas Utilities	0.88	0.97
Motion Picture, Commercial or Television Production	1.41	1.71
Community Health Support Services	1.49	1.79
Local Government	1.91	2.08

Media interest: Media interest in this issue has been minimal.

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CONFIDENTIAL ISSUES NOTE

Ministry: Labour
Date: Jan. 24, 2019
Minister Responsible: Harry Bains

WorkSafeBC surplus

s.13

Key Facts:

In May 2018, WorkSafeBC released their annual report, which noted a total comprehensive income of \$1.4 billion for 2017. (Previous years: 2016 - \$488M; 2015 - \$995M; 2014 - \$663M)

WorkSafeBC's income was higher than previous years as a result of significantly higher investment income, with the return on portfolio investments at 10.5 percent compared with 5.1 percent in 2016.

As a result, WorkSafeBC currently has a surplus of \$6.4 billion, which represents a funding level of 147% of assets over costs. WorkSafeBC's Board has set a target of no less than 130% of assets over costs, in order to provide long-term stability and avoid volatility during economic downturns.

The higher-than-required investment income continues to allow WorkSafeBC to discount premium rates below the expected cost rate. In 2017, the average base rate for employers was \$1.65, compared to an average cost rate of \$1.75 per \$100 of assessable payroll.

In early August, the Canadian Federation of Independent Business presented WorkSafeBC with 3,800 petitions calling for WorkSafeBC to return a significant portion of the surplus to employers.

However, in 2017, many labour unions were critical of the previous government's plans, if re-elected, to amend the Workers Compensation Act so it would require WorkSafeBC to return funds to employers when it had a surplus of contributions in the accident fund.

Media interest: Some media interest in WorkSafeBC's financials and the CFIB's call, including the Business Examiner. There was significant media coverage of the 2017 plans, with labour leaders, unions, and businesses having mixed opinions.

	Total Cost Base Rate	
<u>2000</u>	2.31	2.31
<u>2001</u>	2.11	2.02
<u>2002</u>	2.22	2.03
<u>2003</u>	2.05	2.05
<u>2004</u>	1.89	2.06
<u>2005</u>	1.78	1.97
<u>2006</u>	1.75	1.90
<u>2007</u>	1.75	1.69
<u>2008</u>	1.75	1.56
<u>2009</u>	1.77	1.56
<u>2010</u>	1.79	1.56
<u>2011</u>	1.75	1.54
<u>2012</u>	1.68	1.54
<u>2013</u>	1.71	1.63
<u>2014</u>	1.80	1.70
<u>2015</u>	1.86	1.70
<u>2016</u>	1.79	1.70
<u>2017</u>	1.75	1.65
<u>2018</u>	1.67	1.55
<u>2019</u>	1.67	1.55

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**CONFIDENTIAL
ISSUES NOTE**

**Ministry of Labour
Date: February 14, 2019
Minister Responsible: Harry Bains**

WorkSafeBC premiums for safe workplaces

s.13

ADVICE TO MINISTER

KEY FACTS:

The Canadian Federation of Independent Business (CFIB) has written to WorkSafe's Board of Directors regarding the way premiums are set for small businesses. Their letter included a letter from s.22 who wrote with concerns about the WSBC premiums she must pay.

s.22 feels that, since hers is a safe workplace, she is having to unfairly subsidize other businesses in her industry/rate class who do not run safe workplaces.

The CFIB also calls on WorkSafeBC to provide yearly rebates to those businesses that exhibit safe practice in the workplace; or lower premiums for those individual businesses the following year.

How rates are set:

Base premium rates are set to cover the costs of each industry, which serves to motivate industries and employers to improve workplace health and safety, and enhance return to work opportunities for injured workers.

Increases and decreases in an industry's base premium rate are driven by injury rates, return-to-work performance and the resulting claims costs.

Employers are grouped into classification units of similar businesses and risk pools with similar costs (approximately 50 separate rate groups), and the costs from those businesses are almost entirely isolated from the costs of other businesses. Individual rates vary from year to year, based on the costs of the businesses involved.

Industries with higher trending claims costs move to higher risk rate groups and pay higher rates. Those with lower trending claims costs move to lower risk rate groups, and pay lower rates..

WorkSafeBC's investment returns are also taken into account, as are the expected costs to uphold our prevention, compensation and service-delivery mandates.

Premium rates are set each year based on actuarial calculations of the premiums required to cover expected future costs of the claims accepted in that year, adjusted for the return of any excess surplus or the collection of any deficits over a reasonable period of time as determined by the WorkSafeBC Board of Directors.

In addition to the establishment of base rates at the classification unit level, an individual employer's claims cost history is also factored into its rates. Employers with a claims cost history which is lower-than-average for their rate group will receive an experience-rating discount, while employers with a higher-than-average claims cost history will receive a surcharge. Employers can drive their rates lower by improving health and safety in their workplaces.

The overall premium rate for an employer in B.C. is comprised of a base premium rate for their classification unit along with either a discount or surcharge based on the employer's individual health and safety performance.

Media Interest: The topic has been covered by media in the past, including Vancouver Sun.

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ADVICE TO MINISTER

<p>CONFIDENTIAL KEY MESSAGES</p> <p>Ministry of Labour Date: Feb. 15, 2019 Minister Responsible: Harry Bains</p>	<p>Progress on health and safety</p>
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s.13

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KEY MESSAGES: Progress on health and safety
Ministry of Labour – Jan. 28, 2019

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour
Date: Feb. 22, 2019
Minister Responsible: Harry Bains

Asbestos Working Group report

s.13

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Withheld pursuant to/removed as

s.13

ADVICE TO MINISTER

KEY FACTS:

On Dec. 19, 2019, the Minister of Labour made public the final draft report from the cross-ministry Asbestos Working Group. Public feedback was sought until Feb. 15, 2019, with over 30 submissions received. With this feedback, the report will be finalized, Cabinet endorsement will be sought and an action plan will be developed.

The report addresses and makes recommendations on five areas of concern:

- Qualifications and competencies of professionals dealing with asbestos
- Regulatory and enforcement gaps
- Costs driving work underground
- Gaps in public knowledge and awareness
- Illegal dumping and limitations in disposal options

Much of the work set out in the recommendations can be done without legislation, but some recommendations may require Cabinet discussion and/or legislation.

In fall 2017, as part of preparing the report, there was a public engagement process to get views on the safe use, handling, abatement and disposal of asbestos, and views on the regulation and enforcement that currently exists. There was a small but detailed amount of input received at that time.

The formation of the Asbestos Working Group was announced March 22, 2017. The group includes representatives from Housing (building code), Environment (waste disposal), Health (public health), WorkSafeBC (worker health and safety), and is chaired by the Ministry of Labour. The 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 B.C. government and its agencies could undertake to further protect people and the environment from the dangers of asbestos."

