

Ministry of Labour
Estimates Debate Binder - 2019/20 Table of Contents

ESTIMATES HIGHLIGHTS	
Budget Qs and As	1
Ministry of Labour 2019/20 Estimates Summary	2
Commitments	
Mandate Letter Accountabilities	3
Mandate Letter - Honourable Harry Bains	4
<i>Tabs Intentionally Blank</i>	5-6

EMPLOYMENT STANDARDS	
Agriculture Sector Compliance	7
Child Employment	8
<i>Employment Standards Act - Exclusions and Alternate Standards</i>	9
Employment Standards Branch Budget, Resources and Service Levels	10
Employment Standards Branch Statistical Summary	11
Family Day	12
International Labour Agreements	13
Major Case Update	14
Minimum Wage and Fair Wages Commission	15
Self Help Kit	16
<i>Temporary Foreign Workers Protection Act</i>	17
Updating Employment Standards	18
Employment Standards Transformation	19
<i>Tabs Intentionally Blank</i>	20-21

Ministry of Labour
Estimates Debate Binder - 2019/20 Table of Contents

LABOUR RELATIONS	
B.C. Labour Relations Board Update	22
Collective Bargaining	23
<i>Labour Relations Code Review</i>	24
<i>Tabs Intentionally Blank</i>	25-26

WORKERS' COMPENSATION	
Asbestos	27
Bullying, Harassment and Mental Disorders	28
Forest Safety Issues Including Resource Roads	29
Lakeland and Babine Sawmill Explosions	30
Mental Disorders, Including Post-Traumatic Stress Disorders and First Responders	31
Occupational Health and Safety Harmonization Under the Council of the Federation	32
Protecting the Lives and Safety of Workers	33
Workers' Compensation Review	34
Extending Coverage to Professional Athletes	35
<i>Tabs Intentionally Blank</i>	36-37

CROSS-PROGRAM	
Improving Labour Laws and Measures	38
Oversight of B.C.'s Labour Tribunals	39
GBA+, Diversity and Inclusiveness	40
10 Draft Principles	41
<i>Tabs Intentionally Blank</i>	42-43

Ministry of Labour
Estimates Debate Binder - 2019/20 Table of Contents

CORPORATE NOTES	
Direct Award Contracts	44
Vendor Complaint Review Process	45
Deputy Minister's Office - Budget	46
Executive Compensation (Agencies, Boards and Commissions)	47
Ministry Fees	48
Minister's Office – Budget	49
Minister's Office – Travel	50
Transfers	51
Ministry Service Plan Qs & As	52
Ministry 2019/20 – 2021/22 Service Plan	53
<i>Tabs Intentionally Blank</i>	<i>54-55</i>

Budget 2019/20 Questions and Answers

Contents

1. What does the Ministry of Labour's budget provide for?	2
2. Why has the Ministry of Labour's budget increased by \$3. 811M in 2019/20?.....	4
3. Budget 2018 included \$1.000 M per year in funding to plan for the implementation of the Temporary Foreign Worker Registry and to plan for the modernization of the Employment Standards Branch. What is the status of these initiatives?.....	6

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

The Ministry of Labour's 2019/20 budget of **\$16.449M** provides for the programs, operations and other activities under the following core businesses: Labour Programs, and Executive and Support Services.

Labour Programs (2019/20 Budget of \$14.910M)

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

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

Labour Policy and Legislation (2019/20 Budget of \$1.868M)

Labour Policy and Legislation provides for the Fair Wages Commission, Labour Policy and Legislation Branch, and the Assistant Deputy Ministers' Office.

The Fair Wages Commission was appointed to make recommendations concerning minimum wage increases and the discrepancy between minimum wages and living wages.

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

The Assistant Deputy Minister's Office provides leadership, strategic guidance and support to all Labour staff and program areas, and direct corporate support to the ADM and other ministry executive offices.

Employment Standards Branch (2019/20 Budget of \$13.041M)

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

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

WorkSafeBC Funded Services (2019/20 Budget of \$0.001M):

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

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

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

The Workers' Advisers Office, Employers' Advisers Office, and Workers' Compensation Appeals Tribunal operate independently from WorkSafeBC.

Costs are fully recovered from the accident fund established pursuant to the Workers Compensation Act.

Executive and Support Services (2019/20 Budget of \$1.539M)

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

Minister's Office (2019/20 Budget of \$0.591M)

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

Corporate Services (2019/20 Budget of \$0.948M)

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

The Management Services Division provides administrative services for the operating programs of the Ministry of Labour, including financial administration and budget coordination, strategic and business planning and reporting, human resources, office management, and accommodation and information systems, some of which are provided by the Ministry of Municipal Affairs and Housing and the Ministry of Jobs, Trade and Technology

2. Why has the Ministry of Labour's budget increased by \$3.811M in 2019/20?

The Ministry of Labour's 2019/20 budget is **\$16.449** million, an increase of **\$3.811** million from the 2018/19 restated estimates budget of **\$12.638** million

The net budget increase of \$3.811 M is due to:

An increase of **\$3.786** million, for the transformation of the Employment Standards Branch (ESB) and for the implementation of the Temporary Foreign Worker Protection Act, which includes the TFW Registry (TFWR).

In the previous budget, the Ministry was provided \$1.000 million in annual funding for planning for these two initiatives. Going forward the Ministry will repurpose this planning funding to supplement the budget for implementing the ESB transformation and the Temporary Foreign Worker Protection Act.

The gross incremental budget in 2019 for the ESB transformation and the TFWPA implementation is therefore \$4.786 million.

An increase of **\$0.275** million in salaries and benefits for BCGEU staff to reflect negotiated increases and employee benefit adjustment.

A decrease of **\$0.250** million for the Fair Wages Commission.

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

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

The Commission is committed to three main tasks:

1. To develop recommendations for a pathway forward to raise the minimum wage to \$15-an-hour and on a process for how the minimum wage should be regularly reviewed and increased once \$15-an-hour is achieved. (Completed)
2. To consider and make recommendations about other wage rates under the Employment Standards Regulation, for agricultural workers, liquor servers, live-in home support workers, resident caretakers, and live-in camp leaders. Much of this work is completed, with important work in progress for agricultural workers and live-in home support workers.
3. To advise the government on ways to begin to address the discrepancy between the minimum wage and a living wage in our province; this work is in progress

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

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

The Commission's final report is expected in the Summer of 2019.

3. Budget 2018 included \$1.000 M per year in funding to plan for the implementation of the Temporary Foreign Worker Registry and to plan for the modernization of the Employment Standards Branch. What is the status of these initiatives?

The Minister of Labour's Mandate Letter directs the following:

- Create a Temporary Foreign Worker registry to help protect vulnerable workers from exploitation and to track the use of temporary workers in our economy.
- Update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.

Over the past year the ministry has made substantive progress in effecting this direction.

- In October, the Temporary Foreign Worker Protection Act was tabled in legislature. The legislation obtained Royal Assent on November 8, 2018 and fulfils the government's promise to create a registry of employers and foreign worker recruiters active in the Temporary Foreign Worker Program in BC.
- The Ministry has directed 2018 planning funding to the development of transformation readiness projects for the Employment Standards Branch, as well as developing and delivering enhanced services from the Branch such as the Multi-Lingual Information Line pilot project.
- Budget 2019 allows for an incremental \$3.786 million in 2018/19 and \$5.000 in each of 2019/20 and 2020/21 for the implementation of the Employment Standards Branch transformation. Combined with the \$1.000 million allocated in Budget 2018, Budget 2019 will provide approximately \$17 Million over 3 years for the modernization of Employment Standards Branch and implementation of the Temporary Foreign Worker Registry.
- Transformative initiatives in 2019 will include:
 - hiring new staff — including additional complaints resolution staff and new proactive enforcement and collections teams;
 - implementing a new Case Management System to improve clients' interactions with the branch and enhance efficient work assignment; to support the new model;
 - Increasing capacity for multi-lingual service delivery and improved accessibility for hearing and vision impaired clients;
 - New programs to better protect foreign workers including the licensing of foreign worker recruiters and the registration of employers seeking to hire TFWs.

Ministry of Labour

2019/20 Estimates Summary

MINISTRY ESTIMATES BUDGET OVERVIEW

2019/20 Estimate Budget: \$16.449M (up 30.2% or \$3.811M from Restated Estimates 2018/19 of \$12.638M)

** Note: \$3.811M Increase due to the following:*

- \$3.786M net increase for the transformation of the Employment Standards Branch (ESB) and for the implementation of the Temporary Foreign Worker Protection Act (TFWPA).

In the previous budget, the Ministry was provided \$1.000M in annual funding for planning for these two initiatives. Going forward the Ministry will repurpose this planning funding to supplement the budget for implementing the ESB transformation and the Temporary Foreign Worker Protection Act.

The gross incremental budget in 2019 for the ESB transformation and the TFWPA implementation is therefore \$4.786M.

- \$275K net salary and benefit increase for BCGEU staff for collective agreement increases.
- \$250K decrease for the Fair Wages Commission (FWC).

CORE BUSINESS SUMMARY

Labour Programs \$14.910M

\$14.849M (\$3.743M increase from Restated 2018/19 Estimates - attributed to a budget lift of \$3.786M for the Employment Standards Branch transformation initiative and establishment of the Temporary Foreign Worker Registry, \$250K decrease due to completion of the work of the Fair Wages Commission and \$268K for BCGEU wage increases and benefits adjustments).

Executive and Support Services \$1.539M

\$1.539M (\$7K from Restated 2018/19 Estimates)

- Minister's Office \$591K (\$2K increase from Restated 2018/19 Estimates)
- Corporate Services \$948K (\$5K increase from Restated 2018/19 Estimates)

CAPITAL BUDGET

- \$3K Office Furniture and Equipment (no change from Estimates 2018/19).
- \$52K Vehicle Capital allows for two replacement vehicles for the Employment Standards Branch in 2019/20.

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Mandate Letter Commitments 2017/18	Status (April 29, 2019)
Minister Harry Bains' Mandate letter	
<p>1. Establish a Fair Wage Commission to support the work of implementing the \$15-per-hour minimum wage by 2021 and to bring forward recommendations to close the gap between the minimum wage and livable wages. The commission will make its first report within 90 days of its first meeting.</p>	<p>COMPLETED:</p> <ul style="list-style-type: none"> • My ministry has received and actioned the FWC's first and second reports. • On Feb. 8th 2018 our government announced four increases to the minimum wage, starting last June, to bring the minimum wage to at least \$15.20 an hour in 2021. The next scheduled increase is June 1st, 2019. • The FWC next developed recommendations for the other specified minimum wage rates under the <i>Employment Standards Regulation</i> – including the minimum wage rate for liquor servers and the minimum piece rates for the hand harvesting of certain crops. • We took steps to implement those recommendations and we are proud to have abolished the discriminatory liquor server wage by 2021. • We increased the piece rates for workers on January 1st 2019. <p>UNDERWAY:</p> <ul style="list-style-type: none"> • I directed further study relating to Agricultural piece rates to inform our work – which was completed by an Agricultural Economist, Karen Taylor and is currently under review. • The FWC is continuing their work to address the discrepancy between the minimum wage and a living wage with a public consultation process that is currently underway. Its third report is expected in July, 2019.

Mandate Letter Commitments 2017/18	Status (April 29, 2019)
<p>2. Create a Temporary Foreign Worker registry to help protect vulnerable workers from exploitation and to track the use of temporary workers in our economy.</p>	<p>COMPLETED:</p> <ul style="list-style-type: none"> • I introduced the <i>Temporary Foreign Worker Protection Act</i> (TFWPA) in October, 2018 and it passed with unanimous support and obtained Royal Assent on November 8, 2018. We are now working on implementation. • The ministry received an additional \$250,000 in Budget 2018 to support planning for the TFW Registry. <p>UNDERWAY:</p> <ul style="list-style-type: none"> • We are developing an online licensing system for foreign worker recruiters as well as a registration system for employers wishing to hire TFWs. • In addition an online, searchable registry of licence holders will be available 24/7 for the public to see who is licensed, and the terms of each licence. • To implement the TFWPA we have developed a new website to provide people with easy access to the registry – we are testing it now. • We are also working to staff and build the new programs associated with implementing the TFWPA.
<p>3. Update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.</p>	<p>COMPLETED:</p> <ul style="list-style-type: none"> • In 2018 we completed compassionate care, deceased or missing child, and pregnancy and parental leave amendments to the <i>Employment Standards Act</i> which included consultation with key employer stakeholders on leave amendments. • The ministry received a budget increase of \$1 million with \$750,000 allocated for operational planning and improvements to Employment Standards Branch. • Following receipt of the final report of the British Columbia Law Institute's (BCLI) independent review of the <i>Employment Standards Act</i> we undertook a consultation process to inform current and future legislative initiatives. <p>UNDERWAY:</p> <ul style="list-style-type: none"> • On April 29th 2019 I Introduced Bill 8, the <i>Employment Standards Amendment Act</i>. This priority package of amendments addresses some overdue improvements to ensure employment standards are applied and enforced. • We are modernizing the Employment Standards system to improve service delivery for all clients and increase proactive enforcement and investigations to ensure that employers have a level playing field and workers can access their statutory entitlements without barriers like the Self Help Kit.

Mandate Letter Commitments 2017/18	Status (April 29, 2019)
<p>4. Review and develop options with WorkSafeBC to increase compliance with employment laws and standards put in place to protect the lives and safety of workers.</p>	<p>COMPLETED:</p> <ul style="list-style-type: none"> • In both 2017 and 2018 I refreshed the leadership of WorkSafeBC with a new Board Chair and other key positions and shared my goal that B.C. will be the safest jurisdiction in Canada. I outlined work that I wanted done to ensure a worker centric system that reflects the realities of today's changing workplaces and treats injured workers with dignity, compassion, and respect. • WorkSafeBC engaged Paul Petrie to complete a comprehensive review of its Rehabilitation and Claims Services policies to identify changes to ensure a worker-centric approach wherever possible; WorkSafeBC is working on implementing the recommendations. • We extended the mental health presumptions under the <i>Workers Compensation Act</i> to First Responders, so these heroic workers who face trauma as part of their work can more easily access the healthcare supports and compensation they need. • On April 16, 2019 we extended the mental health presumptions by Regulation to three occupations: nurses, emergency dispatchers and health care assistants in publicly funded programs. Now these workers don't have to prove that their PTSD or other illness was caused by their work. <p>UNDERWAY:</p> <ul style="list-style-type: none"> • On April 3, 2019 we launched a focussed review of the Workers' Compensation System by Janet Patterson, a lawyer with expertise in the system. Her report is due in September, 2019. • On April 11th, 2019 I introduced Bill 18 to amend the Workers' Compensation Act to extend the mental health presumptions to wild firefighters, fire investigators and firefighters working for Indigenous organizations. • Worker health and safety continue to be a top priority - I will be receiving the final report of the cross-ministry asbestos working group which will contain recommendations to keep workers, the public and the environment safe from exposure to asbestos.

Mandate Letter Commitments 2017/18	Status (April 29, 2019)
<p>5. 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</p>	<p>COMPLETED:</p> <ul style="list-style-type: none"> • In February, 2018 I appointed an independent panel to review the <i>Labour Relations Code</i>. • We received the panel's report in August, 2018 and published it in October, 2018; and we undertook a consultation process to obtain input from stakeholders and the public to inform the legislative development process. <p>UNDERWAY:</p> <ul style="list-style-type: none"> • We developed legislation and on April 30th, 2019 I introduced Bill 30, to amend the <i>Labour Relations Code</i> to reflect the Panel's recommendations along with other stakeholder and public input.
<p>Cross-Ministry Commitments</p> <p>Commitment to true, lasting reconciliation with First Nations in B.C. – adopting and implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Calls to Action of the Truth and Reconciliation Commission. Ministers are responsible for moving forward on the calls to action and reviewing policies, programs and legislation to determine how to bring the principles of declaration into action.</p>	<p>UNDERWAY</p> <ul style="list-style-type: none"> • We are reviewing all proposed legislation and policy changes through the lens of UNDRIP and TRC as well as Gender-Based Analysis Plus (GBA+). • We have processes in place to ensure Indigenous Peoples are engaged and consulted as appropriate with respect to proposed legislative changes that may impact them. • We are committed to legislation and policy that is inclusive of all workers, including Indigenous Peoples. On April 11th, 2019 I introduced Bill 18 to amend the Workers' Compensation Act to extend the mental health presumptions to wild firefighters, fire investigators and firefighters working for Indigenous organizations. • We directed that the Workers' Compensation Review and the Fair Wages Commission consultation processes include Indigenous Peoples in their engagement plans. • The ministry is working to implement the Draft 10 Principles to Guide the Province's Relationship with Indigenous Peoples. • Our program areas at the Workers' Advisers Office and Employers' Advisers Office have specific programming targeted to serving Indigenous Peoples. • The ministry's senior leaders have received educational training to support TRC recommendation #57 (Professional Development and Training for Public Servants).

Mandate Letter Commitments 2017/18	Status (April 29, 2019)
<p>Responsibility for ensuring members of the B.C. green caucus are appropriately consulted on major policy issues, budgets, legislation and other matters as outlined in our agreement.</p>	<p>COMPLETED:</p> <ul style="list-style-type: none"> • We consulted with CASA Secretariat throughout the stages of the Fair Wages Commission: on the Terms of Reference, on the findings of the Commission's First Report and on the recommended path to at least \$15/hour. • We consulted with CASA Secretariat on the Terms of Reference and potential panel members for the Labour Relations Code review. • We also consulted on the modernization of the Employment Standards Branch and the TFWPA. • We consulted with CASA Secretariat on the <i>Employment Standards Amendment Act</i>, the <i>Labour Relations Code Amendment Act</i>, the amendments to the <i>Workers Compensation Act</i> to extend the mental health presumptions to First Responders as well as for the Review of the Workers' Compensation System. • We are committed to ensuring our part to uphold the CASA agreement.



July 18, 2017

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

Dear Minister Bains:

Congratulations on your new appointment as Minister of Labour.

It has never been more important for new leadership that works for ordinary people, not just those at the top.

It is your job to deliver that leadership in your ministry.

Our government made three key commitments to British Columbians.

Our first commitment is to make life more affordable. Too many families were left behind for too long by the previous government. They are counting on you to do your part to make their lives easier.

Our second commitment is to deliver the services that people count on. Together, we can ensure that children get access to the quality public education they need to succeed, that families can get timely medical attention, and that our senior citizens are able to live their final years with dignity.

These and other government services touch the lives of British Columbians every day. It is your job as minister to work within your budget to deliver quality services that are available and effective.

Our third key commitment is to build a strong, sustainable, innovative economy that works for everyone, not just the wealthy and the well-connected. Together, we are going to tackle poverty and inequality, create good-paying jobs in every corner of the province, and ensure people from every background have the opportunity to reach their full potential.