On Feb. 20, 2019, reported in the Surrey Now Leader, the City of Surrey commented on the working group's report and the recommendation to establish a licensing and certification scheme" for the abatement of asbestos. The city's corporate report recommends that WorkSafeBC, rather than the city itself, should oversee asbestos disposal because it has greater knowledge and experience with handling the material.

WorkSafeBC and asbestos:

WorkSafeBC has many initiatives underway to combat asbestos-related disease, including inspections, a registry, awareness campaigns and a study with the BC Cancer Agency.

In 2018, officers conducted asbestos inspections under two strategies: residential demolition and commercial buildings. Under the residential demolition and renovation initiative, officers conducted 311 initiating inspections and issued 592 orders (of which 302 had a potential for high risk violation) and imposed 25 penalties. In the commercial building initiative, officers conducted 134 initiating inspections and issued 150 orders (of which 80 had a potential for high risk violation) and imposed one penalty. 1,132 additional inspections around the province included a focus on asbestos.

In 2017, WorkSafeBC asbestos team officers conducted 1,172 asbestos-related inspections, resulting in 1,911 orders and 58 penalties. The maximum penalty of \$637,415 was levied twice.

Since 2016, WorkSafeBC has run awareness campaigns for homeowners and contractors on the importance of keeping workers safe from asbestos exposure and the regulatory requirements for contractors to handle and dispose of asbestos. The website thinkasbestos.com offers information to homeowners and others engaged in home renovation/demolition of a pre-1990's home.

WorkSafeBC has established an Asbestos Exposure Registry, which creates a snapshot of the range of potential hazards workers might face. It allows for an early, proactive response to a potential problem. An active campaign is underway to educate the public on asbestos. The latest omnibus research shows that 45% of British Columbians say they recall WorkSafeBC advertising about asbestos, which is up six points since March. Recall that asbestos is often present in homes built before 1990 is up eight points from July, now at 73%. The majority of those with recall say that they would be more likely to think about whether asbestos is present in their home (90%), talk to a contractor (89%), ensure testing is done (89%) and visit the website to learn more (84%). Recall continues to be higher than the average for public organization campaigns over the last three years.

WorkSafeBC has partnered with the BC Cancer Agency on a lung cancer screening study on high-risk workers. The study has given more than 200 workers the opportunity to access early, low-dose CT scanning in an effort to identify possible lung cancer at a very early stage.

Media Interest: Some media coverage including from the Vancouver Sun/Province, Surrey Now Leader, and reporter Alex McKeen with the StarMetro. WorkSafeBC receives the occasional media inquiry as well.

Asbestos disposal

Advice to Minister
KEY MESSAGES: Asbestos disposal
February 25, 2019

s.13

Surrey says WorkSafeBC should be in charge of asbestos abatement

Surrey Now Leader

Wednesday, February 20, 2019

By Staff-1

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ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

**Ministry of Labour
Date: Feb. 15, 2019
Minister Responsible: Harry Bains**

WorkSafeBC penalties

s.13

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Withheld pursuant to/removed as

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ADVICE TO MINISTER

KEY FACTS:

WorkSafeBC issues penalties to companies for workplace violations, and some workplace incidents result in death. Many of these cases receive media coverage. Questions may arise, mostly to WorkSafeBC but Minister could be asked as well, about the size of the penalty in relation to the loss of life.

The amount of a penalty is determined by WorkSafeBC and is based on the size of the employer's payroll, the nature of the violation, and an employer's history of violations. For example, a small employer would be given a relatively smaller penalty than a large employer with a larger payroll.

The intent is to motivate employers to meet health and safety requirements in the workplace.

WorkSafeBC determines the amount of a penalty based on three things: the size of the employer's payroll, the nature of the violation, and an employer's history of violations.

For 2019, the statutory maximum amount permissible under the Workers Compensation Act is \$662,102.49. The statutory maximum amount is adjusted yearly each January (increased for inflation). The 2018 statutory maximum was \$646K. When WorkSafeBC imposes a statutory maximum penalty, it is based on the statutory maximum amount in the year the violation occurred. WorkSafeBC makes penalties public by posting online and publishing in its bi-monthly magazine.

On Jan. 31, 2019, WorkSafeBC imposed an administrative penalty of \$646,302.88 on the Forensic Psychiatric Hospital for several high-risk violations that resulted in injuries to five workers. The employer had failed to ensure the safety of workers through adequate risk assessments, policies and procedures, and training to prevent violent patients from assaulting workers. These were found to be repeat violations — the employer received an administrative penalty for the same violations within the last three years. This is the largest penalty ever issued by WorkSafeBC.

In 2018, WorkSafeBC imposed 367 penalties totaling over \$5.6 million. A statutory maximum penalty of \$628,034.57 was issued to an employer for failing to protect the health and safety of workers, and failing to conduct an assessment of violence risks to workers. These were repeated and high-risk violations.

In 2017, WorkSafeBC imposed 339 penalties totaling \$8 million. There were three statutory maximum penalties imposed on employers in 2017; all due to failure to protect workers from asbestos.

To date, the largest overall financial penalty was in April 2014 to Babine Forest Products with respect to a mill explosion that left two workers dead and 20 injured. Total fine was \$1,011,639.62 which comprised an administrative penalty of \$97,500 plus a claims cost levy of \$914,139.62.

In the past, there has been criticism of the way WorkSafeBC calculated penalty amounts. There has been some arguments that B.C. has the lowest median fines in Canada for violating safety laws involving a workplace fatality. However, WorkSafeBC implemented policy changes in 2016 to the way it calculates penalties. Prior to the changes, the maximum penalty was \$75,000. The changes in 2016 brought a significant increase, maximum is now \$662,102.49.

As well, while B.C.'s workplace safety laws contain provisions for up to a 12-month jail term, only one person has ever served jail time for a workplace violation. Any potential criminal prosecutions are the responsibility of the police or Criminal Justice Branch.

Changes to the calculation used to determine penalty amounts were last made in 2016. Following consultation, WorkSafeBC's board of directors approved amendments to the Occupational Health and Safety Penalty Policies, to be applied to violations occurring on or after March 1, 2016.

The changes reflected recommendations from the 2014 Gordon Macatee report that stated administrative penalties, when necessary, must have a significant deterrent effect to ensure employers are brought into compliance with occupational health and safety requirements.

Media Interest: There is media coverage of penalties issued to specific employers and major media coverage of larger fines or high profile violations/incidents. As well, there's been media coverage critical of penalty amounts for violations involving a workplace death.

Ministry of Labour

Date: March 26, 2019

Western Forest Products: Administrative Penalty

Issue:

A penalty will be issued shortly to Western Forest Products regarding a tragic incident that occurred on April 20, 2017 at its Englewood forestry operation near Woss BC. Three workers died and two more were seriously injured when several rail cars free-rolled down a rail line and struck a maintenance crew of five workers.

WorkSafeBC's investigation into the incident concluded that a faulty coupler failed to engage, causing the release of 11 railcars, which began to roll freely down the grade. A safety mechanism called a derail failed to stop the rail cars before they struck the workers. It was determined that the derail had been inadequately attached to decaying rail ties.

WorkSafeBC's incident investigation report was completed on May 31, 2018. In addition, the RCMP investigated, and the Transportation Safety Board issued its investigation report and recommendations on Dec. 12, 2018.

Western Forest Products was found to have violated the Workers Compensation Act (Section 115(1)(a)(i) – Failing to ensure the health and safety of all its workers.

Western Forest Products subsequently ceased all rail operations at its Englewood forest operation. All logs are now hauled by truck.

The penalty quantum has been calculated at \$29,049.91.

Responses:

- An administrative penalty does not, and cannot, reflect the tragic loss of lives and serious injuries that occurred at the Englewood forestry operation in 2017.
- The primary purpose of administrative penalties is to motivate the employer receiving the penalty, and other employers, to comply with occupational health and safety legislation and regulation, and to keep their workplaces safe.
- WorkSafeBC implemented policy changes in 2016 to the way it calculates penalties. The changes reflect recommendations from a 2014 report by Gordon Macatee.
- WorkSafeBC policy provides that where an employer has more than one fixed location, the determination of the payroll for purposes of calculating a penalty will be based on the payroll at the location where the violation occurred if the violation is specific to that location.
 - The investigation determined that the violation was specific to the Englewood forestry operation. Consequently, the calculation of the penalty to Western Forest Products was based on the payroll at its Englewood location.
- Western Forest Products subsequently ceased all rail operations at its Englewood forest operation. All logs are now hauled by truck.

Advice and Background:

- The amount of a penalty is based on the nature of the violation, a company's history of violations, and the size of the company's payroll. WorkSafeBC policy provides that where an employer has more than one fixed location, the determination of the payroll for the purpose of calculating a penalty will be based on the payroll at the location where the violation occurred, if the violation is specific to that location.
- Penalties can be greater if certain specific factors are present, such as for high-risk or intentional violations, or if the company has received a prior penalty for substantially the same violation in the past three years
 - Once the basic quantum has been calculated, multipliers may be applied depending on the presence of certain factors, including high-risk violations, intentional violations, obstructing an inspection, dissuading the reporting of a claim or safety information, or violating a stop work or stop use order. A penalty is doubled for each prior similar penalty imposed within the previous three years. An additional multiplier can be applied where at least two prior similar penalties have been imposed and the employer's response to previous violations does not exhibit sufficient motivation to remediate the issue.
 - This penalty was calculated based on the Englewood location's payroll of \$2,904,991.49.
 - This penalty was deemed to qualify as "high risk", which functioned to multiply the base amount by two ($\$14,524.96 \times 2 = \$29,049.91$).
- An administrative penalty cannot be imposed if the employer proves it exercised due diligence. Assuming due diligence is not proven by the employer, WorkSafeBC must consider a penalty when there is/are:
 - A high risk violation
 - Repeat violations or failure to comply within a reasonable time
 - An intention to commit the violation
 - A violation of claim suppression, obstruction, or violation of a stop work or stop use order
 - Circumstances warranting penalty consideration
- WorkSafeBC implemented policy changes to the way it calculates penalties in 2016. The changes reflect recommendations from a 2014 report by Gordon Macatee. The changes resulted in the statutory maximum penalty being increased from \$75,000 to \$662,102.49 today (the statutory maximum amount is adjusted annually in January).

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<p>CONFIDENTIAL KEY MESSAGES</p> <p>Ministry of Labour Date: Feb. 22, 2019 Minister Responsible: Harry Bains</p>	<p>Petrie report</p>
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Tab 39

**CONFIDENTIAL
KEY MESSAGES**

**Ministry of Labour
Date: March 27, 2019
Minister Responsible: Harry Bains**

**Bullying, harassment,
and violence in the
workplace**

s.13

ADVICE TO MINISTER

Bus Driver
Health & Safety

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour
Date: Mar. 27, 2019
Minister Responsible: Harry Bains

**Bus driver health and
safety**

s.13

KEY FACTS:

In three separate incidents, on Mar. 21, Mar. 22 and Mar. 24, bus drivers were assaulted in Victoria, Kelowna and West Kelowna respectively.

In Victoria, a driver was taken to the hospital with serious but non-life-threatening injuries after he was assaulted while trying to stop an altercation on his bus between two people. The bus was not involved in an accident.

In Kelowna, a veteran driver is recovering at home after he was verbally and physically assaulted while driving on Rutland Road on Friday night. The bus swerved before damaging the sidewalk as it came to a stop.

In West Kelowna, a driver is also recovering after he was physically assaulted near the Home Depot. The bus was not involved in an accident.

While there were passengers on board all three buses, there are no reports of injuries of passengers at this time.

The Ministry of Transportation and Infrastructure has two projects underway to increase safety for bus drivers and passengers: the installation of CCTV cameras and driver doors.

CCTV

A one-year pilot project began in April 2015 to test video cameras on 75 buses in the Victoria Regional Transit System and 25 buses in the Kamloops Transit System. Video surveillance for public transit is used in many cities such as Vancouver, Toronto and Calgary and is common in the U.S. The presence of video cameras on buses has shown to improve the safety and security of transit customers and employees, as well as assist in the investigation of accidents, claims and on-board incidents. The retrofit program has been complete, and more than 600 buses already have CCTV cameras – 373 medium-duty and heavy-duty buses had them installed as part of a project supported by the Public Transit Infrastructure Fund, and the other 230 buses were new buses delivered with them already installed. The other buses that are being replaced over the next three years will come with CCTV cameras installed.

Driver Door

A driver door is a steel and glass door on the inside of a bus that protects a driver from passengers. The full driver door will improve safety and limit distractions for our drivers, while still allowing interaction with passengers. A proof of concept was tested in Abbotsford, Kelowna and Victoria, with over 90 operators providing feedback on the design. BC Transit is now working to install them on their high capacity, heavy-duty, medium-duty, commuter and coach buses. New buses delivered late this year are expected to have them installed, and approximately 650 buses in BC transit's current fleet will be retrofitted with them over the next three years. We expect to have driver doors across the fleet by 2022.