These three commitments along with your specific ministerial objectives should guide your work and shape your priorities from day to day. I expect you to work with the skilled professionals in the public service to deliver on this mandate.

As you are aware, we have set up a *Confidence and Supply Agreement* with the B.C. Green caucus. This

.../2

agreement is critical to the success of our government. Accordingly, the principles of “good faith and no surprises” set out in that document should also guide your work going forward.

As minister, you are responsible for ensuring members of the B.C. Green caucus are appropriately consulted on major policy issues, budgets, legislation and other matters as outlined in our agreement. This consultation should be coordinated through the Confidence and Supply Agreement Secretariat in the Premier’s Office. The secretariat is charged with ensuring that members of the B.C. Green caucus are provided access to key documents and officials as set out in the agreement. This consultation and information sharing will occur in accordance with protocols established jointly by government and the B.C. Green caucus, and in accordance with relevant legislation.

British Columbians expect our government to work together to advance the public good. That means seeking out, fostering, and advancing good ideas regardless of which side of the house they come from.

Our government put forward a progressive vision for a Better B.C. that has won broad support with all members of the legislature. There is consensus on the need to address many pressing issues such as reducing health-care wait times, addressing overcrowded and under-supported classrooms, taking action on climate change, tackling the opioid crisis, and delivering safe, quality, affordable child care for all. As one of my ministers, I expect you to build on and expand that consensus to help us better deliver new leadership for British Columbians.

As part of our commitment to true, lasting reconciliation with First Nations in British Columbia our government will be fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Calls to Action of the Truth and Reconciliation Commission. As minister, you are responsible for moving forward on the calls to action and reviewing policies, programs, and legislation to determine how to bring the principles of the declaration into action in British Columbia.

In your role as Minister of Labour I expect that you will make substantive progress on the following priorities:

- Establish a Fair Wage Commission to support the work of implementing the \$15-per-hour minimum wage by 2021 and to bring forward recommendations to close the gap between the minimum wage and livable wages. The commission will make its first report within 90 days of its first meeting.
- Create a Temporary Foreign Worker registry to help protect vulnerable workers from exploitation and to track the use of temporary workers in our economy.
- Update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.
- Review and develop options with WorkSafe B.C. to increase compliance with employment laws and standards put in place to protect the lives and safety of workers.

.../3

- 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

All members of Cabinet are expected to review, understand and act according to the *Members Conflict of Interest Act* and to conduct themselves with the highest level of integrity. Remember, as a minister of the Crown, the way you conduct yourself will reflect not only on yourself, but on your Cabinet colleagues and our government as a whole.

I look forward to working with you in the coming weeks and months ahead.

It will take dedication, hard work, and a real commitment to working for people to make it happen, but I know you're up to the challenge.

Sincerely,

A handwritten signature in black ink that reads "John Horgan". The signature is written in a cursive, flowing style.

John Horgan
Premier

2019/20 Estimates Note Advice to the Minister

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

Title: Agriculture Sector Compliance

Revised: February 19, 2019

Issue: Protections for farm workers, particularly in the context of the 2007 van accident that killed three workers

Response:

- Government is committed to protecting the health and safety of farm workers and to ensuring that vehicle safety and employment standards are enforced.
- Following the tragic van accident in 2007, the previous government strengthened protections for farm workers, which included amendments to the *Employment Standards Act*.
- As part of my government's commitment to update employment standards and focus on increased compliance to protect the lives and safety of workers, I have been taking steps with WorkSafeBC to make British Columbia the safest jurisdiction in Canada for all workers, including farm workers.
- The Employment Standards Branch also plays an important role in protecting farm workers: it has authority to cancel or suspend a farm labour contractor's licence where the relevant WorkSafeBC or motor vehicle laws have been violated; maintains an agriculture compliance team that conducts site inspections (including worker interviews) and payroll reviews; participates in roadside vehicle inspections; and provides education to employers and workers in the agriculture sector.

Background/Status:

Protections Added Since 2007

- After a van accident in the Fraser Valley in 2007 killed three agricultural farm workers, changes were made to the *Employment Standards Act* (ESA) to better protect farm workers:
 - The ability of farm producers to use unlicensed farm labour contractors was eliminated.
 - Authority was given for a farm labour contractor's licence to be cancelled or suspended where relevant WorkSafeBC or motor vehicle laws are violated. Authority was given to charge farm labour contractors the costs paid by government to provide alternative transportation for stranded workers when an unsafe vehicle is taken out of service during roadside inspections.

2019/20 Estimates Note Advice to the Minister

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

- In 2010, after receiving the recommendations of the Coroner's inquest, government:
 - Established an interagency committee to coordinate enforcement, prevention and education.
 - Amended the *Motor Vehicle Act* to allow swift and strong action against Designated Inspection Facilities that do not perform to standards.
 - Changed the law to require a seatbelt for every passenger transported in a van or other passenger vehicle.
 - Increased random roadside safety checks on vehicles used to transport farm workers.
- The interagency committee includes representatives from:
 - Employment Standards Branch (ESB);
 - WorkSafeBC;
 - Commercial Vehicle Safety and Enforcement (CVSE) (Ministry of Transportation and Infrastructure);
 - Superintendent of Motor Vehicles (Ministry of Public Safety and Solicitor General); and,
 - RCMP¹.
- Statistics summarizing the interagency committee's activities are reported on the website: www.gov.bc.ca/farmworkers (See Appendix 1 for 2018 statistics on interagency committee reporting relating to roadside vehicle checks).
- In 2007, 32 per cent of vehicles failed CVSE inspection; by 2018, that number had fallen to 15 per cent (20 of the 133 inspected vehicles).

Farm Labour Contractors

- The ESA requires farm labour contractors to be licensed by the Director of Employment Standards.
- Applicants must pass a written test on the ESA, and post security for wages equal to 80 hours at minimum wage for each employee. In addition, a WorkSafeBC clearance letter must be provided that shows the employer to be registered and in good standing, and current and valid vehicle inspection certificates must be submitted for any vehicle used to transport workers.

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

2019/20 Estimates Note Advice to the Minister

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

- The licence may be cancelled or suspended should the farm labour contractor be found to be in contravention of the ESA, or certain provisions of occupational health and safety regulations under the *Workers Compensation Act* or provisions of the *Motor Vehicle Act*.
- Farm labour contractors are required to deposit wages directly into the employee's bank account.
- The ESB undertakes a combination of random roadside inspections, unannounced site inspections, worker interviews, payroll reviews and education sessions over the course of the growing and harvest season.

ESB Agriculture Compliance Team, Selected Stats (Calendar Year 2018)

- 234 site visits.
- 29 payroll reviews from site inspections, 17 reviews of vehicle compliance from site inspections, and 76 reviews of vehicle compliance from roadside inspections.
- 35 Determinations issued finding one or more contraventions of the ESA.

Seasonal Agriculture Worker Program (SAWP)

- SAWP is a partnership between the Governments of Canada, Mexico and certain Caribbean countries. There is no direct provincial involvement in negotiating SAWP agreements.
- Under SAWP, B.C. employers may hire temporary foreign workers (TFWs) from participating countries to assist during harvest when there is a shortage of available agriculture workers in the province. Work permits are granted for up to eight months within a 12-month period.
- One of the main differences between SAWP and other TFW programs is the involvement of the countries supplying the workers. The source countries are responsible for recruitment and are also signatories to the workers' employment contracts. Source country consulates within Canada act as contact points and advocates for workers.
- B.C. employers participating in SAWP are required to pay round-trip transportation for workers, and must ensure that they are registered for provincial health insurance as soon as they are eligible.
- Employers must provide SAWP workers with either on-farm or off-site housing (costs may be partially deducted from wages). Employers must provide proof that the housing is inspected annually by the appropriate provincial or municipal body, or by an authorized private inspector with appropriate certifications from the relevant level of government.

2019/20 Estimates Note

Advice to the Minister

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

- The Ministry of Agriculture is government's lead on housing issues and farm workers, and the British Columbia Agricultural Council organizes inspections of TFW housing, using updated industry-developed housing guidelines that exceed federal program requirements in many areas. Health authorities are also involved. The Industrial Camps Regulation, which falls within the purview of the Ministry of Health, prescribes general housing conditions.
- A cross-ministry working group, with representation from Labour, Agriculture, and Health, is currently examining the issue of housing and SAWP workers.
- Workers must be paid in accordance with the SAWP contract. For the 2017 season and up to May 31, 2018, the minimum wage rate for SAWP workers, regardless of country of origin, was at least \$11.35 per hour (higher for some categories of work). As of June 1, 2018 the minimum wage rate for SAWP workers was at least \$12.65 per hour. Workers doing hand-harvesting work on a piece rate basis must be paid at least the equivalent of the SAWP contract hourly wage.
- In order to review program operations and discuss issues, an annual SAWP (Mexico) meeting is organized by the Mexican Consulate. Attendees include the BC Agriculture Council and various federal and provincial agencies.
- ESB provides information at educational seminars organized by the Mexican Consulate for SAWP employers and workers in the Lower Mainland and Interior.
- ESB attends meetings organized by the BC Fruit Growers' Association with the Jamaican Liaison Office and representatives from other Caribbean countries to review program operation and discuss issues.
- ESB also works collaboratively with the Mexican Consulate and Jamaican Liaison Office to proactively address issues and resolve complaints. In addition, senior ministry officials have met on an ad hoc basis with the Mexican Consul General to discuss issues and concerns within the Ministry's mandate.

Comparison with Other Jurisdictions

- Farm workers in B.C. are entitled to minimum employment standards that generally meet or exceed those in other provinces. While they are covered by most sections of the ESA, they are excluded from overtime and statutory holiday entitlements. Those who harvest specified crops by hand may be paid by piece rate, but must be paid at least the minimum regulated piece rate for each crop. Vacation pay is included in the piece rates as set out in the Regulation. Farm workers not paid by piece rate are entitled to vacation pay over and above their wages.
- Other provinces exclude at least some farm workers from significant provisions of their employment standards.

2019/20 Estimates Note Advice to the Minister

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

- In December 2015, Alberta passed legislation amending its occupational health and safety, workers' compensation, employment standards, and labour relations legislation to repeal the previous statutory exclusions for farm and ranch workers and provide them with the same rights and protections as all other workers. Occupational health and safety and workers' compensation provisions for farm and ranch workers came into effect on January 1, 2016. On January 1, 2018, changes came into effect which narrow the exclusions for farm and ranch workers so that only family members are exempt from the *Employment Standards Code*.
- In Saskatchewan, farm workers are generally excluded from employment standards coverage. As such, the Director of Employment Standards cannot enforce employment standards protections for farm workers, but will provide assistance in recovering unpaid wages owed under employment contracts.
- Many of the same exclusions—minimum wage, hours of work and eating periods, overtime pay, vacation with pay and public holidays—apply to farm workers in Ontario, Quebec, and the Maritime provinces.

s.13

Attachment: Appendix 1 – Interagency Committee Reporting 2018 Statistics

Contact:

Bill Boyte	Executive Director	Employment Standards Branch	778-974-2069
John Blakely	Executive Director	Labour Policy and Legislation Branch	778-974-2173

2019/20 Estimates Note Advice to the Minister

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

Appendix 1 – Interagency Committee Reporting 2018 Statistics

Interagency Reporting 2018					
	Jan- Mar	Apr - Jun	July - Sept	Oct - Dec	TOTALS
ROADSIDE INSPECTIONS					
Total # of roadside inspections	2	4	6	0	12
Total # of vehicles inspected	9	30	94	0	133
CVSE					
Vehicles passing inspection by CVSE	8	29	76	0	113
Vehicle not passing inspection	1	1	18	0	20
# of violation tickets issued by CVSE	0	3	7	0	10
Value of tickets issued	\$0	\$473.00	\$ 1,737.00	\$ -	\$ 2,210.00
ESB Compliance Issues (Vehicles)					
FLC's found unlicensed	0	0	0	0	0
Up-to-date vehicle reg # and/or insp. certificate not filed	0	5	2	0	7
Vehicles without safety notice displayed	0	1	1	0	2
Vehicles without wage rate notice and/or FLC licence displayed	0	3	2	0	5
Vehicle removed from service mechanical deficiencies	0	0	0	0	0
Contraventions	0	12	6	0	18
Value of penalties issued	\$0	\$22,000.00	\$ 11,000.00	0	\$33,000.00
WorkSafeBC Compliance Orders					
Total orders issued	6	43	126	0	175
Inadequate first aid supplies/inappropriate fire extinguisher not in good working order	1	7	24	0	32
Vehicle stop use order	1	5	14	0	20
Gross vehicle weight exceeded					
Mechanical deficiencies	3	19	54	0	76
Unsecured tools or equipment	1	4	9	0	14
Pre-trip inspection not done	0	4	13	0	17
No emergency exit or locked or inoperable	0	0	1	0	1
Seat belts missing or unserviceable	0	2	2	0	4
No safe means of entry and exit	0	0	1	0	1
Non-conforming or inadequately secured seats	0	4	1	0	5
Wrong drivers' licence	0	0	2	0	2
No Hi-Vis Vest	0	0	2	0	2
Speeding	0	0	0	0	0
No first aid attendant	0	0	18	0	18
Inspections with no violations	4	9	18	0	31
Inspections with violations	3	21	60	0	84
Total vehicle inspections	7	25	89	0	121
Warning letters issued	0	0	0	0	0
Penalties imposed	0	0	0	0	0
Penalty amounts imposed	0	0	0	0	0
Education Presentations	0	0	0	0	0

2019/20 Estimates Note Advice to the Minister

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

Title: Child Employment

Revised: February 13, 2019

Issue: Child employment and employment standards

Response:

- Government has made commitments to update employment standards, and to develop options to increase compliance with employment laws and standards to protect the lives and safety of workers.
- Government is committed to protecting the health and safety of all workers, including younger workers, and to ensuring that British Columbia fully meets its international labour obligations.
- The BC Law Institute recently completed an independent review of the *Employment Standards Act*, and put forward thoughtful recommendations for consideration, including on British Columbia's child employment provisions.

Background/Status:

- In 2003, the *Employment Standards Act* and Regulation were amended to set standards for workplaces that employ young people under 15 years of age:
 - Children aged 12 to 14 may work with their parent's written consent.
 - Children under 12 require a permit issued by the Director of Employment Standards in order to work.
- The changes were intended to recognize that parents are primarily responsible for their children, and that it is up to them to decide whether it is appropriate for their children to work. They were premised on the view that by requiring parents' explicit written permission, the Employment Standards Branch (ESB) knows they approve of the location of work, the hours of work and the type of work to be performed by their 12 to 14 year old child.
- Employers are legally responsible for proving a child's age and getting the required parental consent or permission in writing before employment starts.
- Employers found to have violated employment standards rules face penalties starting at \$500, and escalating to \$2,500 and \$10,000 for repeat offenses.

2019/20 Estimates Note Advice to the Minister

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

- The ESB continues to monitor child employment. The following statistics for the 2018 calendar year provide an overview:
 - ESB received 13 child employment permit applications in 2018, four of which resulted in a permit being issued.
 - In 2018, there were no contraventions of Section 9 of the *Employment Standards Act* (provisions in respect of hiring children).
 - In 2018, there were no contraventions of the provisions relating to children in the entertainment industry contained within Part 7.1 of the Employment Standards Regulation.

Cross Reference: Employment Standards – International Labour Agreements
Employment Standards – Updating Employment Standards

Contact:

Bill Boyte	Executive Director	Employment Standards Branch	778 974-2069
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2019/20 Estimates Note Advice to the Minister

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

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

Revised: February 19, 2019

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

Response:

- The *Employment Standards Act* contains provisions that allow Cabinet, by regulation, to exclude classes of persons from all or parts of the Act (such as the hours of work and overtime provisions), as well as to set alternate standards as appropriate.
- Full exclusions, partial exclusions and alternate standards seek to accommodate the special requirements of a particular sector.
- Government has made a commitment to review and update employment standards to recognize the changing nature of workplaces.
- The British Columbia Law Institute's recently released report on the *Employment Standards Act* recommended that the existing exclusions from the Act should undergo a systematic review to determine whether they continue to be justified.
- While government's immediate focus is on legislation, a review of exclusions and alternate standards is expected to follow.

Background/Status:

- The *Employment Standards Act* (the Act) sets out the minimum employment standards that apply in most workplaces in British Columbia.
- The Act provides that Cabinet may, by regulation, exclude classes of persons from all or parts of the Act (e.g., hours of work and overtime provisions), as well as set alternate standards as appropriate.
- s.13

2019/20 Estimates Note Advice to the Minister

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

Full exclusions from the Act

- Certain professions where individuals are licensed by statute or who are self-governing by statute, including physicians, chartered professional accountants, professional engineers, architects and lawyers are excluded from the Act in its entirety. Typically, such exclusions are long-standing and are intended to provide flexibility to accommodate the unique characteristics of the professions, as well as to facilitate economic growth and job opportunities.
- Sitters (such as babysitters or senior care sitters), students and other participants in certain work study or workplace training programs, newspaper carriers still in school and players on major junior ice hockey teams entitled to receive scholarships for post-secondary education are also excluded from the Act.
 - The latter exclusion, introduced in 2016, continues to receive attention, primarily from sports-related media, as class action lawsuits against the Western Hockey League and other hockey leagues in Ontario and Quebec are currently before the courts. The claims take the position that players should be classified as employees, not amateur athletes, who should receive minimum employment standards.

Partial exclusions from the Act

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

Alternate Standards from the Act

- s.13
- Like full or partial exclusions, alternate standards seek to accommodate the special requirements of a particular sector.

2019/20 Estimates Note Advice to the Minister

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

• s.13

- Examples of employees subject to alternate employment standards include:
 - Truck drivers are subject to alternate overtime provisions which provide both drivers and the trucking companies with sufficient employment standards flexibility to deliver their loads to their destinations, thereby supporting the retention and development of employment within the sector.
 - In recognition of the additional income earned from tips and gratuities, liquor servers receive an hourly minimum wage \$1.25 less than the general wage (this differential wage rate will be phased out on June 1, 2021, at which time the regular minimum wage will apply to liquor servers).

British Columbia Law Institute Report on the Act

- The British Columbia Law Institute, a not-for-profit law reform agency, has recently concluded an independent review of employment standards. The “Report on the *Employment Standards Act*” (Report), released on December 10, 2018, contains a number of recommendations for reform of the Act.
- The report includes an examination of the current exclusions from the Act’s standards, with the project committee recommending that “*Existing exclusions from the ESA standards should undergo a systematic review by government to determine whether they continuance is justifiable under contemporary circumstances, and principles should be developed to govern future applications for exclusion from a minimum standard to ensure that the interests of both employers and employees are fully taken into account.*”
- While government’s immediate focus is on legislation, a review of exclusions and alternate standards is expected to follow.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Employment Standards Branch Budget, Resources and Service Levels

Revised: February 19, 2019

Issue: The Employment Standards Branch budget and resourcing is often the subject of criticism.

Response:

- My Ministry Mandate Letter requires that I update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced. This will involve a review of the Employment Standard Branch's (ESB) program delivery and service targets and consultation with stakeholders.
- Our government is committed to ensuring that workplaces are safe, healthy and fair so that employers and workers can prosper and contribute to B.C.'s economic growth.
- The ESB budget has been relatively stable over the past few years, totalling between \$7.8-\$7.9 million per year from 2013/14 through 2017/18. In 2018/19 the branch received a budget increase of \$750,000 to engage in planning activities for the modernization of the branch.
- These funds were used to help ready the branch for transformation and to develop modern business tools to assist in the overall modernization of employment standards in B.C.
- It is clear that the dedicated and hardworking staff at the ESB accomplish a significant amount with the resources they receive. Some examples:
 - Resolves more than 5,100 complaints per year, and recovers an average of \$7.27 million per year in wages for workers (5-year averages).
 - Staff answering our 1-800 information line help almost 90,000 callers per year (5-year average).
 - 92 per cent of decisions issued by ESB were upheld on appeal (5-year average).

Background/Status:

- Labour stakeholders claim that Employment Standards Branch (ESB) budget and staff reductions have led to a significant reduction in enforcement of the *Employment Standards Act* and protections for B.C. workers.

2019/20 Estimates Note Advice to the Minister

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

- The ESB has consistently met its service plan targets for complaints closed within 180 days (see table below).
- The ESB has focused on maximizing its existing resources by focusing on internal initiatives including:
 - More efficient staffing processes and extensive training provided in-house.
 - Centralization of some functions to free up resources for complaint resolution.
 - Reviewing, rationalizing and streamlining processes and implementing tools and procedures to increase efficiency and consistency across the branch.
 - Triage system for oldest/most complex files.
- The ESB is also engaged in planning to modernize its operations to meet an enhanced mandate to effectively and evenly enforce employment standards.

ESB Budget and Staff Positions

	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Budget Allocated	\$ 7.8M	\$7.8M	\$7.9M	\$7.9M	\$7.9M	\$8.7M	\$13.0
Staff positions (includes vacancies)	96	96	96	96	96	99	130
Staffing budget (base salaries only)	\$5.8M	\$5.7M	\$5.9M	\$6.0 M	\$6.0M	\$8.0M	\$10.9M

ESB Service Indicators

	2014/15	2015/16	2016/17	2017/18	2018 YTD
Individual complaints closed within 6 months (Service Plan Target is >78%)	81%	86%	89%	96%	92%

Contact:

Bill Boyte Executive Director Employment Standards Branch 778 974-2069

Page 033 of 139

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2019/20 Estimates Note Advice to the Minister

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

Title: Family Day

Revised: February 19, 2019

Issue: Moving the Family Day statutory holiday to the third Monday of February

Response:

- Starting in February 2019, British Columbia's Family Day has been moved to the third week in February so families across the country can celebrate together.
- The Family Day statutory holiday was established in 2013 to give British Columbians a time to rest and spend quality time with their families and friends.
- The government of the day established Family Day on the second Monday of February, even though it was inconsistent with other Canadian provinces and the United States.
- Moving this holiday to the third Monday will mean it is better aligned for businesses and families. It will give families an opportunity to schedule and spend more time with loved ones from other provinces, upholding the intent of the holiday.

Background/Status:

- Family Day was established in British Columbia in 2013 following a consultation process that had recommended the holiday be on either the second or third Monday of February.
- The government of the day decided on the second Monday, even though it was inconsistent with other Canadian provinces and the United States.
- The Surrey Board of Trade has noted that the misalignment of Family Day has caused inconvenience, increased costs, and lost opportunity for businesses of all sizes and in various industries.
- In announcing the change for 2019, Premier Horgan stated that Family Day will now be better aligned for businesses and families.
- The February statutory holiday applies to employees in B.C. within the scheme of the provincial *Employment Standards Act*.

2019/20 Estimates Note Advice to the Minister

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

- It should be noted that some sectors of the B.C. economy do not fall within provincial jurisdiction, and are instead covered by the federal government's labour standards. For example, employees in the following sectors are covered by federal labour standards:
 - Government of Canada
 - Armed Forces
 - Banks (not including Credit Unions)
 - Trucking that goes across B.C.'s border
 - Federal Crown Corporations (such as Canada Post)
 - Airlines and Railways (except BC Rail)
 - Television, Telephone, Radio and Cablevision (such as Telus)
 - Marine Shipping, Longshoring, Grain elevators
- Employees who are covered by the federal government's labour standards are entitled to the federal statutory holidays as provided for in federal legislation or, in unionized workplaces, the statutory holidays as set out in the applicable collective agreement.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: International Labour Agreements

Revised: February 20, 2019

Issue: British Columbia's interest/involvement in international labour agreements – including International Labour Organization conventions, and the North American Free Trade Agreement negotiations

Response:

- As a founding member and member of its governing body, Canada has played an active and constructive role since the formation of the International Labour Organization in 1919.
- B.C. is proud to be a part of this history and will continue to review conventions and to work with other jurisdictions to promote fair and equitable workplaces.
- Questions regarding the recent negotiations leading to the new Canada-United States-Mexico Agreement that will replace the North American Free Trade Agreement, and the role of the province with respect to those negotiations should be referred to my colleague, the Minister of Jobs, Trade and Technology.

Background/Status:

- While foreign affairs fall within the federal jurisdiction, labour and employment matters generally fall within provincial jurisdiction. In practical terms, this has meant that the federal government does not enter into new commitments or agreements on international labour matters unless the provinces and territories have indicated their consent.

International Labour Organization (ILO) Convention concerning Labour Inspection in Industry and Commerce (C81)

- In 2017, the federal government requested that the provinces and territories offer formal support for Canada to ratify C81.
- The key provisions of C81 aim to ensure that states have effective and robust systems in place for the enforcement of labour laws through government inspection of commercial and industrial establishments. This includes maintaining a system of labour inspection that, among other things:
 - serves to enforce labour laws dealing with workplace conditions and worker safety;
 - is controlled by a “central authority”;

2019/20 Estimates Note Advice to the Minister

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

- co-operates with other agencies as appropriate;
- includes adequately trained inspection staff that are public employees with stable income and job security, eligible to everyone; and
- has the powers necessary to adequately carry out its responsibilities.
- Ministry staff have not identified any significant barriers in B.C. to ratification of C81 based on B.C.'s existing system of inspection in the province.
- In February 2018, the Minister of Labour sent a letter to his federal counterpart formally indicating B.C.'s support for Canada to ratify C81.

ILO Convention on Minimum Age (C138)

- For several years the federal government had been seeking formal support from all provinces and territories for Canada to ratify C138. The goal of C138 is to ensure international standards for minimum age of employment, to reduce the harms of child labour.
- In 2015, the federal government notified the provinces that unless a formal objection was raised (as opposed to seeking formal endorsements) the Government of Canada would proceed with ratification of C138.
- B.C., along with the other provinces, did not raise a formal objection to ratification.
- In May 2015, the then federal Minister of Labour, Kellie Leitch, tabled C138 in the House of Commons as the first step toward formal ratification. The Convention entered into force for Canada on June 8, 2017.
- The issue of the minimum age for children in the *Employment Standards Act* is being addressed by government as part of its mandate to review employment standards. Amendments to ensure that B.C. is fully compliant with C138 are likely to be introduced in spring 2019.

ILO Protocol to the Forced Labour Convention (PO29)

- PO29 is a protocol committing jurisdictions to engage in activities supportive of the ILO Forced Labour Convention (C29). That convention, which has been ratified by Canada, promotes international norms for protection against compulsory labour.
- In October 2014, then Minister Leitch requested that provinces engage in a review of their law and policy and to consider providing support for Canadian ratification of PO29.

2019/20 Estimates Note Advice to the Minister

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

- In December 2014, the former provincial Minister responsible for Labour sent a letter to then Minister Leitch confirming that staff completed their technical review of the protocol and concluded that measures set out in the protocol are consistent with the purposes of the Convention; that the protocol does not pose any new legal or policy issues or concerns; and, therefore, B.C.'s laws and policies continue to be in full compliance with both the Convention and the protocol. Accordingly, the former provincial Minister responsible for Labour provided formal endorsement for ratification of PO29.
- The federal government has not yet initiated formal ratification.

ILO Convention on the Right to Organize and Collective Bargaining (C98)

- C98 is a convention designed to ensure workers are afforded basic rights to organize freely among themselves and to engage in collective bargaining with their employer.
- In December 2016, Canada requested that by mid-March 2017, the provinces/territories formally indicate support for or opposition to Canada ratifying C98. Canada indicated that no response from a province would be interpreted by the federal government as tacit approval for ratification.
- An internal technical review of C98 by Labour staff identified no significant barriers to ratification of C98.
- The B.C. government provided no formal response to the federal government (either endorsing or opposing ratification).
- Canada has now ratified C98 and it will be in force effective June 14, 2018.

North America Free Trade Agreement (NAFTA)

- On November 30, 2018, Canada, the United States and Mexico signed the new Canada-United States-Mexico Agreement (CUSMA).
- Parties will now undertake their domestic process towards ratification and implementation of the CUSMA.
- Unlike the previous NAFTA, CUSMA has a separate labour chapter (modelled on labour principles established in International Labour Organization Conventions) that will be subject to a separate dispute resolution system. Additional provisions regarding commitments by the three countries to address violence against workers and labour protection for migrant workers are also noteworthy.
- Questions regarding CUSMA and the role of the province should be referred to the Minister of Jobs, Trade and Technology.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

2019/20 Estimates Note Advice to the Minister

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

Title: Major Case Update

Revised: February 21, 2019

Issue: Employment Standards Branch – files in the media

Response:

- Our government is committed to ensuring that workplaces are safe, healthy and fair so that employers and workers can prosper and contribute to B.C.'s economic growth.
- The Employment Standards Branch operates within its statutory mandate to ensure that workers are paid fairly for the work they do.
- In the past year, the Employment Standards Branch has been investigating four files involving hundreds of employees who were not paid their wages.
- In all cases the Branch has recovered wages owing or is working to collect wages on behalf of employees.

Istuary Innovation

- The Employment Standards Branch has recovered a portion of the wages owed (approximately \$70,000 of \$2.9M) and continues collection efforts against the company and director.
- Action includes a judgement on the property of Istuary's director.

Purewal Blueberry Farm

- The Employment Standards Branch has determined over \$1.78 million in unpaid wages is owed to hundreds of workers since 2016.
- The Branch is taking action against the company. In August, the Branch issued decisions against five directors, finding them personally liable for monies owed to the workers.
- As well, the Branch placed a lien on the 2018 crop and has recovered a significant sum of money to cover wages for the 2018 growing season.
- The Branch continues to pursue all options available to help recover wages owed to workers for the 2016 and 2017 growing seasons.

continued...

2019/20 Estimates Note

Advice to the Minister

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

Subway Restaurants - Aldergrove

- The Employment Standards Branch investigated complaints of improper wage practices, at two Subway restaurant locations in Aldergrove – both franchised by the same individuals.
- As a result of the investigation the Branch secured all outstanding wages for 18 employees, and also levied \$5,000 in administrative penalties. The employees' wages have already been disbursed.

GERI Partnership Operating as Golden Eagle Blueberry Farm

- Employment Standards Branch has received complaints about possible contraventions of the *Employment Standards Act* (and other statutes) at a Pitt Meadows blueberry farm.
- The allegations made suggest improper payment to more than 170 workers, many of whom are foreign nationals from Guatemala. The Employment Standards Branch initiated an investigation of this employer and will be reviewing the employer's payroll records for all farm workers, (up to 375 total) to ensure compliance with the *Employment Standards Act*.
- The Ministry has also referred the matter to several other regulatory agencies that have jurisdiction over the other allegations, including WorkSafeBC and the Ministry of Health.

Background/Status:

Istuary

- A high-tech employer failed to pay wages to employees after venture financing did not come through.
- The employer made continual representations to his employees that wages would be forthcoming, but never delivered on this promise.
- Eventually, the business closed its doors.
- The Employment Standards Branch began an investigation of Istuary Innovation Group in June of 2017 after receiving notification of numerous individuals being unpaid.
- The Director of Employment Standards determined that approximately \$2.9 million in wages were owed for the period December 2016-August 2017.

2019/20 Estimates Note Advice to the Minister

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

- The Director of Employment Standards also determined that the primary director of Istuary was personally liable for \$2.5 million in wages. Note: under the *Employment Standards Act* (ESA), directors are only personally liable for two months wages, whereas the recovery period for wages goes back six months. The director is liable for the maximum amount under the ESA.
- To date, the Branch has been able to recover a small portion (2.5%) of the full amount owed – about \$70,000 from asset auctions and seized funds. A judgement has been placed on a multi-million-dollar property owned by the primary director, Ethan Sun. The Branch's judgment is one of many registered on this property. s.13; s.17; s.22
s.13; s.17; s.22

Purewal Blueberry Farms

- In late 2016 and early 2017, the Branch received numerous complaints of non-payment of wages to farm workers. The Branch opened a group investigation file for these complaints. Given the number of complaints for this employer, in the spring of 2017 the Director of Employment Standards initiated an investigation into the non-payment of numerous other farm workers employed by the three companies.
- After receiving numerous complaints the Branch audited this employer and found that they owed \$1.1 million in unpaid wages.
- On Nov. 24, 2017, the Branch issued a decision regarding unpaid wages owed to employees of Purewal Blueberry Farms Ltd. and two of its associated numbered companies: 0740656 B.C. Ltd., and 0178429 B.C. The decision determines that the employer owes \$1,115,849.36 million in unpaid wages to 180 employees who worked from 2016 to early 2017. The decision also levied \$1,500 in administrative penalties for contraventions of the *Employment Standards Act*.
- Purewal Blueberry Farms Ltd. was petitioned into federal creditor protection by its creditors in 2017. This has made collections against the company or its assets a challenge. The Branch continues to assert its claim for wages in the federal process.
- The Branch commenced collections activities against the directors of Purewal and continues to seek payment for the employees who were not paid in the 2016 and 2017 seasons.
- In the summer of 2018, the Branch learned that a different corporate entity was harvesting crops off fields traditionally harvested by Purewal. The Branch further learned that this company was being directed by two former directors of Purewal. The Branch issued a lien on the crops and was able to recover and disburse all wages for the 2018 growing season.

2019/20 Estimates Note Advice to the Minister

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

Subway Restaurants - Aldergrove

- The Branch received multiple complaints of improper payment from employees at two subway restaurants in Aldergrove operated by the same franchisee.
- The Branch conducted an investigation of this operator, and found wages for 18 employees were not paid correctly. The Branch collected/disbursed the unpaid wages to the employees, and has also penalized the operator for contraventions of the Act at both locations.

GERI Partnership Operating as Golden Eagle Blueberry Farm

- In September 2018, the Branch received a number of complaints relating to payment of wages and working conditions for workers at GERI Partnership operating as Golden Eagle Blueberry Farm. The Branch commenced an investigation of the allegations and is in the process of reviewing the employers' payroll records for all farm workers for the past six months.
- Many of the employees in this audit are foreign nationals. If wages are owed to them, the Branch will make payment to them in their home country or will transfer their wages in their name to the Unclaimed Property Society who will hold these funds in perpetuity until claimed.
- The Branch can only address the issues of unpaid wages. Issues related to housing, workplace safety and immigration were referred to the appropriate government bodies.

Contact

Bill Boyte	Executive Director	Employment Standards Branch	778 972-2069
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2019/20 Estimates Note Advice to the Minister

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

Title: Minimum Wage and the Fair Wages Commission

Revised: February 20, 2019

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

Response:

- We created an independent Fair Wages Commission that heard from employers, workers, business organizations, union groups, academics, community stakeholders and low-wage workers.
- They looked at the experience in other jurisdictions, the history of minimum wage increases in B.C., and the impacts of those increases on employers and workers.
- The commission prepared recommendations on the path to reaching —and surpassing — a \$15-an-hour minimum wage. The first increase was June 2018, raising the wage by \$1.30 to \$12.65.
- This will be followed by increases each June until 2021:
 - in 2019 it will increase to \$13.85;
 - in 2020 it will go to \$14.60; and
 - in 2021, the minimum wage will rise to \$15.20 an hour — or slightly more, depending on the economic situation at that time.
- By 2021, we will also eliminate the lower minimum wage for liquor servers and bring it up to equal the general minimum wage — at least \$15.20 an hour — with the same schedule of increases.
- We also increased the minimum piece rates for hand harvesting of specific crops by 11.5 per cent as of Jan. 1, 2019 — equal to the rate of increase for the general minimum wage on June 1, 2018.
- Meanwhile, we are taking a more in-depth look at the piece rate regulations to ensure compensation for farm workers is both fair for workers and sustainable for farm operators — and economically viable for the agricultural industry as a whole.
- In the final phase of its mandate, the commission has been directed to work with economists, workers, the technology sector, small businesses, youth and others from all regions to make recommendations to address the discrepancy between the minimum wage and living wages in B.C.

2019/20 Estimates Note Advice to the Minister

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

Background/Status:

September 2017 increase

- Effective September 15, 2017, the minimum wage increased by 50 cents to \$11.35 per hour. That increase implemented what the previous government had committed to prior to the election.
- At the same time as the general minimum-wage increase, the liquor servers' wage also rose by 50 cents to \$10.10 per hour. Other minimum-wage provisions in the Employment Standards Regulation, including the farm worker piece rates, also received increases in line with the general minimum wage increase of 4.6 per cent.

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

- Government's election platform made a commitment to a \$15/hour minimum wage by 2021 with increases in each year, followed by indexing to inflation to provide certainty for the future.
- The NDP/Green Confidence and Supply Agreement (CASA) makes the following commitment with respect to minimum wage:

Immediately establish an at-arm's-length Fair Wages Commission that will be tasked with establishing a pathway to a minimum wage of at least \$15 per hour and overseeing regular rate reviews. The commission will bring forward recommendations regarding strategies to address the discrepancy between minimum wages and livable wages. The commission will make its first report on a new minimum wage within 90 days of its first meeting.

- The Fair Wages Commission was established in October 2017 as an independent body to provide expert advice on how B.C. should achieve a \$15 an hour minimum wage, and also the timeline for implementation. The commission's first chair was Dr. Marjorie Griffin Cohen, and the commission also includes two members – Ivan Limpricht representing labour interests and Ken Peacock representing business interests.
- On October 1, 2018, the chair of the commission was replaced with Professor Danielle van Jaarsveld of the UBC Sauder School of Business; the two other members remain in their roles.
- There 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. Future expenses for the Commission, if any, in 2019/20 will be managed from within the Ministry's existing budget.