ADVICE TO MINISTER

WorkSafeBC has also been involved in enhancing health and safety for bus drivers. WorkSafeBC engaged Coast Mountain Bus Company (CMBC), BC Transit, and their respective unions, to pursue opportunities to strengthen occupational health and safety outcomes. This included partnerships around the feasibility of installing Plexiglas barriers in coaches to protect drivers from acts of violence by passengers. On March 30, 2017, CMBC's President and Chief Operating Officer made the announcement that all new CMBC coaches were to be ordered with a safety barrier as standard equipment. A project is also underway to test the feasibility of safety barriers on overhead trolley buses.

Media Interest: Some media coverage of the incidents, including quoting Scott Lovell, president of Amalgamated Transit Union, Local 1722, calling for the faster implementation of barriers to better protect drivers.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Labour
Date: May 16, 2019
Minister Responsible: Harry Bains

Grant's Law

s.13

KEY FACTS:

There are calls by the Retail Action Network (and other groups, including Grant Depatie's mother) to re-instate some of the regulations initially rolled out (two people working after 11 p.m.)

The De Patie family fought to get Grant's Law passed in B.C. in 2007, which requires safety measures for employees working alone. The law made BC the first province in Cda to make drivers pay before they pump gas, and included provisions to add barriers or two workers for those on retail graveyard shifts. Doug De Patie has since lobbied govt's across Cda to pass similar legislation and said Alberta passed a similar law last year, after four or five deaths from gas-and-dash incidents.

The BC Federation of Labour is planning sit-in on May 25 to urge government to "restore Grant's Law" and return to the original law that said people must not work alone during late-shifts — something they have been calling for many years. They are installing a marker on Dewdney Trunk Road to commemorate Grant De Patie's place of death June 1, 2019.

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Media Interest: Media is interested in connection with a robbery at the Howard Johnson in Saanich where a sole hotel clerk was held up by two masked suspects.

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**CONFIDENTIAL
KEY MESSAGES**

**Ministry of Labour
Date: February 26, 2019
Minister Responsible: Harry Bains**

**Worker safety in the
mining sector**

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ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

**Ministry of Labour
Date: Jan. 22, 2019
Minister Responsible: Harry Bains**

Cannabis use in the workplace

s.13

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ADVICE TO MINISTER

KEY FACTS:

On Oct. 17, 2018, cannabis became legal in Canada. Business groups have been vocal in their request for clear rules around cannabis use in the workplace and impairment.

The Ministry of Labour and WorkSafeBC are working with the provincial government's Cannabis Legalization and Regulation Secretariat, which is coordinating the provincial response to cannabis legalization from a broad variety of public-sector stakeholders.

From October 22 to November 25, WorkSafeBC ran a workplace impairment radio campaign in major media, and in several languages including Punjabi, Mandarin and Cantonese. There were two ads – one aimed at employers, the other at workers.

OHS Regulation sections 4.19 and 4.20 are relevant to the discussion on the legalization of marijuana.

4.19 Physical or mental impairment

- (1) A worker with a physical or mental impairment which may affect the worker's ability to safely perform assigned work must inform his or her supervisor or employer of the impairment, and must not knowingly do work where the impairment may create an undue risk to the worker or anyone else.
- (2) A worker must not be assigned to activities where a reported or observed impairment may create an undue risk to the worker or anyone else.

4.20 Impairment by alcohol, drug or other substance

- (1) A person must not enter or remain at any workplace while the person's ability to work is affected by alcohol, a drug or other substance so as to endanger the person or anyone else.
- (2) The employer must not knowingly permit a person to remain at any workplace while the person's ability to work is affected by alcohol, a drug or other substance so as to endanger the person or anyone else.
- (3) A person must not remain at a workplace if the person's behaviour is affected by alcohol, a drug or other substance so as to create an undue risk to workers, except where such a workplace has as one of its purposes the treatment or confinement of such persons.

No cannabis on the job, businesses say - Times Colonist, Oct. 18, 2018, by Andrew A. Duffy

The law may have changed, but for B.C.'s business community the rules remain the same when it comes to cannabis.

While recreational marijuana is now legal in Canada, there's still a zero-tolerance policy in place when it comes to its use or workers being under its influence while on the job.

"Not much changes," said Darin Guenette, B.C. Ferries public affairs manager. "We have a drug and alcohol policy in place for our employees and have had it in place for a while. We updated it only in mentioning cannabis."

The zero-tolerance policy echoes that of many businesses around the province.

"The policy is designed to ensure the safety and security of the public and our employees as you'd expect. A zero-tolerance, alcohol-and drug-free workplace," said Guenette, noting that means B.C. Ferries expects all employees to report and remain fit to work and effectively carry out their duties.

That's a refrain being heard often around the business community, though most businesses aren't going as far as police forces in laying down the guidelines.

Victoria police announced Wednesday that its officers may not use marijuana within 24 hours of a shift, and may not use it at all when on call. The RCMP has indicated its members will not be able to consume marijuana within 28 days of a shift. B.C. Ferries said being fit for duty means not being under the influence or being impaired in any manner by any substance.

Seaspan Shipyards said that holds true at its operations as well.

"Like most employers, Seaspan already has a policy in place that forbids the use of, or impairment due to alcohol, cannabis and other drugs in the workplace," said Nicholas Insley, public affairs manager. "Our main priority is to provide a safe, drug and alcohol-free work environment for all employees." It's also business as usual in the woods.

Babita Khunkhun, director of communications at Western Forest Products, said safety remains top priority for the firm.

"We currently have a zero-tolerance approach to the risk of impairment on the job due to alcohol or drugs. Our existing drug and alcohol policy sets out clear guidelines to ensure people are fit to work whether a substance is illegal or not," she said. "We also provide assistance to those who seek support with drug or alcohol-related problems through our employee and family assistance program and through treatment programs."

David Elstone, executive director of the Truck Loggers Association, said working under the new legislation should be common sense, though he's the first to admit common sense doesn't always enter the picture.

"We have a high-risk industry, but that doesn't mean we can't be a safe industry," he said. "We operate in an environment that is safety sensitive and high-risk, so we would like to think this wouldn't be an issue."

Rory Kulmala, chief executive of the Vancouver Island Construction Association, said they have been talking about the possible impact of the new legislation since it was first announced, and they are working with their member companies to ensure workers know the rules.

"We are actively involved in ensuring that rules and regulations around cannabis use are clear to employers and employees, and align with the Workers Compensation Act," he said. "We have launched our cannabis learning series to help our industry understand the ins and outs of incoming legislation."

The construction association has suggested its member firms use the rules they already have in place for alcohol to guide them.

Industry organizations such as the construction association and the truck loggers as well as companies such as Seaspan have planned or have started education and awareness campaigns within their ranks to educate employees on the use of cannabis.

WorkSafeBC is launching an awareness campaign to educate employers and workers about impairment in the workplace and developing policies to deal with it. The campaign includes online educational materials and radio ads in major markets across the province that will start Oct. 22.

That will be key to navigating a new world where cannabis is legal, said human resources expert Kristi Searle, principal of Vancouver-based Peoplebiz.

Searle said most human resources departments and services firms have been busy for months preparing to deal with the new legal-cannabis environment. "The larger companies, who tend to have human resources and policies in place, are ready, but the challenge is a lot of small businesses like restaurants likely aren't," said Searle, a board member of the Chartered Professionals in Human Resources of B.C.

ADVICE TO MINISTER

"Those [businesses] that don't have HR policies and don't make HR a priority that's where it definitely could be a concern."

Whether prepared or not, the answer is education, she said, favouring townhall discussions and friendly chats to hard-and-fast rules laid out on paper.

"It's about education, it's about making sure policies are up to date and having those conversations about how this will have an impact," she said.

Searle pointed out the West Coast has been home to a cannabis culture for years and tends to be fairly tolerant, so she doesn't expect cannabis legalization will be a big deal for the corporate world to accept.

Media Interest: Over the past year, the BC government, Ministry of Labour and WorkSafeBC have received media enquiries about what is being done to prepare for the legalization of cannabis and for clarification of responsibilities.

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ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour

Date: Feb. 14, 2019

Minister Responsible: Harry Bains

WorkSafeBC Moviemart investigation

s.13

KEY FACTS:

In late January 2019, WorkSafeBC ordered a Kamloops video rental store, Moviemart, to make changes after staff at the store were robbed at knife-point on two separate occasions. The owner of the business, city councilor Denis Walsh, is saying that he feels he is being treated unfairly and that WorkSafeBC needs to improve education of their policies for small businesses.

WorkSafe found eight violations including:

- In a workplace assessed as posing a risk of injury to workers from violence, the employer has failed to establish procedures, policies or work environment arrangements to minimize the risk.
- Not holding monthly health and safety meetings
- Not giving orientation and training to new or young workers that included topics such as working alone and risks of robbery
- Having no first-aid kit on site.

Media Interest: Interest from Kamloops media.

CBYK (CBC Kamloops)
CBC Daybreak Kamloops
08-Feb-2019 07:40
[tone-5x]

Quoted: Shelley Joyce, Denis Walsh

Shelley Joyce: A Kamloops city councillor needs to make some changes at his business following a WorkSafeBC inspection. Movie Mart was among three downtown businesses robbed last month. It was hit twice by a man covering his face while holding a knife.

WorkSafe has cited the business for eight safety violations. Denis Walsh owns the move rental business, and is a Kamloops city councillor. And he joins us in studio this morning. You came in this morning telling me you're irate.

Denis Walsh: I just think there is a serious breach of privacy. I don't have a problem if you ask me about this. But to phone and have WorkSafe go against what I see are their policies, because they sent me an email saying they do not give out information to any persons or organizations on private information, right? For you guys to phone and get that information, I think, is a breach of privacy. But I will take that up with WorkSafeBC. And I am comfortable talking about this.

Joyce: So this is information that you would have hoped to have kept private then?

Walsh: No, if you had asked me, I would have told you.

Joyce: Okay, because there were two robberies at your store. And what happened?

Walsh: What happened with what? The robberies?

Joyce: Yes. What happened? Was anybody hurt? Was anybody shaken up?

Walsh: No, no. They just came in, asked to open the till, and took the money, and they were done. One was in 58 seconds and the other one was 48, nine seconds. So the staff was a little bit shaken up, because it's such a surprise and a shock right?

Joyce: Yes. How many people on duty at that time?

ADVICE TO MINISTER

Walsh: Just one. That's all we ever have.

Joyce: One single employee? And so at what point did WorkSafeBC get involved?

Walsh: A couple of weeks later they showed up. But it was a real. First of all, calling it an investigation rather than an inspection sets a tone that you have done something wrong. And it was very harsh. We get a lot. It's 36 years we have been in business, and I have never seen WorkSafeBC. We get fire inspections constantly. There are bylaws you deal with. There are building inspectors. And they have more people skills lets call it. They don't come in with this harsh attitude with major demands. It was already, at the beginning, I was curious why they were so virulent in their questioning. So it wasn't a comfortable interaction.

Joyce: I see. You have been flagged for eight violations in the inspection report. One of them was because you didn't have a plan in place for employees to follow in the event of a robbery. So.

Walsh: But I did.

Joyce: What was the plan?

Walsh: I didn't have a written plan. Like I see my employees almost every day. So it's not a corporate. WorkSafe is designed for corporations where you don't even know the name of your employees. Like I see my employees almost every day. I tell them how to act. And we had never had a robbery, so that's another thing. But whenever there is a shoplifter or anything they know what to do. We talk about it. But I don't document it, no. So that is the problem. We don't have documentation.

Joyce: So what is the plan in place now for your staff in the event of another robbery?

Walsh: Same as it has always been. They just stand back, let them have the money, and when they leave, push the panic button.

Joyce: And your employees work alone in your store?

Walsh: Yes. They always have. Probably more than half the businesses in town have lone employees. So that's another thing. WorkSafeBC has no educational component, obviously. Because I have been in business 36 years, and I have only been aware of the issue about the overnight you have to have two people after between 11. Because of that mistaken choice that young employee made about jumping on a car that was stealing gas, so everything changed after that.

Joyce: So WorkSafe says that you need to check up on your employees daily, but you weren't doing that.

Walsh: Every couple hours.

Joyce: But you weren't doing that. Is that true?

Walsh: Well no, I was not doing that. I was coming in occasionally. But no, that's ridiculous, as far as I'm concerned. But if that's policy, I will follow it. But that's the first I had heard of it.

Joyce: So does that not make common sense, though? If an employee is working independently that they be checked up on every now and again? Every couple of hours?

Walsh: No.

Joyce: Why?

Walsh: I mean I can do it. But I don't think. What is it? I can phone in there, but right now we have a policy where they text me every two hours now. But we have been in business for 36 years. In the daytime when there are customers coming in constantly, it just seems a bit over the top. I could see if you're in a remote area, isolated I agree, totally. It's a great policy for workers and safety. Now that I know, and now that I'm aware of it, I will follow it.

Joyce: And there were a few other issues flagged, including a lack of a first aid kit, and a ladder that shouldn't be used the way it was. What about those problems, are you dealing with those problems?

Walsh: Those were dealt with the same day, almost. That's just an oversight. The ladder, and everybody should know that too, I guess. You buy ladders, but they have to be the specific ladders that WorkSafeBC with a stamp on it, that it addresses the weightage and everything like that. So this was just a small stepladder that didn't have the sticker on it.

Joyce: Right. It's really clear, like, you have made it really clear that you don't agree with any of these.