2019/20 Estimates Note Advice to the Minister

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

- In a report delivered to government in January 2018, following public consultations and receipt of research and submissions, the commission recommended the following four minimum wage increases over four years.
 - June 1, 2018: \$12.65 an hour (\$1.30 increase)
 - June 1, 2019: \$13.85 (\$1.20 increase)
 - June 1, 2020: \$14.60 (\$0.75 increase)
 - June 1, 2021: \$15.20 (\$0.60 increase)
- The commission also recommended that, depending on economic conditions, government consider an additional hourly increase of up to \$.20, to \$15.40 an hour in 2021.
- The commission also provided recommendations and advice with respect to the ongoing role of a commission after 2021. This includes recommendations to:
 - Establish a permanent commission with a staff to examine issues related to low-wages in B.C. and give advice on increases to the minimum wage.
 - Provide for a permanent research function for the commission so that it can examine the changing nature of the labour market and how well new forms of work are protected with existing minimum wage coverage.
 - Have the permanent commission establish predictable indicators to guide future increases to the minimum wage, such as the CPI (or some other relationship such as between the minimum wage and the poverty level or average wage levels).
 - Establish an advisory committee to the commission that is representative of the diversity of British Columbians.
- The commission conducted online and in-person consultations across the province. During the consultations, 178 people presented at one of eight regional sessions¹ in November and early December 2017; and 77 written submissions as well as over 3,000 emails were sent to the commission.
- It is noteworthy that the commission reported hearing concerns and ideas from those who are traditionally marginalized in the labour force and are over-represented among low-wage workers. These included women, young people, immigrants, visible minorities, temporary foreign workers, those who identify with the LGBTQ community, those with disabilities and those who identify as an Indigenous person.

¹ In person consultations occurred in Abbotsford (Nov. 16), Nanaimo (Nov. 17), Kelowna (Nov. 21), Vancouver (Nov. 23), Prince George (Nov. 28), Victoria (Nov. 29), Surrey (Nov. 30), and Cranbrook (Dec. 7)

2019/20 Estimates Note Advice to the Minister

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

Other jurisdictions – current minimum wage rates

- B.C.'s general minimum wage is currently \$12.65/hour, which, is third among the 10 Canadian provinces. Minimum wage rates among Canadian provinces currently range from \$11.00/hour to \$15.00/hour.
- All Canadian jurisdictions, including B.C. now, have commitments to regular minimum wage increases based on a statistical measure (e.g., inflation) and/or a mechanism in place for a formal review (e.g., panel of experts) — see Appendix 1 for further details.

Fair Wages Commission Second Report on Alternative Minimum Wage Rates

- The commission's second report, released on April 19, 2018, made recommendations on increases to the alternative regulated minimum wage rates, including the minimum rates for: liquor servers, minimum piece rate for farm workers who harvest certain crops by hand, resident caretakers, live-in camp leaders and live-in home support workers.
- Government accepted many of the recommendations, including raising the lower liquor-server minimum wage to equal the general minimum wage by 2021, and raising the minimum wage of resident caretakers and live-in camp leaders at the same rate as the general minimum wage — with the first increases to these categories occurring on June 1, 2018. Further details on the alternate minimum wage rates are laid out in the sections below.

Liquor Server Wage

- B.C.'s minimum wage for liquor servers is currently \$11.40/hour (\$1.25 lower than the general minimum wage).
- Alberta had a minimum wage for liquor servers of \$10.70/hour, but eliminated the liquor server wage in October 2016 (liquor servers are now subject to the general minimum wage of \$15.00/hour).
- Ontario has a minimum wage for liquor servers of \$12.20/hour, while its general minimum wage is \$14.00/hour (\$1.80/hour difference).
- Quebec has a minimum wage of \$9.80/hour for employees who customarily receive gratuities, while its general minimum wage is \$12.00/hour (\$2.20/hour difference).
- Based on the recommendations from the Fair Wages Commission's second report, government is phasing out the liquor server rate by 2021.

Minimum Piece Rates

- B.C. farm workers who hand harvest certain berry, fruit or vegetable crops and who are employed on a piece work basis are paid for the amount they pick, and not in relation to a minimum hourly wage. The minimum piece rates for these crops are established in the Employment Standards Regulation.

2019/20 Estimates Note Advice to the Minister

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

- This system of regulated minimum piece rates, which is unique within Canada, was established in 1981 with the intent that an average, reasonably diligent hand harvester would be able to earn at least the equivalent of the general minimum hourly wage.
- In April 2018, the Fair Wages Commission made recommendations on B.C.'s piece rate system as part of their second report.
- The recommendations included increasing all piece rates by 15 per cent on June 1, 2018, and implementing the general minimum wage for piece-rate workers as of June 1, 2019, with piece rates as additional incentives. The Ministry of Labour determined more information was needed on the details of the piece rate system and, instead, implemented an 11.5 per cent rate increase to piece rates as of January 1, 2019, and hired agricultural economist Karen Taylor to conduct an in-depth study.
- Along with a historical study of piece rates, Dr. Taylor spoke directly with farmworkers and growers — consultations which were not possible during the consultations for the Fair Wages Commission's initial report. The study, which took place between September and December 2018, was submitted to government on January 10, 2019.

Other alternative minimum wage rates

- In addition to the liquor server rate and minimum piece rates, the Employment Standards Regulation also establishes separate minimum pay provisions for "live-in camp leaders", "resident caretakers", and "live-in home support workers". Based on recommendations from the commission, the rates for "live-in camp leaders" and "resident caretakers" are increasing by same percentage and on the same schedule as the general hourly minimum wage.
- With respect to the "live-in home support workers" minimum rate, government initially intended to follow the commission's recommendation and eliminate the category (i.e., applying the general minimum hourly wage). This recommendation from the commission was based on its understanding that very few, if any, workers fall into the category. However, several social services groups expressed concern to government, saying that they employ several hundred workers who fall into this category and the change may have substantial impacts on employers and employees, as well as government agencies that fund home care support services. Accordingly, the decision to eliminate this alternate wage category was deferred while the government re-examines the issue.

- s.12; s.13

2019/20 Estimates Note Advice to the Minister

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

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

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

2019/20 Estimates Note Advice to the Minister

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

Appendix 1 – General Minimum Wages in Canada (as of January 22, 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 of the previous governments plan for \$15/hour
Northwest Territories	13.46	April 1, 2018	Independent body gives advice.
Nunavut	13.00	April 1, 2016	Mandatory review by Minister.
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) June 1, 2020: \$14.60 (\$0.75 increase) June 1, 2021: \$15.20 (\$0.60 increase)
Quebec	12.00	May 1, 2018	Commitments for further yearly increases with the goal of a minimum wage rate at 50% of the average wage by 2020
Prince Edward Island	11.55	April 1, 2018	Independent body gives advice.
Yukon	11.51	April 1, 2018	On April 1 of each year, the rate increases based on annual increase for the preceding year in the CPI for Whitehorse.
Manitoba	11.35	Oct 1, 2018	Yearly increases indexed to provincial CPI.
New Brunswick	11.25	April 1, 2018	Future changes tied to inflation. Minister review every two years.
Newfoundland and Labrador	11.15	April 1, 2018	Future annual increases based on CPI. Independent body gives advice.
Saskatchewan	11.06	Oct 1, 2018	Yearly increases based on average of increases in CPI and average hourly wage.
Nova Scotia	11.00	April 1, 2018	\$11.55 on 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.

2019/20 Estimates Note

Advice to the Minister

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

Appendix 2 – Fair Wages Commission Terms of Reference

FINAL Terms of Reference **FAIR WAGES COMMISSION**

Whereas the general minimum wage in British Columbia is \$11.35/hour and the liquor server minimum wage is \$10.10/hour as of September 15, 2017;

And whereas among Canadian provinces, minimum wages range from \$10.72 to \$12.20/hour as of August 2017, although Alberta has announced a commitment to be at \$15/hour by October 2018 while Ontario has plans to reach \$15/hour by January 2019;

And whereas with the cost of living in BC, a person working full-time in a minimum wage job cannot make ends meet or support a family;

And whereas in contrast to the minimum wage, a living wage is designed to reflect what earners in a family need to bring home based on the actual costs of living in a specific community;

And whereas government intends to increase the minimum wage to \$15/hour as part of a plan to create good jobs, fair wages and build a sustainable economy in every sector and in every corner of the province, including indexing it to inflation in the future so as not to fall behind;

And whereas the Confidence and Supply Agreement from May 2017 contains the following commitment at Section 2 (e): *"Immediately establish an at-arm's-length Fair Wages Commission that will be tasked with establishing a pathway to a minimum wage of at least \$15 per hour and overseeing regular rate reviews. The commission will bring forward recommendations regarding strategies to address the discrepancy between minimum wages and livable wages. The commission will make its first report on a new minimum wage within 90 days of its first meeting."*

Now, therefore, the Minister directs the establishment of an impartial Fair Wages

2019/20 Estimates Note Advice to the Minister

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

Commission as follows:

1. The Commission will consist of a Chair, one representative of employer interests and one representative of worker interests. These three Commission members will be appointed by the Minister of Labour. The Minister may add two members (one who represents employer interests and one who represents worker interests) to the Commission if needed after the first report is submitted (as per item 4 below) to address the complexities of the discrepancy between minimum wages and living wages.
2. The budget for the Commission will come from the Ministry of Labour. Payment for the Commission Chair and its members will be in accordance with government policy. The Ministry will provide administrative support for the Commission, including research and website support.
3. The Commission will determine its own procedures, including the format for reporting to the Minister and communications. It is expected that the Commission will engage in consultations with and receive submissions from interested stakeholders from all regions of the province including but not limited to representatives of economists, trade unions, the technology sector, small business, and youth.
4. The Commission will make its first report on a new minimum wage within 90 days of its first meeting. The first meeting of the Commission will take place on or before October 1, 2017 to enable a first report no later than December 31, 2017. The report should be in writing to the Minister of Labour and address the issues in items 5 to 7, inclusive, below. The timing for items 8 and 9 are for discussion with the Minister but are not required to be included in the first report to the Minister.
5. The Commission must prepare recommendations on the general minimum wage that will result in a series of increases over time to reach a \$15/hour minimum wage. Where possible, the recommendations should support the principles of regular, measured, and predictable increases over time to allow employers an appropriate notice period to plan for the changes on the way to a \$15/hour minimum wage.
6. The Commission should consider the impact of minimum wage increases in other jurisdictions including those jurisdictions that have committed to achieving \$15/hour. Consideration should be given to the prevailing views on the impact of minimum wage increases on employment.

2019/20 Estimates Note Advice to the Minister

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

7. The Commission must consider and make recommendations on the other minimum wage rates under the *Employment Standards Regulation*.
8. The Commission must prepare recommendations related to regular rate reviews once the \$15/hour minimum wage is achieved, including the Commission's role in overseeing regular rate reviews. The Commission should give consideration to the BC consumer price index and other factors (e.g., economic and labour market conditions), and provide recommendations on when and how the increases beyond the \$15/hour minimum wage should be determined.
9. The Commission will review the issue of what constitutes a "living wage" and the elements that make up determining a "living wage", including a jurisdictional scan of the issue in BC and across Canada. Recognizing rapid changes occurring in the economy, the Commission will make recommendations regarding strategies to address the discrepancy between the minimum wage and a "living wage".
10. The Minister of Labour will make the Commission's reports public after a reasonable period of time to review and consider them. The Minister will also provide the reports to Cabinet.

Given under my hand this 29th day of September, 2017.



Honourable Harry Bains, Minister of Labour

2019/20 Estimates Note Advice to the Minister

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

Title: Self Help Kit

Revised: February 6, 2019

Issue: Use of Employment Standards Branch Self Help Kit

Response:

- More needs to be done to make sure workers' rights are protected.
- Part of this work means ensuring that B.C. has an effective complaints process in place to support fair and objective enforcement of employment standards.
- Government has made a commitment to update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.
- To this end, the Ministry is reviewing B.C.'s employment standards administration, budget, and enforcement processes (such as the use of the Self Help Kit) with an eye to supporting reform and removing the Self Help Kit as a prerequisite to the receipt, review, investigation, mediation or adjudication of a complaint.

Background/Status:

- The Self Help Kit is intended to assist employees in learning if the *Employment Standards Act* (the Act) applies to their situation, help them understand their rights, assist in calculating any wages owed and to facilitate communication with their employers to enable a prompt resolution with a mutually beneficial outcome.
- The Self Help Kit was implemented when changes to the Act introduced a requirement for employees to attempt to resolve employment disputes concerning wages with their employers directly before filing a complaint with the Employment Standards Branch.
- A Self Help Kit is not required for: complainants under the age of 19; farm workers, domestics, textile or garment workers; or those with significant language or comprehension difficulties. Exemptions also apply if: the complaint is related to a leave provision of the Act; the business has closed, the landlord or bailiff has locked the doors, or there is concern that assets may be disappearing; or the complainant wishes to file a confidential complaint.

2019/20 Estimates Note Advice to the Minister

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

- Potential complainants may choose to seek resolution with their employers through means other than the Self Help Kit; in such instances, some proof that this has taken place (e.g., copies of correspondence) is sufficient to waive the requirement for completion of the Self Help Kit.
- The Self Help Kit itself requires the (potential) complainant to answer several questions to ensure that their issue(s) is covered by the Act. If covered, the (potential) complainant then fills out a “request for payment form” and sends it, along with a letter from the Employment Standards Branch (included in the kit and requiring only that the complainant fill in the date) and a fact sheet describing the Employment Standards Branch complaint resolution process, to the employer. If this letter, form and fact sheet are not successful in resolving the complaint to the satisfaction of the (potential) complainant, or a response from the employer is not received within 15 days from when the letter was sent to the employer, a complaint may be filed with the Employment Standards Branch.

s.13

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The Self Help Kit and Temporary Foreign Workers

- Some stakeholders advocate for Self Help Kit exemption for all Temporary Foreign Workers (TFWs) because they are “vulnerable workers.” s.13
- TFWs as a group are not exempt from the Self Help Kit process. TFWs, like any other worker in B.C., may be exempt from the process by virtue of other factors, such as language difficulties or being a farm worker or domestic, but not simply because of their participation in the federal TFW program.

s.13

2019/20 Estimates Note Advice to the Minister

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

Contact:

Bill Boyte	Executive Director	Employment Standards Branch	778 974-2069
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2019/20 Estimates Note Advice to the Minister

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

Title: The *Temporary Foreign Worker Protection Act*

Revised: February 20, 2019

Issue: Protections for temporary foreign workers and the implementation of the *Temporary Foreign Worker Protection Act*

Response:

- In November 2018, the *Temporary Foreign Worker Protection Act* received Royal Assent.
- The *Temporary Foreign Worker Protection Act* creates two new registries, one for foreign worker recruiters and one for employers wishing to recruit foreign nationals. The legislation also contains compliance and enforcement provisions, which will help protect vulnerable temporary foreign workers from exploitation and abuse.
- The Ministry of Labour is currently working on the regulations necessary to bring the various provisions of the new *Temporary Foreign Worker Protection Act* into force.
- Meanwhile, the Employment Standards Branch is developing the systems, processes, and expertise necessary to allow for the licensing of foreign worker recruiters and the registration of employers wishing to recruit foreign nationals, as required by the *Temporary Foreign Worker Protection Act*.

Background/Status:

- The Premier's July 2017 mandate letter to the Minister of Labour included the following priority: "Create a Temporary Foreign Worker registry to help protect vulnerable workers from exploitation and to track the use of temporary workers in our economy."
- In response to the mandate letter priority, the Minister of Labour introduced the *Temporary Foreign Worker Protection Act* (TFWPA) into the B.C. legislature on October 23, 2018. The TFWPA received Royal Assent on November 8, 2018, and comes into force by regulation.
- The aim of the TFWPA is to curtail the exploitation and abuse of temporary foreign workers (such as charging recruitment fees or retaining a worker's passport).

2019/20 Estimates Note Advice to the Minister

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

- The TFWPA calls for the creation of two new registries, one for foreign worker recruiters and one for employers wishing to recruit foreign nationals. The TFWPA also contains compliance and enforcement provisions to better protect these vulnerable workers.
- The Director of Employment Standards is responsible for administering the TFWPA, including the licensing of foreign worker recruiters and the registration of employers wishing to recruit foreign nationals.
- When violations occur, the TFWPA provides for strong enforcement, including monetary penalties and cancellation of employer registrations, along with possible jail time.
- Due to their unique vulnerability (for example, being tied by their work permits to one employer, and the low skill nature of much of the work), the intent is to have the registration requirement apply only to employers who are seeking to recruit foreign workers who come to B.C. under the federal Temporary Foreign Worker Program.

- s.13

- s.12; s.13

- s.12; s.13

The legislation and experiences of Saskatchewan and Manitoba (both of which already have temporary foreign worker registries) are helping to inform this work.

- The Employment Standards Branch has been undertaking planning to support the launch of a business transformation initiative in fiscal year 2019/20 for its service delivery model. This includes creating the systems, processes, and expertise necessary to allow for the licensing of foreign worker recruiters and the registration of employers who wish to recruit foreign nationals, as required by the TFWPA.

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2019/20 Estimates Note Advice to the Minister

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

Title: Updating Employment Standards

Revised: January 21, 2019

Issue: Updated employment standards and effective enforcement – mandate letter commitment (including the BC Law Institute review)

Response:

- Government has made a commitment to update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.
- In December 2018, the British Columbia Law Institute completed a comprehensive, independent review of the *Employment Standards Act* – the first in nearly 25 years -- with a view to ensuring that it reflects the realities of today's patterns of work and employment.
- The Ministry of Labour will be looking at the British Columbia Law Institute's recommendations when considering changes to the *Employment Standards Act*.
- The Ministry is also reviewing B.C.'s employment standards' administration, budget, operations and enforcement processes with an eye to supporting reform and streamlining processes.

Background/Status:

- The Premier's July 2017 mandate letter to the Minister included the following priority: "Update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced." The ministry is taking action to deliver on this priority.
- Major reviews of the *Employment Standards Act* (Act) occurred in 1993 (conducted by consultant Mark Thompson) and in 2002 (as part of the previous government's core review).
- Comprehensive changes to the Act were made in 2002 (see Appendix 1). In general, employers indicated their support for the 2002 amendments, while workers' groups expressed the view that they went too far, particularly in relation to vulnerable and precariously employed workers.

2019/20 Estimates Note Advice to the Minister

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

- In 2014, the British Columbia Law Institute (BCLI), a not-for-profit law reform agency, began an independent review of the Act with the goal of identifying the contemporary needs and circumstances of B.C.'s workplaces and examining evolving trends in other jurisdictions.
- The ministry supported the BCLI project by having a ministry staff member participate as an observer and liaison and by contributing \$30,000 over two fiscal years (\$15,000 most recently in 2017/18) towards the project's costs.
- In December 2018, the BCLI Project Committee published its final report, "Report on the *Employment Standards Act*" which included a number of recommendations for modernizing the Act for current workplace realities.
- The ministry is reviewing the final report's recommendations, as well as those received from the Employment Standards Coalition and the BC Federation of Labour, when considering changes to the Act.
- The ministry is also reviewing B.C.'s employment standards administration, budget and enforcement processes (such as the use of the Self-Help Kit) with an eye to supporting reform and streamlining processes.
- In addition, the ministry is continuing to monitor developments in other Canadian jurisdictions to ensure B.C. remains responsive to the changing needs of workers and employers in the 21st century.

Attachment: Appendix 1 – *Employment Standards Act* – Legislative Amendments since 2001

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Appendix 1 – *Employment Standards Act* – Legislative Amendments Since 2001

Year	Legislative Amendments
2002	<ul style="list-style-type: none"> Requirement for employers to keep payroll records reduced from five to two years. Minimum daily call-in reduced from four to two hours. Liability for unpaid wages reduced from two years to six months. Daily overtime changed to double-time after 12 instead of 11 hours. Statutory holiday pay requirements simplified.
2002	<ul style="list-style-type: none"> Averaging agreements (permitting hours of work to be averaged over a period of one, two, three, or four weeks) introduced.
2002	<ul style="list-style-type: none"> Self-Help Kit and mediation/adjudication conflict resolution processes added.
2002	<ul style="list-style-type: none"> Introduction of mandatory employer financial penalties.
2002	<ul style="list-style-type: none"> Approval process for hiring employees between the ages of 12 and 14 changed.
2002	<ul style="list-style-type: none"> Requirement for farm workers to be paid in Canadian currency and by direct deposit added.
2002	<ul style="list-style-type: none"> Parties to a collective agreement permitted to negotiate alternative provisions with regard to certain sections of the Act. Requirement for parties to a collective agreement to use grievance procedures to resolve disputes regarding the application of standards added.
2006	<ul style="list-style-type: none"> Introduction of compassionate care leave.
2008	<ul style="list-style-type: none"> Introduction of Reservists' leave.
2008	<ul style="list-style-type: none"> Requirement added that farm producers only engage farm labour contractors who are licenced. Provision added allowing for the cancellation or suspension of a farm labour contractor's license when relevant WorkSafeBC and motor vehicle laws and regulations are violated. Provision added enabling government to charge farm labour contractors the costs paid to provide alternative transportation for stranded workers when a vehicle is taken out of service during roadside inspections.
2018	<ul style="list-style-type: none"> Introduction of leave for parents on the death of their child. Introduction of leave for parents on the crime-related disappearance of their child. Increase to the length of compassionate care leave. Maternity leave allowed to start earlier. Parental leave increased.

Note that changes to the minimum wage have occurred by way of Order-in-Council.

2019/20 Estimates Note Advice to the Minister

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

Title: Employment Standards Transformation

Revised: April 24, 2019

Issue: Improving service delivery in the Employment Standards Branch

Response:

- Our government is committed to delivering the services people count on.
- The Employment Standards Branch provides important services for both workers and employers in B.C.
- My Mandate includes updating employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.
- For too long this work has been under-resourced; we are modernizing the branch's business to improve service delivery for all clients.
- With an investment of \$14 million dollars over three years announced in Budget 2019, we are modernizing our business to remove barriers to accessing branch services, like the "Self Help Kit".
- We are also offering service in 140 languages by calling our Info-Line, so workers know their rights and employers know their obligations under B.C.'s employment standards law.
- These, and other improvements we are making will ensure that B.C. workplaces are productive and support a sustainable economy that works for everyone.

If asked what other improvements have been made...

- In addition to the initiatives I just mentioned, we are also streamlining our complaints processing, increasing our investigation activities, doing more outreach, making more educational resources available and doing more proactive enforcement of the law.

Background/Status:

- The Minister articulated a vision for systemic improvement to the employment standards system that included:
 - removing barriers for workers to access their statutory entitlements;
 - streamlining the complaint process;

2019/20 Estimates Note Advice to the Minister

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

- undertaking proactive enforcement activities (site visits, audits, investigations) in targeted sectors of industry to address bad actors and level the playing field for good employers;
 - focusing on improved collections outcomes for workers through improved data collection and branch re-alignment;
 - protecting vulnerable temporary foreign workers working in B.C.
-
- In Budget 2018, the ministry received \$1 million to undertake planning work to support the Employment Standards Branch business transformation including planning for the new *Temporary Foreign Worker Protection Act*.
 - In April 2018, a service design research project was undertaken to obtain feedback from workers, employers and staff to identify opportunities for needed improvements to the employment standards system.
 - The ministry launched a series of projects to pilot new services, improve current processes and create new information tools and supports for workers and employers to begin the shift from a complaints-based system to one where more proactive enforcement of the law, investigations and education will better support B.C.'s workers, employers and a sustainable growing economy.
 - This year the ministry is taking steps to increase branch capacity by hiring new staff across all business lines, realigning its organizational structure to better-use its resources, piloting a streamlined complaints process, increasing its focus on collections, increasing compliance and enforcement activities and accessibility to branch services. Improved collections outcomes for workers is also planned.
 - The ministry is also implementing a new Case Management and Registry System to increase the efficient management of branch work and improve outcomes for clients through better data to support collections, and compliance and enforcement activity which will also support the Temporary Foreign Worker Protection Unit.

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

Contact

Danine Leduc

ADM, Labour

250 208-2850

Page 065 of 139 to/à Page 066 of 139

Withheld pursuant to/removed as

s.12; s.13; s.17

2019/20 Estimates Note Advice to the Minister

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

Title: B.C. Labour Relations Board Update

Revised: January 22, 2019

Issue: Update on the Labour Relations Board, including staffing, members, timelines for decisions and proposed rule changes

Response:

- **Staffing:** As a result of the Tribunal Transformation Initiative, effective April 1, 2017, Labour Relations Board appointments now fall under the responsibility of the Attorney General.
- As Minister of Labour, I will continue to provide input and advice to government, ensuring a strong and effective Labour Relations Board that supports a stable and productive labour relations environment.
- I am pleased that over the past year the Board has been staffed with a full complement of appointees.
- **Resources:** The recent *Labour Relations Code* review report included recommendations to increase resources at the Board. That recommendation has been forwarded to the Ministry of Attorney General for its consideration.
- I appreciate that there is interest among some in the labour relations community in seeing members re-introduced on panels at the Board. Ministry staff continue to be available to the Ministry of Attorney General to assist with exploring options for the possible reintroduction of members.

Background/Status:

Staffing

- The Labour Relations Board (LRB) is responsible for mediating and adjudicating disputes between employers and unions, and in some cases between unions and employees, that arise under the *Labour Relations Code*. The LRB is a quasi-judicial administrative tribunal with a chair and vice chairs appointed by the Lieutenant Governor in Council after a merit-based process.
- As of January 22, 2019, the LRB is staffed with the following Order in Council (OIC) appointments, (one chair, one associate chair, a registrar who is also a vice chair and five additional vice chairs):

2019/20 Estimates Note

Advice to the Minister

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

Name	Position	Term
Jacquie de Aguayo	Chair	February 5, 2022
Jennifer Glougie	Associate Chair - Adjudication	June 1, 2019
Koml Kandola	Registrar and Vice-Chair	September 1, 2021
Andres Barker	Vice-Chair	April 30, 2021
David Duncan Chesman, Q.C.	Vice-Chair	July 30, 2021
Stephanie Ann Drake	Vice-Chair	July 30, 2021
Karen Jewell	Vice-Chair	April 30, 2021
Brett Matthews	Vice-Chair	July 30, 2021

- Historically, vice chairs are appointed in equal number from the employer and union communities to ensure a measure of balanced representation at the LRB. There is a history of consultation with the labour relations community prior to the appointment and/or re-appointment of vice-chairs.
- The LRB also employs staff lawyers, mediators and administrative/support staff.
- Effective April 1, 2017, the Attorney General assumed responsibility for the appointment provisions of the *Labour Relations Code*. However, the Minister of Labour and ministry staff will continue to provide advice on the appointments and will engage directly with labour and employer stakeholders regarding concerns about LRB staffing.

LRB Chair

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

2019/20 Estimates Note Advice to the Minister

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

Members

- The Code provides, in addition to vice chairs, for the appointment of as many members equal in number representative of employers and employees as the Lieutenant Governor in Council considers proper. The primary role of members has been to provide policy input to the LRB and to assist in the mediation and settlement of disputes. Members are full-time employees in the labour relations community who act on an infrequent basis at the LRB (and are paid a per diem). In 2006, the terms of appointments of all members expired. No new appointments have been made, resulting in no use of members in any form in over a decade.
- In 2007, a Committee of Special Advisors (established under Section 3 of the Code) stated that members have an important role to play in the proper functioning of the LRB.^{s.13}

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- Effective April 1, 2017, the Attorney General assumed responsibility for the legislative provision under which members are appointed to the LRB. Labour staff remain engaged with the Ministry of Attorney General to provide any needed support and advice regarding the use of members.

Timelines for decisions

- The timeliness of LRB decisions had been a concern for some LRB stakeholders since the middle of the last decade. It was the subject of a 2004 report by a labour relations lawyer, as well as a further review by Lee Doney in 2005, which recommended legislation that would enable the Minister to set timelines by regulation. In 2008, amendments to the Code introduced a requirement for the LRB to issue its decisions on applications and complaints within time periods to be prescribed by ministerial regulation.

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2019/20 Estimates Note Advice to the Minister

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

- A regulation setting out the details respecting specific timelines and the types of decisions governed by those timelines was established in March 2012 with an effective date of September 1, 2012. Consultation with stakeholders on a draft regulation occurred in the fall of 2010.
- The regulation has been in place for approximately six years. ^{s.13}
s.13
- The Ministry is not aware of any complaints/concerns about the regulation from the labour and employer communities.
- The success of the regulation is attributable to the efforts of the LRB adjudicators and staff working together with employers, unions and their counsel.

Voting Processes

- Connected to timeliness is a concern from the community about the conduct of votes under the Code.
- Since the 1970s, votes under the Code (for certification and decertification) have been delegated to and conducted by the staff of the Employment Standards Branch (ESB).
- One of the primary reasons for the ESB doing this function is that they are geographically dispersed around B.C., while LRB staff are located only in Vancouver.
- Over the past couple of years, the votes process has been challenged by the balance between access to ESB staff who are pursuing full caseloads under their *Employment Standards Act* and the statutory time limit in the Code (10 days) for the conduct of certification votes.
- This resulted in the LRB ordering more votes by mail ballot in place of in-person secret ballot votes. The labour relations community complained about this to the Ministry and to the former Minister.
- In response, the Ministry worked with the LRB and the ESB to make changes to the process which now appear to be better serving the community and working for both the ESB and LRB. In addition, in 2016, the Ministry transferred some resources to the LRB from the ESB to assist their ability to address challenges in the conduct of votes. However, with the departure of the previous chair, the new chair is reviewing opportunities to improve the services of the LRB to the labour relations community.

2019/20 Estimates Note Advice to the Minister

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

- The Ministry is also in the process of developing draft legislation in response to the recommendations from the section 3 committee review of the *Labour Relations Code*. Those recommendations include a specific amendment to further limit the Board's ability to use mail ballots and to amend the regulations so to ensure that the returning officer be an employee of the Board.

Contact:

Trevor Hughes	Deputy Minister	Ministry of Labour	778 974-2189
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2019/20 Estimates Note Advice to the Minister

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

Title: Collective Bargaining

Revised: February 20, 2019

Issue: How the BC Labour Relations Board and the Ministry of Labour assist in bargaining disputes to facilitate resolution and protect the public interest

Response:

- The Ministry of Labour monitors collective bargaining disputes, including those that might have a negative impact on the public interest, whether in the public or private sector.
- Where possible, we encourage parties to utilize the services of the Mediation Division of the Labour Relations Board to assist them in resolving disputes. In addition, prior to a strike or lockout, where appropriate, the Labour Relations Board will establish essential service levels to protect the health, safety or welfare of British Columbians.
- In the event that there are collective bargaining disputes, the Labour Relations Board is available to assist the parties in mediation and adjudication. The Ministry is also prepared to assist the parties and to do whatever is necessary to protect the public interest.
- The Ministry is not involved in the establishment of bargaining mandates for the public sector and is, in fact, neutral in collective bargaining. The mandate can be addressed by my colleague Carole James, Minister of Finance.

If asked about the status of the Fire and Police Services Collective Bargaining Act...

- The Ministry continues to monitor the operation and impact of this legislation, as it does with all labour legislation. However, there are no plans to amend the Act at this time.

Background/Status:

- As collective agreements expire in the private and public sectors, there is a risk of work stoppages (either strikes or lockouts) that may require the involvement of the Ministry.^{s.13}

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2019/20 Estimates Note

Advice to the Minister

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

- The Ministry is neutral with respect to collective bargaining. That is, the Ministry takes no position in collective bargaining or in any dispute other than to protect the public interest. The Ministry is not involved in public sector bargaining or the establishment of the public sector collective bargaining mandate.
- The services of the Mediation Division of the Labour Relations Board (LRB) may be needed to assist employers and unions resolve disputes during collective bargaining. Generally, those services are accessed by one or both parties making an application to the LRB. Disputes may include establishing the services and staffing to ensure the provision of essential services to protect the health, safety or welfare of the residents of the province prior to a union being able to engage in a legal strike (or an employer in a legal lockout).
- The Ministry of Labour monitors all disputes that could have an impact on the public interest. Ministry staff provide advice to the Minister about when and how government may need to intervene in a dispute in order to protect the public interest. The Ministry may get involved informally or formally to assist the parties to facilitate collective bargaining. Further, the *Labour Relations Code* provides formal mechanisms for the Minister to assist in disputes if requested by the parties, or if the Minister determines it to be necessary and in the public interest (e.g., appointing a Special Mediator or an Industrial Inquiry Commission with specific terms of reference).
- At times, there is public or media pressure for the Minister to direct the parties in a collective bargaining dispute to proceed to binding arbitration to resolve the dispute. There is no mechanism for the Minister to do that, including under the Code, except in police and fire fighter collective bargaining, due to the specific provisions of the *Fire and Police Services Collective Bargaining Act*.
- The Ministry is in touch with the parties in disputes to offer assistance, where possible, and to be as informed as possible of developments. The objective is to try to assist parties to achieve a voluntary end to their collective bargaining dispute while minimizing the negative impact of a work stoppage on the public.
- Generally, other jurisdictions in Canada have similar statutory mechanisms for intervention in collective bargaining disputes and for protecting the public interest.
- The *Fire and Police Services Collective Bargaining Act* recognizes that there is no real right to strike or lockout with respect to police and fire fighters due to their high essential services nature and that an alternative mechanism is necessary to end bargaining deadlocks.
 - The Act establishes a framework for resolving collective bargaining disputes by binding interest arbitration. Either the union or the employer may apply to the Minister for direction that a dispute be resolved by arbitration if the parties fail to reach agreement on their own.

2019/20 Estimates Note Advice to the Minister

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

- Recently and in the past, municipal employers have raised concerns about the specific requirements for the arbitrator set out in the Act. Some municipalities have argued that arbitrators have not placed sufficient emphasis on local economic conditions and other local collective agreement settlements, municipal financial capacity, local recruitment issues, and the size of various municipalities in determining an appropriate economic adjustment.
- Municipalities and the Union of BC Municipalities (UBCM) have sought amendments to the Act and a broad-based review of whether the Act is meeting its objectives. Over the past few years, government has indicated to municipalities, UBCM, and to the BC Professional Fire Fighters Association that there are no plans to review the Act, as the Act is achieving the objectives for which it was established.

BC Bargaining Database

- In 2008, the BC Bargaining Database was launched in partnership with the BC Federation of Labour, the Business Council of BC and the Labour Relations Board to provide data and trends on collective bargaining.
- The database provides important information about collective bargaining to the public. It is particularly valuable because it provides objective data to employers and unions about other collective bargaining settlements so that they do not have disputes about this information at the bargaining table. A website for the database was unveiled in late 2013.
- As of April 1, 2018, a three-year shared cost-funding arrangement between the Ministry and the Business Council of BC has been put in place to keep the database in operation to March 31, 2021. The current three-year contract is based on a cost-sharing model in which the Business Council makes an equivalent monetary contribution. The Ministry has provided \$177,000 over the three years. There is no financial contribution from the Labour Relations Board or the BC Federation of Labour.

Contact:

Trevor Hughes	Deputy Minister	Ministry of Labour	778 974-2189
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2019/20 Estimates Note Advice to the Minister

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

Title: *Labour Relations Code Review*

Revised: January 22, 2019

Issue: Review of the *Labour Relations Code* to ensure workplaces support a growing, sustainable economy with fair laws for workers and businesses (mandate letter commitment)

Response:

- Government made a commitment to review the *Labour Relations Code* to ensure workplaces support a growing, sustainable economy with fair laws for workers and businesses.
- On February 6, 2018, I announced the appointment of a *Labour Relations Code* review panel.
- The panel was tasked with consulting stakeholders from all regions of the province, and reporting back to me with recommendations on any amendments to the Code that will better support a growing, sustainable economy and reflect the changing nature of workplaces.
- Government received the report and recommendations from the review panel at the end of August 2018. The report was made available to the public in October 2018 and government received follow-up feedback from stakeholders.
- As the Minister of Labour, I am now considering the report, as well as the follow-up feedback, and we expect to act on the recommendations as early as this session.

Background/Status:

- The Premier's July 2017 mandate letter to the Minister 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."
- On February 6, 2018, the Minister of Labour announced the establishment of a *Labour Relations Code* review panel. The panel is established as a committee of special advisors under Section 3 of the *Labour Relations Code* (the Code).
- The panel was tasked with consulting interested stakeholders from all regions of the province, 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 was to review any recent changes in labour laws in other Canadian jurisdictions to ensure B.C.'s Code is consistent with best practices elsewhere.

2019/20 Estimates Note Advice to the Minister

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

- The panel was chaired by Michael Fleming, a mediator/arbitrator and former associate chair of the BC Labour Relations Board. Two labour and employment lawyers rounded out the panel, with Sandra Banister representing union interests, and Barry Dong sitting on behalf of employer interests.
- The last formal review of B.C.'s *Labour Relations Code* took place in 2003, and the last substantive amendments were made in 2001 and 2002.
- On August 31, 2018, the panel issued its report to the Minister. The report makes 29 recommendations, covering a wide range of topics, such as union certification processes, dispute resolution, successorship, unfair labour practices and arbitration procedures.
- The report was made available to the public in October 2018 and government received follow-up submissions from stakeholders until November 30, 2018. Government expects to act on the recommendations as early as in the spring 2019 legislative session.

Attachments: Appendix 1 – *Labour Relations Code* Review Panel Members
Appendix 2 – Review Panel Terms of Reference

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Appendix 1 – *Labour Relations Code* Review Panel Members

Chair: Michael Fleming

Fleming was called to the bar in 1989. He has over 20 years of experience as an impartial third party, adjudicating and resolving disputes in a wide range of sectors in B.C. and the Yukon, including the public service, Crown corporations, education, transportation, construction, television and film, forestry, pulp and paper, and manufacturing. He has extensive experience in designing and implementing dispute resolution processes involving multiple parties. Fleming has held a number of positions with the Labour Relations Board, including vice-chair from 1997 to 2002 and associate chair of both adjudication and mediation between 2002 and 2012.