Walsh: No, I don't agree with their way of going about it. In a sense of popping in like that as an investigation when they could just come in and be a little bit more congenial, and tell me what. Because I have been in business a long time, and I have never heard of these policies. Am I supposed to go search the WorkSafeBC website, which is really difficult to manage by the way, and look for these things?

Joyce: Let me ask you something. Are you facing a fine?

Walsh: I don't know. Maybe they're going to close me down. I have no idea. They don't say.

Joyce: So you don't know if this has affected your business?

Walsh: There is not a lot of communication. I just have a certain deadline to do these things. So I'm doing them.

Joyce: What happens next, Denis?

Walsh: I will just file these reports, and do what they tell me to do. That's all I'm going to do. It's not that difficult. So I will just do it, right? I have hired Clear Security is going to be putting in magnet doors so that the employees can now buzz people in at night time when it's darker, and they don't feel comfortable. They can lock the door, and then people just buzz when they come to the door. And if they have a mask on, they probably won't let them in. So that should prevent robberies in the nighttime. But I'm not going to do that 24 hours when we're open.

Joyce: The two robberies that happened at your store -- was the person who robbed the store armed?

Walsh: Yes they had a knife, a box cutter. And same with Prestige Alarm Company. They offer that service, I just found out. They will call your employees on your behalf every hour, ever two hours, whatever you need. And it's up to the employees. They tell me what they feel comfortable when I want to check in. So that's how WorkSafe explained it to me. So we will find a policy, and it just is. I'm just a little upset over the fact that I would think almost every company in town is not aware of these rules. I don't know where the educational component is for businesses. Are we supposed to just search the WorkSafeBC site? How so we find out about this stuff?

Joyce: Let's find out. We will get. our listeners own businesses. We'll ask them if they know about the policies, if they think what happened here is fair. And thanks for coming in and talking to us about it. [xrz]

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ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ammonia incidents

Ministry of Labour

Date: May 6, 2019

Minister Responsible: Harry Bains

s.13

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Withheld pursuant to/removed as

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ADVICE TO MINISTER

KEY FACTS:

Since summer 2018, there has been regular ammonia related incidents reported in a range of facilities, including municipal recreational centers, ice arenas and food processing facilities.

In October 2018, WorkSafeBC and Technical Safety BC met with ammonia contractors to discuss the number of recent incidents. Summary of the discussion is that:

- The frequency of ammonia-related incidents is not likely any different from the past.
- What has likely changed is employer awareness on reporting requirements.
- Awareness has been influenced by ammonia inspection initiatives by both WorkSafeBC and Technical Safety BC, which have highlighted immediate-reporting requirements for ammonia releases. These inspections have included every ice rink in B.C. that uses ammonia.
- More attention is being given to possible leaks involving ammonia, improved training & response.
- Media are also likely more aware of ammonia risks than in the past and more likely to cover ammonia-related incidents than in previous years.

In response to the fatal incident in Fernie in 2017, WorkSafeBC developed and completed a three-phase inspection strategy with Technical Safety BC to address ammonia safety. This has included educating employers and contractors through targeted information sessions, outreach to municipal governments, online educational resources and presentations to employer associations.

The three phased initiative has included:

Phase 1: Took place from November 2017 through January 2018, in collaboration with Technical Safety BC. WorkSafeBC officers inspected every ice rink and recreational facility in B.C. that uses ammonia as a refrigerant. A total of 228 arenas in the province were inspected. It was found that 181 of them were using ammonia-based refrigeration systems. As a result of these inspections, WorkSafeBC Officers issued 1,041 orders specifically related to ammonia (Other orders were given that weren't about ammonia, which resulted in a total of 1,108). One stop-use order was issued.

Phase 2: Took place in early 2018 and focused on contractors conducting installations, maintenance and other activities on ammonia systems. Between April and June, WorkSafeBC officers inspected 30 firms to evaluate compliance in two main focus areas: exposure-control plans and emergency response. These inspections were comprehensive reviews covering all aspects of the regulation relating to ammonia handling. As a result of the inspections, 114 total orders were issued.

Phase 3: Began in late 2018 with inspections completed in March 2019. This phase focused on the 24 facilities using ammonia outside of arenas, curling rinks, and recreational facilities, such as fish processors and storage sites. Latest stats are: in total, 21 of the 24 facilities have been inspected, resulting in 272 orders. Several employers have been referred to Technical Safety BC for follow up on potential violations to the CSA B52 standard (mechanical refrigeration code).

Ammonia use:

There's no national standard for how often ammonia refrigeration plants in ice rinks are inspected.

According to Technical Safety BC, of the 50 refrigerant incidents documented between 2007 and 2015, 40 involved systems containing ammonia, and 10 of those incidents resulted in injuries. Canada has approximately 2,500 arenas coast to coast, and the federal Ministry of Natural Resources, says ammonia is used in more than half of them.

Recent incidents:

May 6, 2019 – North Vancouver - ammonia leak on a fishing vessel. Employees were evacuated, but one person was missed and had contact with ammonia. Informed the worker was taken to Lions Gate Hospital. Unconfirmed information is that the injury is not critical. Possibly three other workers feeling ill.

Feb. 27, 2019 – Cranbrook – small ammonia leak at Western Financial Place, ice arena. Facility closed for now, everyone evaluated with no injuries.

Feb. 13, 2019, Nelson – ammonia leak at the Nelson Curling Club shut down the facility, with no injuries. There's unanswered questions around who is responsible for the building and who will pay for the repairs/upgrades.

Jan. 12, 2019, Surrey – ammonia leak at Sunrise Farms, a poultry facility. There were 22 workers evaluated who were inside when the leak occurred. No injuries reported.

Dec. 1, 2018, one of the arenas at Strathcona Gardens in Campbell River was leaking trace amounts of ammonia and shut down for four days until issue was resolved. No health or safety risks reported.

Oct. 30, 2018, J&L Beef plant in Cloverdale, Surrey noticed trace levels of ammonia, the responding contractors came to service the leak and the pipes then released a high amount of ammonia causing evacuation of the plant. No injuries reported.

Oct. 24, 2018, Langley - ammonia leak at a pet food manufacturing plant in Langley. About 50 people were evacuated. Ammonia containment and clearing process may take as long as 40 hours. No injuries.

Oct. 11, 2018, Logan Lake Recreational Centre had an oil leak in its compressor with traces of ammonia. The facility was closed when the alarm went off. There were no evacuations or injuries.

Oct. 9, 2018, Lilydale Food Products poultry facility in Abbotsford had an ammonia leak. Emergency crews responded, employees were evacuated, no injuries reported, no risk to surrounding area.

Sept. 26, 2018, Sunset Arena in Vancouver had a malfunction with its ammonia refrigeration system. A small ammonia leak was detected. The arena is closed until fixed. The refrigeration system is 23 years old and slated for replacement in spring 2019.

Sept. 18, 2018, Poirier Sport and Leisure Complex in Coquitlam received a scare after a Hazmat team responded to an ammonia leak. Visitors were evacuated. The leak was blamed on a mechanical failure.

Sept. 5, 2018, Sungod Recreation Centre in North Delta was shut down overnight due to an ammonia alarm in the facility. No one was harmed.

Late August, Cranbrook arena had an incident with its ice-making equipment, staff discovered that ammonia had mixed in with the brine. There was no release of ammonia into the atmosphere.

Aug. 9, 2018, small ammonia release in Nanaimo. Preliminary reports indicate the release was contained to the mechanical room and the safety systems worked to ventilate the room without incident.

July 4, 2018, an ammonia leak at the Prince Rupert Civic Centre/Municipal Arena in a shipping container adjacent to the arena. Two members of the public were exposed to the gas, but were unharmed.

May 18, 2018, ammonia release at the West End Community Centre in Vancouver. No injuries reported.

Of note: the Strathcona Gardens Recreation Complex in Campbell River is switching its two ice rinks from using ammonia to a carbon dioxide system, making it the first ice rink in B.C. to use this safer system, which is also patented in Canada. The conversion will take place in spring/summer 2019.

Media Interest: Major and regional media coverage of ammonia incidents as they occur. Ministry doesn't receive requests on these individual incidents, however, WorkSafeBC receives queries.

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ammonia incidents

Ministry of Labour

Date: Feb. 27, 2019

Minister Responsible: Harry Bains

s.13

KEY FACTS:

Since summer 2018, there has come to be regular ammonia related incidents occurring around the province and in a range of facilities, including municipal recreational centers, ice arenas and food processing facilities.

In October 2018, WorkSafeBC and Technical Safety BC met with ammonia contractors to discuss the number of recent incidents. Summary of the discussion is that:

- The frequency of ammonia-related incidents is not likely any different from the past.
- What has likely changed is employer awareness on reporting requirements.
- Awareness has been influenced by ammonia inspection initiatives by both WorkSafeBC and Technical Safety BC, which have highlighted immediate-reporting requirements for ammonia releases. These inspections have included every ice rink in B.C. that uses ammonia.
- There is more attention being given to possible leaks involving ammonia and improved training and response.
- Media are also likely more aware of ammonia risks than in the past and more likely to cover ammonia-related incidents than in previous years.

Recent incidents:

Feb. 27, 2019 – Cranbrook – small ammonia leak at Western Financial Place, ice arena. Facility closed for now, everyone evaluated with no injuries.

Feb. 13, 2019, Nelson – ammonia leak at the Nelson Curling Club shut down the facility, with no injuries. There's unanswered questions around who is responsible for the building and who will pay for the repairs/upgrades.

Jan. 12, 2019, Surrey – ammonia leak at Sunrise Farms, a poultry facility. There were 22 workers evaluated who were inside when the leak occurred. No injuries reported.

Dec. 1, 2018, one of the arenas at Strathcona Gardens in Campbell River was leaking trace amounts of ammonia and shut down for four days until issue was resolved. No health or safety risks reported.

Oct. 30, 2018, J&L Beef plant in Cloverdale, Surrey noticed trace levels of ammonia, the responding contractors came to service the leak and the pipes then released a high amount of ammonia causing evacuation of the plant. No injuries reported.

Oct. 24, 2018, Langley - ammonia leak at a pet food manufacturing plant in Langley. About 50 people were evacuated. Ammonia containment and clearing process may take as long as 40 hours. No injuries.

Oct. 11, 2018, Logan Lake Recreational Centre had an oil leak in its compressor with traces of ammonia. The facility was closed when the alarm went off. There were no evacuations or injuries.

Oct. 9, 2018, Lilydale Food Products poultry facility in Abbotsford had an ammonia leak. Emergency crews responded, employees were evacuated, no injuries reported, no risk to surrounding area.

Sept. 26, 2018, Sunset Arena in Vancouver had a malfunction with its ammonia refrigeration system. A small ammonia leak was detected. The arena is closed until fixed. The refrigeration system is 23 years old and slated for replacement in spring 2019.

Sept. 18, 2018, Poirier Sport and Leisure Complex in Coquitlam received a scare after a Hazmat team responded to an ammonia leak. Visitors were evacuated. The leak was blamed on a mechanical failure.

Sept. 5, 2018, Sungod Recreation Centre in North Delta was shut down overnight due to an ammonia alarm in the facility. No one was harmed.

ADVICE TO MINISTER

Late August, Cranbrook arena had an incident with its ice-making equipment, staff discovered that ammonia had mixed in with the brine. There was no release of ammonia into the atmosphere.

Aug. 9, 2018, small ammonia release in Nanaimo. Preliminary reports indicate the release was contained to the mechanical room and the safety systems worked to ventilate the room without incident.

July 4, 2018, an ammonia leak at the Prince Rupert Civic Centre/Municipal Arena in a shipping container adjacent to the arena. Two members of the public were exposed to the gas, but were unharmed.

May 18, 2018, ammonia release at the West End Community Centre in Vancouver. No injuries reported.

Of note: the Strathcona Gardens Recreation Complex in Campbell River is switching its two ice rinks from using ammonia to a carbon dioxide system, making it the first ice rink in B.C. to use this safer system, which is also patented in Canada. The conversion will take place in spring/summer 2019.

In response to the fatal incident in Fernie in 2017, WorkSafeBC developed a three-phase inspection strategy with Technical Safety BC to address ammonia safety. This has included educating employers and contractors through targeted information sessions, outreach to municipal governments, online educational resources and presentations to employer associations.

The three phased initiative has included:

Phase 1: Took place from November 2017 through January 2018, in collaboration with Technical Safety BC. WorkSafeBC officers inspected every ice rink and recreational facility in B.C. that uses ammonia as a refrigerant. A total of 223 arenas in the province were inspected. It was found that 181 of them were using ammonia-based refrigeration systems. As a result of these inspections, WorkSafeBC Officers issued 1,108 orders. One stop-use order was issued.

Phase 2: Took place in early 2018 and focused on contractors conducting installations, maintenance and other activities on ammonia systems. Between April and June, WorkSafeBC officers inspected 30 firms to evaluate compliance in two main focus areas: exposure-control plans and emergency response. These inspections were comprehensive program reviews covering all aspects of the regulation relating to ammonia handling. As a result of the inspections, 102 total orders were issued.

Phase 3: The final phase is underway, with a focus on other industry sectors that use ammonia, such as food processing and industrial chemical manufacturing.

Ammonia use:

There's no national standard for how often ammonia refrigeration plants in ice rinks are inspected.