Panel member and representative of union interests: Sandra Banister, QC

Banister has practised labour law and civil litigation for over 35 years. She has represented clients from both the public and private sectors and has appeared at all levels of court in British Columbia, labour arbitrations, the British Columbia Labour Board and the Human Rights Tribunal. In 2011, her ability and achievements in the legal profession were acknowledged when she was designated Queen's counsel, and she is recognized in the Best Lawyers peer review. Banister regularly volunteers with organizations providing ongoing legal education. She is a speaker at many seminars and conferences and designed the British Columbia labour law course at the Canadian Labour Congress winter school, where she has taught it since 1985.

Panel member and representative of employer interests: Barry Dong

Dong practises exclusively in the areas of labour, employment, human rights and administrative law, representing clients before federal and provincial labour and administrative tribunals, arbitration boards and panels, in court and in collective bargaining and negotiations. Dong also represents clients in a number of sectors, including the transportation, technology, construction, film and TV, and service industries. In addition to his advocacy practice, Dong's representation of clients includes providing practical labour and employment business advice, and presenting seminars and training workshops.

2019/20 Estimates Note Advice to the Minister

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

Appendix 2 – Review Panel Terms of Reference

Whereas the *Labour Relations Code* (the Code) provides for employee access to representation by a trade union, collective bargaining, dispute resolution, and many other aspects of the relationship between employers, their employees, and trade unions;

And whereas the last comprehensive reviews of the Code took place in 1992 and in 2003 by a Committee of Special Advisors appointed by the Minister of Labour under Section 3 of the Code;

And whereas the last amendments to the Code took place in 2001 and 2002;

And whereas there have been significant changes in the workplaces, economy and workforce of British Columbia over the past several decades.

And whereas some other jurisdictions (Canada, Alberta, and Ontario) have undertaken a review of their labour relations legislation in the past 2 years;

And whereas the Premier's July 2017 mandate letter to the Minister of Labour includes the following direction:

Ensure British Columbians have the same rights and protections enjoyed by other Canadians by reviewing the Labour [Relations] Code to ensure workplaces support a growing, sustainable economy with fair laws for workers and business.

And whereas the Confidence and Supply Agreement from May 2017 contains the following commitment at Section 2 (d):

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.

2019/20 Estimates Note Advice to the Minister

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

Now, therefore, the Minister directs that a review of the Code be undertaken by a Code Review Panel (the “Panel”) as follows:

1. The Panel will consist of a Chair, one representative of employer interests, and one representative of the interests of trade unions. The three panel members will be appointed by the Minister of Labour as a Committee of Special Advisers under Section 3 of the Code. The Panel will approach the review in an independent, impartial, and balanced manner.
2. The budget for the Panel will come from the Ministry of Labour. Payment for the Chair and its members will be in accordance with government policy. The Ministry will provide administrative support for the Panel, including research and website support.
3. The Panel will determine its own procedures, including the format for reporting to the Minister and communications. It is expected that the Panel will engage in consultations with and receive submissions from interested stakeholders, including the BCLRB, from all regions of the province.
4. The Panel will provide a written report to the Minister on or about August 1, 2018 outlining its processes, observations, and any recommendations for amendments or updates to the Code. In the review and analysis of each issue, the Panel should consider relevant developments in other Canadian jurisdictions.
5. The Panel must assess each issue canvassed from the perspective of how to “ensure workplaces support a growing, sustainable economy with fair laws for workers and business” and promote certainty as well as harmonious and stable labour/management relations.
6. The Minister of Labour will make the Panel report public after a reasonable period of time to review and consider it. The Minister will also provide the report to Cabinet.

Given under my hand this Xth day of February, 2018.

Honourable Harry Bains, Minister of Labour

2019/20 Estimates Note Advice to the Minister

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

Title: Asbestos

Revised: February 22, 2019

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

Response:

- This Government is committed to making British Columbia the safest jurisdiction for workers in all of Canada.
- The Government of British Columbia is keenly aware of the extent to which asbestos is a significant health and safety issue for B.C. workplaces and workers.
- Given the dangerous nature of asbestos, the safe use, handling, abatement and disposal of asbestos-containing materials is important from several perspectives including worker safety, safety during home and apartment renovations and demolitions, consumer and public awareness and environmental protection.
- Asbestos safety is a matter of significant concern to the Government of British Columbia, worker and employer stakeholders, WorkSafeBC, public health officials and the general public.
- A cross-ministry Asbestos Working Group, consisting of representatives from the Ministry of Labour along with the Ministries of Health, Environment and Climate Change Strategy, Municipal Affairs and Housing and WorkSafeBC, has been working to ensure that British Columbians are adequately protected from the dangers of asbestos.
- The Asbestos Working Group has consulted with business and employer representatives, the BC Federation of Labour, the BC Building Trades and other worker representatives, asbestos contractors, the Union of BC Municipalities, selected local governments and other appropriate stakeholders identified by the working group.
- In 2018, the Asbestos Working Group sought public input on initial recommendations to strengthen regulations and the enforcement of safe use of asbestos.
- The Asbestos Working Group sought public input on the recommendations contained within its draft report *Keeping Workers, the Public and the Environment Safe from Asbestos*. The public was able to submit their input by February 15, 2019.

2019/20 Estimates Note

Advice to the Minister

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

Background/Status:

- Exposure to asbestos can cause serious long-term health issues and even death. Until the early 1990s, asbestos was widely used in B.C. as a building material and can be present in many areas of older buildings.
- Anyone who repairs, renovates or demolishes older buildings in B.C. is at risk of inhaling asbestos fibres.
- Workers with the highest risk of inhaling the fibres include demolition and renovation contractors, carpenters, plumbers, electricians, building owners, home inspectors, insurance adjusters and real estate agents.
- If asbestos is found, the Occupational Health and Safety Regulation requires employers to hire a qualified abatement contractor to remove the material. A qualified person must also certify that the worksite air is safe, following the completion of the asbestos removal work. The Occupational Health and Safety Regulation defines a qualified person as someone who has knowledge of the management and control of asbestos hazards through education and training, and has experience in the management and control of asbestos hazards.

Asbestos Working Group

- The cross-ministry Asbestos Working Group's mandate is "to identify, review and report on outstanding risks that asbestos poses for British Columbians and the environment, and additional strategies and initiatives that the British Columbia government and its agencies could undertake to further protect people and the environment from the dangers of asbestos."
- Since its creation in February 2017, the working group reviewed available evidence to identify the nature and magnitude of outstanding asbestos risks for British Columbians and the province's natural environment, and identified a number of initiatives that ministries and agencies are currently undertaking or are considering going forward.
- The working group has consulted on the identified issues and potential initiatives with relevant outside stakeholders. These stakeholders have included business and employer representatives, the BC Federation of Labour, the BC Building Trades and other worker representatives, asbestos contractors, the Union of BC Municipalities, selected local governments and other appropriate stakeholders identified by the working group.
- In 2018, the Asbestos Working Group sought public input on initial recommendations to strengthen regulations and the enforcement of safe use of asbestos.
- The Asbestos Working Group sought public input until February 15, 2019, on the recommendations contained within its draft report *Keeping Workers, the Public and the Environment Safe from Asbestos*.

2019/20 Estimates Note Advice to the Minister

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

- The report recommends:
 - A licensing or certification requirement for contractors, consultants and surveyors who work with asbestos;
 - Options for increasing capacity within B.C. for the safe disposal of materials that contain asbestos;
 - Opportunities to create provincially recognized standards and programs for the training of asbestos abatement workers;
 - Opportunities to create an incentive-based program to encourage safe asbestos removal practices from buildings, such as a home renovation rebate program to help people with costs.

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Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Bullying, Harassment and Mental Disorders

Revised: February 22, 2019

Issue: Actions to address bullying and harassment in the workplace

Response:

- The *Workers Compensation Act* provides that mental disorders resulting from one or more traumatic events, as well as mental disorders primarily caused by significant work related stressors including bullying and harassment, are compensated.
- Government believes that it is important to treat job-related mental disorders the same way physical illnesses and injuries are treated. Mental disorders have a significant impact on workers, their families and the workplace.
- WorkSafeBC has developed a policy on bullying and harassment under the existing Occupational Health and Safety Regulation to prevent and address this behaviour in the workplace.
- WorkSafeBC has resources on its website in a Workplace Bullying and Harassment Tool Kit.
- Government encourages all employers and workers to review this important material and to be fully aware of their responsibilities and duties to ensure that bullying and harassment have no place in British Columbia's workplaces.

Background/Status:

- The *Workers Compensation Act* provides that:
 - Mental disorders resulting from one or more traumatic events, as well as mental disorders resulting from significant work related stressors such as bullying and harassment (i.e., chronic stress), are compensated.
 - For significant work-related stressors, including bullying or harassment, the stressor must be the predominant cause of the mental disorder. The predominant cause requirement recognizes the unique characteristics of mental disorders that can involve work-related and non-work stressors. As such, requiring that a mental disorder be predominantly caused by a significant work-related stressor arising out of employment supports the objectives and financial integrity of the workers' compensation system.

2019/20 Estimates Note

Advice to the Minister

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

- The legislation explicitly recognizes bullying and harassment as significant work-related stressors that can result in a compensable mental disorder. The intent of this provision was to express a clear position that these destructive behaviours are simply not acceptable in the workplace.
 - In order for a compensation claim to be accepted, a psychiatrist or psychologist must have diagnosed a mental disorder.
 - Mental disorder claims that result from termination, discipline and other decisions related to a worker's employment are excluded.
- In spring 2018, government amended the *Workers Compensation Act* to provide a new mental disorder presumption for paramedics, police, fire fighters, sheriffs and correctional officers. This presumption covers mental disorders that may arise from a traumatic event experienced at work, such as Post-Traumatic Stress Disorder (PTSD). The legislation contains a provision to add by regulation other occupations to those eligible to the presumption. The Ministry is engaged in the policy work to review whether to add other occupations (e.g., nurses) but no decisions have been made at this time.
- Since the existing mental disorder provisions came into effect in July 2012, WorkSafeBC has been working closely with employer, union, worker and mental health groups to establish and evolve its program for administering mental disorder claims. It has been doing the same with psychology and medical communities including the BC College of Psychologists, the BC Psychological Association and the BC Medical Association.
- WorkSafeBC has developed a policy on bullying and harassment under the existing Occupational Health and Safety Regulation which came into effect on November 1, 2013. WorkSafeBC also introduced the resources that are now available in a Workplace Bullying and Harassment Tool Kit.
- s.13

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2019/20 Estimates Note Advice to the Minister

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

Title: Forest Safety Issues Including Resource Roads

Revised: January 29, 2019

Issue: Action taken by government and WorkSafeBC on forest safety issues including resource roads

Response:

- In 2018, there were eight fatal workplace incidents in the forest industry. Between 2013 and 2017, 42 work related deaths occurred.
- Since receiving the Premier's July 2017 mandate letter, I have been reviewing and developing options with WorkSafeBC to increase compliance with legislation and standards that are in place to protect the lives and safety of workers.
- This includes having strategies in place for high risk sectors such as forestry, health care and construction.
- As the Minister of Labour, I intend to make British Columbia the safest jurisdiction in Canada for workers.
- I would refer any questions regarding government's plans to standardize resource road safety rules to the Minister of Forests, Lands, Natural Resource Operations and Rural Development.

Background/Status:

Forest Safety

- In 2004, the previous government committed to reducing the number of deaths and serious injuries by half within three years. Several months later, the goal was revised to zero deaths and serious injuries.
- On January 23, 2008, the Office of the Auditor General released the report *Preventing Fatalities and Serious Injuries in B.C. Forests – Progress Needed*.
- This report focused on the role of the provincial government and its agencies involved in forest worker safety. It concluded that government still had significant challenges to overcome if it is to meet the goal set in 2003 to radically decrease deaths and injuries in the forest industry.
- The report contained 15 recommendations for improving forest worker safety.

2019/20 Estimates Note

Advice to the Minister

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

- The Auditor General subsequently reported that four of the 15 recommendations had been fully implemented, five had been substantially implemented, one had been partially implemented and five had been addressed by alternative action.
- s.13

Resource Roads

- There are approximately 600,000 kilometres of resource roads in use by workers in B.C. Resource roads are roads on Crown land that are not a public highway or within a municipality. These roads provide access for resource development and access to communities, recreation, wilderness and private residences.
- Resource roads do not include roads within a worksite (e.g. mine site, cutblock, well site) and are currently administered through several different pieces of legislation. Many of these legislative provisions regulate specific industries or activities (e.g. *Forest Act*, *Oil and Gas Activities Act*, *Land Act*). Each addresses safety in different ways and to different degrees.
- In October 2012, the previous government approved an Order in Council (OIC) that amended the Occupational Health and Safety Regulation (OHSR) to clarify the *Workers Compensation Act* (WCA) definition of “workplace” and its application to resource roads.
- The regulation states that a resource road is not a “workplace”, and therefore, it establishes that resource roads will be treated much the same as public highways for the purpose of occupational health and safety enforcement.
- This regulation addresses concerns that the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) and other government ministries and agencies had long had with the enforcement approach established under the WCA and OHSR.
- It was their view that WorkSafeBC’s enforcement approach, which considered a resource road as a whole to be a single workplace, was flawed because it was impossible for government to have knowledge of, and control over, all of the activities that occur on these roads.
- Subsequent to the enactment of the regulation, WorkSafeBC developed, in consultation with stakeholders, a guideline which provides more detail and insight into the application of the regulation.
- FLNR and WorkSafeBC are continuing to work closely with each other under this policy approach in the interest of safety.
- FLNR undertook another stakeholder engagement in late fall 2017, and work on this file continues.

2019/20 Estimates Note Advice to the Minister

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

- Questions regarding government's plans to standardize resource road safety rules should be referred to the Minister of Forests, Lands, Natural Resource Operations and Rural Development.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Lakeland and Babine Sawmill Explosions

Revised: February 22, 2019

Issue: Actions taken following the Lakeland and Babine sawmill explosions

Response:

- As a government, we want to make sure that all of the events leading up to the mill explosions and WorkSafeBC's investigations of those explosions are looked at even more rigorously so that no one is subjected to the kind of horrific explosion that those workers faced and the serious lifelong injuries they were left with.
- In the wake of the tragedies at the Lakeland and Babine sawmills, the previous government took steps to ensure that tragedies like this do not happen again.
- Our Government has made a commitment to review and develop options with WorkSafeBC to increase compliance with employment laws and standards to protect the lives and safety of workers.
- As part of this commitment, we will see what more needs to be done to ensure sawmills are safe for B.C. workers.

Background/Status:

- On January 10, 2014, Crown Counsel announced that no charges would be approved against Babine Forest Products in relation to the January 20, 2012, explosion and fire in Burns Lake that killed two workers and injured many others.
- On April 14, 2014, Crown Counsel announced that no charges would be approved in the April 23, 2012, fire and explosion at Lakeland Mills in Prince George.
- Problems with how WorkSafeBC conducted the investigations were cited as part of the reason why charges were not approved in both cases.
- On April 14, 2014, the previous government announced that the chair and board of directors of WorkSafeBC agreed to appoint Mr. Gordon Macatee as administrator at WorkSafeBC to ensure that necessary reforms were undertaken.
- The previous government and WorkSafeBC accepted all 43 recommendations contained in Gordon Macatee's *WorkSafeBC Review and Action Plan*, released in July 2014.

2019/20 Estimates Note Advice to the Minister

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

- Mr. Macatee delivered his final report to government and WorkSafeBC on April 6, 2016. The report concluded that all of the 43 recommendations had been implemented, with a few minor adjustments that were based on stakeholder consultations, that Mr. Macatee also supported.
- On February 11, 2015, Bill 9, the *Workers Compensation Amendment Act, 2015*, was introduced which addressed 12 of Mr. Macatee's recommendations that warranted a legislative response. All provisions in Bill 9 are in effect, with the final provisions having come into force on September 15, 2015.
- On May 14, 2015, a coroner's jury issued the formal verdict respecting the Lakeland sawmill explosion. The jury made 33 recommendations aimed at both government and non-government organizations.
- On July 31, 2015, a second inquest jury issued its verdict into the Babine sawmill explosion. The Babine inquest made 41 recommendations, also aimed at both government and non-government organizations.
- Of the 74 recommendations flowing from the two inquests, 40 were directed to the provincial government or provincial government agencies.
- Bill 35, *Workers Compensation Amendment Act (No. 2)* acted on the five recommendations from the coroner inquests which called for amendments to the *Workers Compensation Act*.
- In addition to acting on the coroner jury recommendations aimed at it, WorkSafeBC underwent a consultation and regulatory process in order to develop amendments to the Occupational Health and Safety (OHS) regulations, which support Bill 35.
- A class-action lawsuit has been launched by a group of workers and family members involved in the 2012 explosion at the Babine and Lakeland sawmills.
- Ten plaintiffs are seeking general, special and punitive damages, as well as declarations from WorkSafeBC admitting inspections and investigations into the explosions were negligent. s.13

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2019/20 Estimates Note Advice to the Minister

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

s.13

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Mental Disorders, including Post-Traumatic Stress Disorder and First Responders

Revised: February 22, 2019

Issue: Mental Disorders, including PTSD and first responders

Response:

- Government is keenly aware of the difficult circumstances many first responders have faced and the toll this can take on them.
- As the Minister of Labour, I am committed to ensuring that British Columbia has a fair, effective and respectful workers' compensation system. This includes ensuring that injured workers and surviving dependents are the central focus.
- In spring 2018, government amended the *Workers Compensation Act* to provide a new mental disorder presumption for paramedics, police, fire fighters, sheriffs and correctional officers.
- This presumption covers mental disorders that may arise from a traumatic event experienced at work, such as Post-Traumatic Stress Disorder.
- These amendments recognize the important, dangerous and sometimes traumatic work that the workers covered by these changes do every day to serve and protect British Columbians.
- These amendments also permit government to designate other occupations by regulation. This will allow other relevant occupations to be considered for the presumption.
- WorkSafeBC has established a first responders' mental health steering committee, with participation from government, employers and unions representing first responders, to look at ways to reduce incidents of work-related mental health issues, including Post-Traumatic Stress Disorder.
- The Justice Institute of British Columbia Foundation awarded this committee with the Dr. Joseph H. Cohen Award in recognition of its outstanding work to increase awareness of and support for positive mental health among first responders.
- The federal, provincial and territorial ministers responsible for labour have agreed to work together to reduce the stigma associated with mental health issues in the workplace, explore ways to enhance supports through employers and workers' compensation boards, and share information on best practices and research across provinces and territories. B.C. is a leader in this work.