According to Technical Safety BC, of the 50 refrigerant incidents documented between 2007 and 2015, 40 involved systems containing ammonia, and 10 of those incidents resulted in injuries. Canada has approximately 2,500 arenas coast to coast, and the federal Ministry of Natural Resources, says ammonia is used in more than half of them.

Media Interest: Major and regional media coverage of ammonia incidents as they occur. Ministry doesn't receive requests on these individual incidents, however, WorkSafeBC receives queries.

<p>CONFIDENTIAL KEY MESSAGES</p> <p>Ministry of Labour Date: Feb. 25, 2019 Minister Responsible: Harry Bains</p>	<p>Ammonia leaks (Response to individual incidents)</p>
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WorkSafeBC close to completing ammonia inspections after Fernie arena tragedy

The Free Press

Saturday, March 16, 2019

WorkSafeBC is cracking down on **ammonia**-based fish processing facilities as part of a **safety** initiative prompted by the Fernie arena tragedy.

It has also followed up with ice rinks and contractors who are yet to address concerns raised by the statutory agency.

WorkSafeBC launched a three-phase **ammonia** inspection initiative after three **workers** died in an **ammonia** leak at Fernie Memorial Arena in October 2017.

Ammonia is a toxic chemical most commonly found in refrigerants, cleaning products and fertilizers, and can be fatal in high concentrations.

Working with Technical **Safety BC**, **WorkSafeBC** inspected 228 ice rinks, curling rinks and recreational rinks during phase one.

Of those, 181 used **ammonia**-based refrigeration systems and 1108 orders were issued.

Phase two took place early last year and focused on refrigeration contractors conducting installations, maintenance, and other activities involving **ammonia** systems.

Thirty-two contractors were inspected, resulting in 114 orders.

WorkSafeBC is currently in phase three of the **ammonia** inspection initiative, which targets facilities using **ammonia** outside of the recreation industry with a focus on fish processing sites.

Twenty-one of the 24 facilities have been inspected, resulting in 272 orders.

WorkSafeBC Prevention Field Services manager Budd Phillips said phase three is expected to be completed by the end of the first quarter of 2019.

WorkSafeBC has also followed up with each of the 181 recreational facilities using **ammonia**-based refrigeration systems. Fifty-one of the 1108 orders are still outstanding.

Twenty-nine of the 32 contracting firms have been reinspected, with 22 out of 114 orders still outstanding.

Phillips said the most common orders issued related to exposure control and emergency plans.

"In general for rinks, the orders issued identified opportunities to improve existing exposure control plans and procedures designed to manage **ammonia** risks," he said.

"For contractors, the orders issued reflect mostly enhancements to existing programs including work coordination with site operators."

Phillips emphasized that none of the orders were written for deficiencies that presented high risk violations.

"Officers did not observe any high-risk violations or conditions that were immediately dangerous to life and health," he said.

Since the Fernie arena tragedy, there have been a number of rink delays or closures due to **ammonia safety** concerns, including in Cranbrook, Crowsnest Pass and, more recently, Nelson.

When asked whether **WorkSafeBC** will push for a safer alternative, Phillips replied: "while that is outside our mandate, we know that **ammonia** is inherently hazardous and, as such, it is the responsibility of the employer to ensure that controls are implemented to ensure worker **safety**."

WorkSafeBC has resources available online for employers to reduce the risks of **ammonia** in the workplace, visit **Worksafebc.com**.

Tab 47

Pay Equity

Highlights:

- April 9th is Equal Pay Day, symbolizes how far into the year a woman must work to receive the same pay as men did in the year before.
- Opposition tabled a bill on Pay Equity by enhancing measures under the Human Rights Code and establish independent oversight of wage disparities.
- 80% of worker in the Community Social Services Sector are women

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Key Messages – Cadieux Pay Equity Bill

April 8, 2019

BC Liberal MLA proposed a private members bill on pay equity on March 6, 2019. The bill requires employers of firms with more than 50 employees to report on wages and bonuses and asks government to establish a Registrar of Equal Pay Reporting.

The government is being pressed by media and the Opposition to provide a response to that bill.

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BACKGROUND

PJH Scrum on Cadieux Pay Equity Bill, March 2019:

"I haven't had an opportunity to review the BC Liberal legislation. I would say that they had 16 years to bring in government legislation, led by their party, to make the changes that Ms. Cadieux brought forward. We'll take a look at it. I certainly support equal pay for work of equal value. These are fundamental principles I think everyone in the community can get behind. I don't know whether her legislation will get us there, or if it was just a political stunt. I don't mean to diminish it by saying that. I haven't had a chance to review it. The principles, absolutely support. So do my colleagues."

PJH Scrum on Pay Equity, April 4, 2019:

Reporter: And now for something completely different. Premier, have you or possibly your parliamentary secretary on gender equity looked into the private members bill proposing pay transparency legislation for BC?

Horgan: I can't speak for Mitzi. I'm confident that she would have. She's passionate about these issues, and I appointed her for that very reason. I've not looked into it. It was tabled, I believe, a few weeks ago by a member Cadieux and I'm sure that if there's an opportunity to bring it forward and it will address the issues of pay equity that are so obvious to those who look at the data, then we'll take action. But I think you better put that question to Mitzi. I'm pretty confident she would be looking at it.

Reporter: I did ask her a couple of weeks ago. She didn't respond to that inquiry.

Horgan: Well you might want to ask her again.

Reporter: I'm curious, though. About 70% of Canadians say that they would support this kind of legislation, that it's time to do something. Your government has sort of positioned itself is taking action to support women, to further women's equity, with Dean's... the formation of her office. What would you say to women who are still waiting for a government to take action and make sure that they're getting paid fairly?

Horgan: I would say that equal pay for work of equal value has been campaigned for decades, and progress is being made. I am, I believe, the first premier that's ever been able to say that half of my caucus colleagues are men, and half of my caucus colleagues are women. I have a gender balanced cabinet as well. So these are issues that are brought to my attention all the time, and we will work collectively together, half men and half women, to try and address a challenge that we've inherited that's been in place, and is not just in the public sector, but in the private sector and it's been in place for a long, long time. I don't believe that a piece of legislation will move us in the right direction. I think we would the best course of action would be to see leadership in the private sector to acknowledge that we need to see more women executives, more women board members, and you've got, as we do with a gender balanced caucus and a gender balanced cabinet, when women are 50% of the decision makers, the decisions tend to come out in a very positive way for all people and that's certainly one of Mitzi's mandates, is to ensure that we have a gender lens on all of the things that we do, and we are fortunate to have that balance today. If we had balance on boards of private sector companies, if we had balance on executives of private sector companies, would see much faster action than passing a private members bill here in British Columbia.