2019/20 Estimates Note Advice to the Minister

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

Background/Status:

First Responders' Concerns

- A number of first responder stakeholders, including the BC Professional Fire Fighters' Association and the Ambulance Paramedics of BC, expressed their concerns to government on how work-related mental disorders, including Post-Traumatic Stress Disorder (PTSD), are addressed by the *Workers Compensation Act*.
- These and other stakeholders raised concerns that coverage for mental disorders under the *Workers Compensation Act* does not go far enough. Some believe that it is necessary to broaden the range of mental health injuries accepted by WorkSafeBC and to provide presumptive coverage for mental health injuries for first responders. There are also concerns about the immediacy of service for those in need, the location of treatment and the role of the health care system and employers when a worker is denied coverage by WorkSafeBC.

Workers' Compensation for PTSD and Mental Disorders

- The *Workers Compensation Act* was amended in 2012 to expand coverage for workers who experience work-related mental disorders, including PTSD. The change means that all B.C. workers, including paramedics and other first responders, are covered for mental disorders caused by a larger array of traumatic events or stressors.
- In spring 2018, government introduced Bill 9, the *Workers Compensation Amendment Act, 2018*.
- This Bill amended the *Workers Compensation Act* to provide a new mental disorder presumption for paramedics, police, fire fighters, sheriffs and correctional officers. These occupations are frequently exposed to traumatic events at work.
- The presumption covers mental disorders that may arise from a traumatic event experienced at work, such as PTSD.
- These mental disorders are presumed to have been caused by one or more traumatic events that an eligible worker was exposed to in the course of their work, rather than having to be proven, in order to obtain workers' compensation benefits and supports.
- Bill 9 also provided Cabinet with authority to designate other occupations by regulation. This will allow other relevant occupations to be considered for the presumption.

2019/20 Estimates Note Advice to the Minister

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

Actions to Support First Responders

- The Ministry of Labour has worked with other ministries, WorkSafeBC, employers, unions and first responders to step up efforts to prevent PTSD and other mental disorders in first responders, and to provide proper support through the employers, WorkSafeBC and the public health system.
- Specific initiatives include the following.
 - In 2015, WorkSafeBC struck the *Supporting Mental Health in First Responders Steering Committee*, a multi-agency body with senior worker and employer representatives from fire, police and ambulance services, along with a senior government representative (Deputy Minister Trevor Hughes).
 - The website, **bcfirstrespondersmentalhealth.com** provides a central inventory of resources that allows for sharing of knowledge, resources and training across first responder agencies.
 - The “Share It. Don’t Wear It.” anti-stigma campaign has been created and put into action.

• s.13

Meetings of Federal, Provincial and Territorial Ministers Responsible for Labour

- At the September 2016 meeting in Prince George, the ministers:
 - Examined the issue of workplace mental health, including PTSD.
 - Highlighted the importance of this matter in a joint statement, agreeing to take steps to reduce the stigma associated with mental health issues in the workplace and to encourage workers to seek help when they need it.
 - Expressed interest in contributing to the development of a coordinated national action plan on PTSD.
- At the January 2018 meeting in Ottawa, the ministers agreed to continue to work collaboratively on initiatives aimed at reducing the stigma associated with mental health, exploring ways to enhance supports through employers and workers’ compensation boards among others and sharing information on best practices and research.

Presumption for PTSD and Other Mental Disorders

What is Meant by a Presumption?

- A presumption under the *Workers Compensation Act* presumes that a certain disease or disorder is work-related for a specified occupation.

2019/20 Estimates Note Advice to the Minister

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

- The presumption thereby establishes a worker's eligibility for workers' compensation benefits without requiring specific evidence that the disease or disorder arose out of work.
- Presumptions are rebuttable if there is evidence that the cause of the disease or disorder was not the worker's employment.

s.13

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2019/20 Estimates Note Advice to the Minister

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

Title: Occupational Health and Safety Harmonization Under the Council of the Federation

Revised: January 28, 2019

Issue: Council of Federation commitment to identify opportunities to liberalize trade, particularly in the area of occupational health and safety

Response:

- The Minister of Jobs, Trade and Technology can answer questions regarding the Canada Free Trade Agreement, and the Premiers' commitments to determine if there are other possible improvements to liberalize trade.
- With respect to the review of occupational health and safety, officials from the provinces and territories and the federal government are looking at potential opportunities to harmonize occupational health and safety rules in situations where those rules could create unnecessary barriers to trade.
- At a January 2018 meeting of federal, provincial and territorial ministers responsible for labour in Ottawa, my counterparts and I agreed on an approach for occupational health and safety harmonization, starting with personal protective equipment.
- A work plan was presented to the annual meeting of federal-provincial-territorial Deputy Ministers Responsible for Labour in May 2018. There was consensus that much of the substantive harmonization work had been accomplished.
- At the January 2019 meeting of federal-provincial-territorial Ministers Responsible for Labour, a *National Occupational Health and Safety Reconciliation Agreement* was signed.
- B.C. continues to support these ongoing efforts to harmonize occupational health and safety standards. Harmonization will help to protect the health and safety of all workers, while removing barriers that exist between provinces and territories.
- It will provide much-needed predictability for employees and employers, as well as regulators, and will also simplify compliance efforts for employers operating in different locations across the country.

2019/20 Estimates Note Advice to the Minister

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

Background/Status:

- On September 23, 2015, former Newfoundland and Labrador Premier, Paul Davis, as then chair of the Council of the Federation, wrote to the other premiers confirming their commitment to reviewing occupational health and safety (OHS) regulations and practices with a view to reducing technical barriers to trade.
- Specifically, premiers directed their ministers responsible for OHS to explore opportunities for mutual recognition or harmonization in the following areas:
 - Personal Protective Equipment Requirements, such as hard hats, safety vests, first aid kits, etc., that could be reconciled.
 - Standards/Training, including opportunities to align training requirements between jurisdictions.
 - Information-Sharing and Reporting, to make OHS information more readily available.
 - Administrative/Work Processes and Practices, such as reviewing rule differences and consideration of mutually recognizing common cross-border requirements.
- This review is proceeding under the auspices of the Canadian Association of Administrators of Labour Legislation (CAALL), which is the secretariat that supports the federal, provincial and territorial (FPT) Ministers Responsible for Labour.
- On September 9, 2016, during their meeting in Prince George, FPT Ministers Responsible for Labour agreed on an action plan which:
 - Identifies concrete areas for harmonization.
 - Will help improve occupational health and safety for Canadian workers.
 - Will make it easier for companies working in multiple provinces and territories to support their employees from a health and safety standpoint.
- On January 25, 2018, during their meeting in Ottawa, FPT Ministers Responsible for Labour reviewed the progress that had been made on the action plan, particularly with respect to Personal Protective Equipment, and directed that the work continue and be expanded to standards/training, information sharing and reporting and administrative/work processes and practices (i.e., the remaining areas that were outlined in the Council of the Federation's direction in 2015).
- A work plan was presented to the annual meeting of FPT Deputy Ministers Responsible for Labour on May 24, 2018. There was consensus at this meeting that CAALL-OSH had accomplished the substantive harmonization work, and that the next steps of implementation will be contingent on ministerial approval in the various jurisdictions.

2019/20 Estimates Note Advice to the Minister

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

- At the January 2019 meeting of FPT Ministers Responsible for Labour, a *National Occupational Health and Safety Reconciliation Agreement* was signed.
- This agreement reflects the collaborative effort of CAALL-OSH and the Regulatory and Reconciliation and Cooperation Table under the Canada Free Trade Agreement.
- The purpose of this agreement is to:
 - Specify OHS regulatory requirements and standards to be reconciled by recognition of common standards;
 - Provide a means for parties to respond to changes in circumstances;
 - Establish effective procedures for the implementation of reconciliation and for the resolution of issues arising from implementation; and
 - Lay the foundation to expand and enhance the benefits of this Agreement and lay the foundation for future reconciliation agreements.
- The agreement will be in force until December 31, 2023, and it may be renewed.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Protecting the Lives and Safety of Workers

Revised: January 29, 2019

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

Response:

- The Premier's mandate letter made it clear that he expects me to review and develop options with WorkSafeBC to increase compliance with employment laws and standards put in place to protect the lives and safety of workers.
- As Minister responsible for WorkSafeBC, I intend to make British Columbia the safest jurisdiction in Canada for workers.
- Most employers in the province take worker health and safety seriously, but there is more that needs to be done to ensure workers are safe.
- I have clearly expressed to WorkSafeBC my expectations regarding the safety of workers and actions needed to make B.C. the safest jurisdiction in Canada, and specifically asked WorkSafeBC to outline the steps it will be taking to achieve this goal.
- In response, WorkSafeBC has developed a 2018-2022 Strategic Plan entitled *A Safe and Healthy Future for B.C. Workplaces*.
- This Strategic Plan can be viewed on WorkSafeBC's website.

Background/Status:

- WorkSafeBC's mandate includes promoting the prevention of workplace injuries, diseases, mental disorders and deaths while ensuring sound financial management for a viable workers' compensation system.
- Ralph McGinn was appointed as board chair for WorkSafeBC in December 2017 for a four-year term. Mr. McGinn was WorkSafeBC's president and CEO from 1998 to 2003 and was WorkSafeBC's vice-president, prevention, from 1993 to 1998.
- Discussions have been undertaken with Mr. McGinn that recognize that emerging safety issues and accidents can highlight areas where more work needs to be done, including legislative, regulatory, policy and program actions.

2019/20 Estimates Note Advice to the Minister

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

- WorkSafeBC's 2018-2022 Strategic Plan directly addresses a prevention strategy with the following key elements:
 - Safety ownership and culture;
 - Occupational disease prevention;
 - Serious injury prevention;
 - Workplace violence prevention;
 - Small business considerations;
 - Incentives and penalties;
 - Vulnerable workers;
 - Mental health and bullying and harassment; and
 - Societal transformation.
- s.13

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Workers' Compensation Review

Revised: February 22, 2019

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

Response:

- A fair, effective and respectful workers' compensation system is of utmost importance to this government.
- This includes ensuring that injured workers and surviving dependants receive fair and timely compensation.
- One of my priorities is respectful care for workers with work-related injuries and illnesses, and for surviving dependants. This is something that I have discussed with Mr. Ralph McGinn, the chair for WorkSafeBC.
- In January 2018, WorkSafeBC's board of directors retained Paul Petrie to review the Rehabilitation and Claims Services policies and to recommend changes within the bounds of current legislation.
- Mr. Petrie's April 2018 report contains 41 recommendations for change:
 - to ensure a worker-centred approach that maximizes recovery from a workplace injury or disease, and
 - to restore injured workers to safe, productive and durable employment.
- WorkSafeBC has developed a workplan for 2019-2021 to engage interested stakeholders in a process to implement as many of Mr. Petrie's recommendations as possible. Public consultation on proposed changes is currently underway.
- As the Minister responsible for the *Workers Compensation Act* and WorkSafeBC, I continue to consider what more government and WorkSafeBC should do:
 - to support injured workers, including their return to work,
 - to promote a worker-centric service delivery model at WorkSafeBC,
 - to ensure that the workers' compensation system respects diversity and inclusiveness,
 - to have a system that is fair and effective for workers and employers, and
 - to identify other urgent issues for workers' compensation.

2019/20 Estimates Note Advice to the Minister

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

Background/Status:

- In addition to promoting, regulating and enforcing worker health and safety, WorkSafeBC's mandate includes providing fair wage-loss compensation to workers while recovering from work-related injuries and rehabilitating those who are injured on the job.
- WorkSafeBC's mandate also provides that these services be undertaken while ensuring the sound financial management of the workers' compensation system so that it can remain viable.
- While WorkSafeBC takes service quality very seriously and has implemented a number of improvements over the years, clients continue to report to government and to WorkSafeBC about the quality of services being provided. This is particularly so for complex cases that can present challenges for the system and for the affected workers and dependents.
- These concerns are important to the WorkSafeBC executive and to government. Generally, service quality issues can be addressed directly by WorkSafeBC without legislative amendment.
- The July 2017 mandate letter directs the Minister to review and develop options with WorkSafeBC to increase compliance with employment laws and standards put in place to protect the lives and safety of workers.
- Page 5 of the *Confidence and Supply Agreement (CASA)* with the BC Green Caucus provides as follows:
 - 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.
- Since July 2017, the Minister has made progress on these priorities and commitments with a systemic approach to effecting the desired shifts including the following initiatives and policy changes:
 - Board Governance: Effective December 1, 2017, four new appointments were made to WorkSafeBC's board of directors, including a new chair. A new Actuary board appointment was also recently made.
 - Internal WorkSafeBC Culture: The Minister has directed the WorkSafeBC board to implement a culture change within WorkSafeBC to improve services, with a focus on injured workers who need care, compassion and respect while they recover.

2019/20 Estimates Note

Advice to the Minister

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

- Employers: The Minister directed the WorkSafeBC board to remind employers of their responsibilities and accountability to reduce workplace injuries and death under the *Workers Compensation Act* (WCA) and the Occupational Health and Safety Regulation.
- Policies: The Minister directed the WorkSafeBC board to review its Rehabilitation and Claims Services policies to determine if there are policies that could be amended to ensure a worker-centred approach. The process, led by consultant Paul Petrie, resulted in a report published on April 25, 2018 entitled “Restoring the Balance: A Worker-Centred Approach to Workers’ Compensation Policy”. The report contains 41 recommendations for change which has led to the development of a workplan to engage interested stakeholders in a process to implement as many of the recommendations as possible. Public consultation is underway on the 2019-2021 workplan.
- Legislation: Government passed Bill 9-2018 (the *Workers Compensation Amendment Act, 2018*) which adds a presumption for first responders who experience trauma as a result of their work and which results in a diagnosed mental health injury/disorder. Work is underway to expand coverage for this presumption to other occupations.
- Accident Fund: The Minister directed the WorkSafeBC board to prepare a report on both the background and options available to WorkSafeBC under the WCA to manage the substantial unappropriated balance in the Accident Fund. On December 13, 2018, the chair of the board provided to Minister Bains a report from the consultant (Terry Bogyo) which outlines nine options for change (of which 8 require amendment to the WCA). **The report has not yet been made public.**
- Asbestos: The Ministry of Labour led a cross-ministry working group, with significant involvement and input from WorkSafeBC, to better protect people and the environment from the dangers of asbestos. A report for consultation and input was released on December 19, 2018.
- s.13
- Prevention: WorkSafeBC is working to implement a 5-year prevention strategy to reduce workplace injury, disease and death and move B.C. to become the safest jurisdiction in Canada for workers.

2019/20 Estimates Note Advice to the Minister

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

- The Minister is considering further reviews and initiatives to achieve the following goals and priorities, although no final decisions have been made or announced:
 - to support injured workers, including their return to work,
 - to promote a worker-centric service delivery model at WorkSafeBC,
 - to ensure that the workers' compensation system respects diversity and inclusiveness,
 - to have a system that is fair and effective for workers and employers, and
 - to identify other urgent issues for workers' compensation.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Extending Coverage to Professional Athletes

Revised: February 22, 2019

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

Response:

- In October 2018, Premier Horgan and I met with representatives from the Canadian Football League Players' Association, alongside representatives from the Professional Lacrosse Players' Association, Professional Hockey Players' Association and the National Hockey League Players' Association.
- These organizations outlined their concerns for acquiring appropriate workers' compensation coverage for all professional athletes working in Canada.
- By a longstanding order, WorkSafeBC exempts professional sports competitors or athletes from workers' compensation.
- As part of the work currently underway, WorkSafeBC is considering a policy review of this exemption to look at whether the exclusion of professional sports competitors should continue to apply.

Background/Status:

- Section 2 (1) of the *Workers Compensation Act* (WCA) provides that the workers' compensation provisions apply to all employers and workers in British Columbia except employers or workers exempted by order of WorkSafeBC.
- By a longstanding order, WorkSafeBC exempts professional sports competitors or athletes from workers' compensation.
- For the exemption to apply, the professional sports competitor or athlete must be competing in a sport entailing physical activity, the existence of rules governing how the sport is played and competition, whether among teams or individuals.
- This exemption does not apply to non-competing workers of a sports team such as coaches, management, trainers or other support staff.
- British Columbia is not alone in exempting sports competitors and athletes from workers' compensation coverage.
- 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.

2019/20 Estimates Note Advice to the Minister

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

- In October, 2018, a group representing over 3,500 professional athletes from across Canada met with Premier Horgan and Minister Bains.
- Representatives included the Canadian Football League Players' Association (CFLPA), alongside representatives from the Professional Lacrosse Players' Association (PLPA), Professional Hockey Players' Association (PHPA) and the National Hockey League Players' Association (NHLPA).
- Representations were made in support of appropriate workers' compensation coverage for all professional athletes working in Canada.
- The player union representatives noted that workers' compensation laws in British Columbia were first enacted in 1917 and were established in part to help ensure that employers were responsible for workplace injuries. It was noted that most people who work in B.C., except for professional athletes, qualify for workers' compensation.
- At the request of stakeholders, the 2019 – 2021 compensation, occupational disease, assessment and occupational health and safety policy priorities of WorkSafeBC include this issue.
- WorkSafeBC is currently considering a policy review of this exemption to consider whether the exclusion of professional sports competitors should continue to apply.
- This Policy Workplan can be viewed on WorkSafeBC's website.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: Improving Labour Laws and Measures

Revised: February 21, 2019

Issue: Improving fairness for workers, ensuring balance in workplaces and improving measures to protect the safety of workers (Confidence and Supply Agreement commitment)

Response:

- Government is fully committed to this item from our Confidence and Supply Agreement with the Green Party.
- As the Minister of Labour, I support labour laws and labour programs that are fair for workers, that ensure balance in the workplace and that protect the safety of workers.
- In fact, my vision is for British Columbia to be the safest jurisdiction in Canada for workers.
- The Ministry is delivering on this commitment and the related commitments in my mandate letter from the Premier.
- This includes appointing a Fair Wages Commission and setting a pathway for raising the minimum wage to at least \$15.20, passing the *Temporary Foreign Worker Protection Act*, updating employment standards laws and improving service delivery, completing a review of the *Labour Relations Code*, and working with WorkSafeBC to increase compliance with worker safety laws and standards, support injured workers in their return to work and ensure worker-centric service delivery at WorkSafeBC.

Background/Status:

- The Confidence and Supply Agreement (CASA) between the Green Party Caucus and the New Democrat Caucus 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 (pg. 5, S3, 2d).*
- Government can improve fairness for workers, balance in workplaces, worker health and safety and support for workers and their dependants in injury or death with changes to the *Employment Standards Act* (ESA), *Labour Relations Code* (Code) and *Workers Compensation Act* (WCA), and through the new *Temporary*

2019/20 Estimates Note Advice to the Minister

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

Foreign Worker Protection Act (TFWPA). The agencies that administer these statutes can also support this initiative with program changes.

- The ESA is intended to ensure that employees in B.C. receive at least minimum standards of compensation and conditions of employment. The Code governs all aspects of collective bargaining between employers and employees. The WCA sets B.C.'s legal framework for workers' compensation and occupational health and safety. The TFWPA provides protections to address the specific vulnerabilities of temporary foreign workers recruited to work in B.C.

Recent Initiatives

Employment Standards Act:

- In spring 2018, amendments were made to the ESA that:
 - introduced leave for parents on the death of their child;
 - introduced leave for parents on the crime-related disappearance of their child;
 - increased the length of compassionate care leave;
 - allowed maternity leave to start earlier; and,
 - increased the length of parental leave.
- The British Columbia Law Institute, a not-for-profit law reform agency, has recently concluded an independent review of employment standards, including identifying the contemporary needs and circumstances of B.C.'s workplaces and examining evolving trends in other jurisdictions. The "Report on the *Employment Standards Act*", released on December 10, 2018, contains a number of recommendations for reform of the Act.
- The Ministry will be looking at the BCLI's recommendations, as well as submissions already received from organizations such as the Employment Standards Coalition and the BC Federation of Labour, when considering changes to the ESA.
- The Ministry is considering some amendments to the ESA for spring 2019 to address priority issues.

Labour Relations Code:

- With regard to the Code, on February 6, 2018, the Minister announced the appointment of a *Labour Relations Code* review panel. The panel was tasked with consulting interested stakeholders from all regions of the province, and reporting back to government with recommendations on any amendments to the Code that will better support a growing, sustainable economy and reflect the

2019/20 Estimates Note Advice to the Minister

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

changing nature of workplaces. Government received the report and recommendations at the end of August 2018.

- The report was made available to the public in October 2018 and government received follow-up submissions from stakeholders.
- Government expects to act on the recommendations as early as in the spring 2019 legislative session.

Workers Compensation Act:

- At the Minister's direction, the WorkSafeBC Board reviewed its Rehabilitation and Claims Services policies to ensure a worker-centred approach. This resulted in Paul Petrie's April 2018 report, with 41 recommendations, entitled "Restoring the Balance: A Worker-Centred Approach to Workers' Compensation Policy". WorkSafeBC has consulted with stakeholders on a 2019-2021 workplan to implement as many of the recommendations as possible.
- Government amended the WCA in May 2018 to add a new presumption for police, firefighters, ambulance paramedics, sheriffs and corrections officers who experience trauma as a result of their work and which results in a diagnosed mental health injury/disorder.
- The Ministry is considering development of a regulation to expand coverage for the new mental disorder presumption to other occupations, including nurses and dispatchers (and call-takers) who support first responders.
- The Minister directed the WorkSafeBC Board to report on options available to WorkSafeBC under the WCA to manage the unappropriated balance in the Accident Fund. On December 13, 2018, the chair of the Board provided to the Minister a report from the consultant (Terry Bogyo) which outlines nine options for change (of which eight require amendment to the Act). **This report has not yet been made public.**
- The Ministry has led a cross-ministry working group, with involvement and input from WorkSafeBC, to better protect people and the environment from the dangers of asbestos. A report for consultation and input was released December 19, 2018 with a deadline for feedback of February 15, 2019.

- s.12; s.13

2019/20 Estimates Note Advice to the Minister

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

- In response to the Minister's vision of making B.C. the safest jurisdiction in Canada, WorkSafeBC has developed a new prevention strategy that outlines steps that will be taken towards becoming the safest jurisdiction for workers in Canada.
- The Ministry continues to explore how else the workers' compensation system should be improved to make B.C. the safest jurisdiction for workers in Canada, support injured workers' return to work, reflect a worker-centric service delivery model, and ensure fairness for workers and employers.

Temporary Foreign Worker Protection Act:

- The *Temporary Foreign Worker Protection Act* (TFWPA) was introduced into the Legislature in October 2018, and received Royal Assent on November 8.
- The TFWPA, which comes into force by regulation, provides the way to better protect the rights of vulnerable temporary foreign workers (TFWs) by introducing a new requirement for foreign worker recruiters to be licensed and for employers who hire TFWs to be registered.
- The TFWPA also sets a framework for identifying and investigating abuses of TFWs, and when violations occur, provides for strong enforcement, including monetary penalties and cancellation of recruiter licenses and employer registrations, along with possible jail time.
- The Ministry is currently working to have the required plans, systems and resources in place, and to develop the required regulations, so that the TFWPA can be implemented as soon as possible through 2019.

Attachments: Appendix 1 – *Employment Standards Act* – Legislative Amendments Since 2001
Appendix 2 – *Labour Relations Code* – Legislative Amendments Since 2001
Appendix 3 – *Workers Compensation Act* – Legislative Amendments Since 2001
Appendix 4 – BC Law Institute – ESA Review

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Appendix 1 – *Employment Standards Act* – Legislative Amendments Since 2001

Year	Legislative Amendments
2002	<ul style="list-style-type: none"> Requirement for employers to keep payroll records reduced from five to two years. Minimum daily call-in reduced from four to two hours. Liability for unpaid wages reduced from two years to six months. Daily overtime changed to double-time after 12 instead of 11 hours. Statutory holiday pay requirements simplified.
2002	<ul style="list-style-type: none"> Averaging agreements (permitting hours of work to be averaged over a period of one, two, three, or four weeks) introduced.
2002	<ul style="list-style-type: none"> Self-Help Kit and mediation/adjudication conflict resolution processes added.
2002	<ul style="list-style-type: none"> Introduction of mandatory employer financial penalties.
2002	<ul style="list-style-type: none"> Approval process for hiring employees between the ages of 12 and 14 changed.
2002	<ul style="list-style-type: none"> Requirement for farm workers to be paid in Canadian currency and by direct deposit added.
2002	<ul style="list-style-type: none"> Parties to a collective agreement permitted to negotiate alternative provisions with regard to certain sections of the Act. Requirement for parties to a collective agreement to use grievance procedures to resolve disputes regarding the application of standards added.
2006	<ul style="list-style-type: none"> Introduction of compassionate care leave.
2008	<ul style="list-style-type: none"> Introduction of Reservists' leave.
2008	<ul style="list-style-type: none"> Requirement added that farm producers only engage farm labour contractors who are licenced. Provision added allowing for the cancellation or suspension of a farm labour contractor's license when relevant WorkSafeBC and motor vehicle laws and regulations are violated. Provision added enabling government to charge farm labour contractors the costs paid to provide alternative transportation for stranded workers when a vehicle is taken out of service during roadside inspections.
2018	<ul style="list-style-type: none"> Introduction of leave for parents on the death of their child. Introduction of leave for parents on the crime-related disappearance of their child. Increase to the length of compassionate care leave. Maternity leave allowed to start earlier. Parental leave increased.

Note that changes to the minimum wage have occurred by way of Order-in-Council.

2019/20 Estimates Note

Advice to the Minister

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

Appendix 2 – *Labour Relations Code* – Legislative Amendments Since 2001

Year	Legislative Amendments
2001/ 2002	<ul style="list-style-type: none">• Addition of new duties for the Labour Relations Board and for others with responsibilities under the Code, with the stated goal of fostering the employment of workers in economically viable businesses and to recognize the rights of employees, trade unions and employers.• The right of employers and unions to communicate with employees about unionization matters clarified.• Mandatory secret ballot vote in the union certification process reintroduced.• Education made an essential service.• Mandatory sectoral bargaining in the construction sector repealed.
2008	<ul style="list-style-type: none">• Introduction of a requirement for the Labour Relations Board to issue its decisions on applications and complaints within time periods prescribed by ministerial regulation (the timeline was established by Regulation in 2012).

2019/20 Estimates Note Advice to the Minister

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

Appendix 3 – *Workers Compensation Act* – Legislative Amendments Since 2001

Year	Legislative Amendments
2002	<ul style="list-style-type: none"> • New governing body (Board of Directors) for WorkSafeBC introduced. • Changes made to the rate upon which benefits are calculated. • Changes made to the method of indexing compensation benefits for inflation. • Pensions no longer provided for life, but instead end at age 65. • Lump sum retirement benefit introduced. • Appeals streamlined and Workers' Compensation Appeal Tribunal created.
2003	<ul style="list-style-type: none"> • Compensation for surviving dependants of workers who die as a result of workplace injuries or illnesses amended. • Provision added for lay advocates (non-lawyers) to advise employers and employees interacting with the workers' compensation system.
2005	<ul style="list-style-type: none"> • Occupational disease presumptions associated with employment as a firefighter first introduced (additional cancers, heart injury, and heart disease added in subsequent years through legislative amendments or by regulation).
2012	<ul style="list-style-type: none"> • Compensation for diagnosed work-related mental disorders expanded. • Compensation payable to injured apprentices and learners amended.
2015	<ul style="list-style-type: none"> • New safety enforcement tools introduced. • Process shortened for finalizing financial penalties. • Provision introduced to ensure timely employer investigations of workplace incidents and reports. • Enhancements made to workplace safety expertise on the WorkSafeBC Board of Directors. • Provision added for employers to immediately report to WorkSafeBC all workplace fires or explosions that have the potential to cause serious injury. • Provision added requiring employer investigation reports to be provided to the workplace health and safety committee or worker health and safety representative, or to be posted at the worksite. • Provision added requiring meaningful participation for worker and employer representatives in employer accident investigations. • Provision added for workplace health and safety committees to provide advice to the employer on significant proposed equipment and machinery changes that may affect worker health and safety. • Provision added for WorkSafeBC to proactively assist workplace health and safety committees in resolving disagreements over health and safety matters. • Due dates for WorkSafeBC's annual report and service plan amended.

2019/20 Estimates Note Advice to the Minister

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

2018	<ul style="list-style-type: none">• A new presumption for PTSD and other mental disorders that result from trauma was added for firefighters, police officers, paramedics, sheriffs and correctional officers, and for other eligible occupations prescribed by regulation.• The existing cancer presumptions were extended to federal firefighters on military bases.
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2019/20 Estimates Note Advice to the Minister

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

Appendix 4 - BC Law Institute – ESA Review

The British Columbia Law Institute (BCLI), incorporated in 1997 under the provincial *Society Act*, is a not-for-profit law reform agency dedicated to the improvement and modernization of the law. It carries out law reform projects by conducting scholarly research, analysis and consultation with experts, stakeholders and the general public. The BCLI also collaborates with government and other entities, publishes its consultative documents and reports and generates material for public outreach and public information.

The BCLI's "*Employment Standards Act Reform Project*", begun in the fall of 2014, was an independent review of B.C.'s employment standards. The project, undertaken by the BCLI on its own initiative, was led by an expert volunteer Project Committee chosen carefully to attain a balance between employer and employee interests. The Ministry provided support to the project by having a ministry staff member participate as a project observer and liaison, and by contributing a total of \$30,000 towards costs.

Goals of the BCLI's "*Employment Standards Act Reform Project*":

By the conclusion of the project, BCLI will have:

- (a) carried out a thorough analysis of the ESA and its regulations in light of the current realities of the workplace in B.C. and the foreseeable future evolution of employment;*
- (b) published a consultation paper to collect input from the public on issues and problems in the area of employment standards and proposed ways of addressing them;*
- (c) with the aid of the Project Committee, identified the changes to the ESA that are needed or desirable to address contemporary and foreseeable future circumstances and conditions;*
- (d) formulated concrete recommendations for amendment or replacement of the current ESA; and*
- (e) published a detailed report on its examination of the ESA and recommendations for its reform.*

The ESA Reform Project Committee released its "*Report on the Employment Standards Act*" (Report) on December 10, 2018.

2019/20 Estimates Note Advice to the Minister

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

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

Revised: February 20, 2019

Issue: Ministry of Attorney General has responsibility for the Labour Relations Board and Employment Standards Tribunal budgets and certain provisions of the *Labour Relations Code* and the *Employment Standards Act*

Response:

- The Minister of Attorney General is responsible for the budgets of the Labour Relations Board and the Employment Standards Tribunal, along with certain legislative provisions relating to the administration of these tribunals.
- As the Minister of Labour, I am responsible for the labour policy reflected in the *Labour Relations Code* and the *Employment Standards Act*, which the Labour Relations Board and the Employment Standards Tribunal interpret and apply.
- The Ministry of Labour and the Ministry of Attorney General share an interest in having labour tribunals that function effectively. The two ministries consult and cooperate with each other on administrative matters, including appointments to the Labour Relations Board and Employment Standards Tribunal.
- The Ministry of Attorney General does not have budget and administrative oversight of the Workers' Compensation Appeal Tribunal because that is funded by WorkSafeBC and not by government.

Background/Status:

- Effective April 1, 2017, the Ministry of Attorney General assumed responsibility for the administrative justice and certain other tribunal-related sections of the *Labour Relations Code* in relation to the Labour Relations Board (LRB), and the *Employment Standards Act* in relation to the Employment Standards Tribunal (EST).
- The Ministry of Attorney General, for example, is responsible for sections pertaining to the establishment of the tribunal, appointments to the tribunal and issues that may fall under the *Administrative Tribunals Act*.
- The Ministry of Labour retains responsibility for matters related to reviews, appealable decisions, compliance, enforcement and sector-specific policies.
- Both tribunals were included in the budget transfer from Labour to the Ministry of Attorney General, also effective April 1, 2017.

2019/20 Estimates Note Advice to the Minister

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

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

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: GBA+, Diversity and Inclusiveness

Revised: January 28, 2019

Issue: Implementation of Gender-Based Analysis Plus, Diversity and Inclusiveness within the Ministry of Labour

Response:

- I fully endorse gender-based analysis plus, also known as GBA+. It is an important analytical tool for government's budget, policy and program decisions to meet our commitment to gender equality, diversity and inclusiveness.
- GBA+ is particularly important for the Ministry of Labour, whose work touches upon workers along a full range of identity factors (gender, Indigeneity, race, class, age, education, sexual orientation, language, ability, etc.).
- Recent ministry accomplishments that benefitted from diversity and inclusiveness considerations include the *Temporary Foreign Worker Protection Act*, the phasing-out of the lower minimum wage for liquor servers, and amendments to the *Employment Standards Act* that expanded or introduced certain job-protected leaves.
- Questions about the Parliamentary Secretary for Gender Equity (who has been mandated to ensure that gender equality is reflected in budgets, policies and programs through a Gender Equity Office) should be referred to the Minister of Finance (who has overall responsibility for the Parliamentary Secretary and the Gender Equity Office).

Background/Status:

- Gender-based analysis plus (GBA+) is an analytical tool that includes the examination of a range of identity factors (gender, Indigeneity, race, class, age, education, sexual orientation, language, ability, etc.) that supports a comprehensive approach to policy development that is people-centered and evidence-based.
- Over 160 governments and international/regional institutions, including 10 Canadian provinces/territories and the federal government, are using gender-based analysis tools as key components of their policy-making process.
- In 2018, the B.C. Government committed to gender equality by ensuring that gender equality is reflected in its budgets, policies and programs (Parliamentary Secretary for Gender Equity Mandate Letter, February 7, 2018).

2019/20 Estimates Note Advice to the Minister

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

- On July 13, 2018, the Deputy Ministers Council approved a three-year GBA+ Implementation Plan for the Public Service. In 2018-19, the focus has been on the budgets and the budgeting process so that GBA+ informs the 2019-20 Budget and is publicly communicated. In 2019-20 the focus will expand to include policy development so that GBA+ will inform all new budget and policy decisions.
- For the Ministry of Labour, gender-based analysis tools have been in use for some time, and have helped inform policy analysis in a number of areas including Government's commitment to increase the general minimum wage to at least \$15.20/hour by 2021, the elimination of the liquor server wage, and amendments to the *Employment Standards Act* to expand existing job-protected compassionate care and parental leave provisions, and to enact new job-protected leaves for parents of murdered and missing children.
- With Government now formally committing to GBA+, Ministry staff will now have the knowledge and tools to systematically and thoughtfully apply gender-based analysis to all aspects of the Ministry's mandate.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2019/20 Estimates Note Advice to the Minister

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

Title: 10 Draft Principles

Revised: January 28, 2019

Issue: Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples: Ministry of Labour Implementation Plan

Response:

- The Premier's Mandate Letters directed me, and all my cabinet colleagues, to review ministry policies, programs and legislation to support government in fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples and the Calls to Action of the Truth and Reconciliation Commission of Canada.
- To help support this goal, on May 22, 2018, the Government released the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples*. These draft Principles are a tool that will guide the B.C. Public Service to bring the articles of the United Nations Declaration and the Calls to Action into action.
- Staff within my Ministry have developed an implementation plan describing how the Ministry will operationalize the draft Principles through its program areas and services.
- I am committed to ensuring that this commitment is fully met within the context of the Ministry of Labour's policies, legislation, programs and services.

Background/Status:

- On May 22, 2018, the Province released the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples* (the draft Principles) to the B.C. Public Service.
- The draft Principles are a tool to guide the B.C. Public Service to bring the articles of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) into action, and to move forward on the Truth and Reconciliation Commission (TRC) of Canada: Calls to Action.

2019/20 Estimates Note Advice to the Minister

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

- The Ministry of Labour has developed an implementation plan that describes how the Ministry will operationalize the draft Principles through its programs and services. Specifically, the Ministry has identified four streams of activity that it will undertake in order to operationalize the draft Principles. The four streams are:
 - Engaging with Indigenous stakeholders to better understand Indigenous perspectives of the Ministry of Labour's legislation and programs;
 - Assessing the Ministry of Labour's legislation and programs through a lens of the draft Principles;
 - Acting on initiatives already underway or that can be taken immediately; and
 - Acting on initiatives developed in response to engagement with Indigenous stakeholders and the Ministry's assessment of its legislation and programs.
- Current activities include:
 - Taking advantage of existing or planned legislative reviews with a view to incorporate the draft Principles into the Ministry's statutory regimes (for example, ensuring that Indigenous firefighters are covered by the cancer and workplace mental health presumptions under the *Workers Compensation Act*);
 - Building Ministry capacity to perform policy analysis through a lens that embodies the draft Principles; and
 - Leveraging existing outreach across all of the Ministry of Labour's Programs.

Contact

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2019/20 Estimates Note Advice to the Minister

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

Title: Direct Award Contracts

Revised: February 7, 2019

Issue: Summary of Direct Awards Contracts Issued in Fiscal Year 2018/19

Response:

The following information is for direct award operating contracts (STOB 60, 61 and 63) issued for the period April 1, 2018 to January 31, 2019.

- As at January 31, 2019, the Ministry issued seven (7) direct award contracts for a total value of \$15,600.
- The ministry is committed to maintaining a fair and transparent procurement process, in line with the policies established by the Ministry of Finance.
- In most cases, opportunities to contract with the ministry are part of a public competition process delivered through BC BID.
- In limited circumstances, the ministry will directly award contracts to contractors. Such direct awards are limited to the following circumstances:
 - The contract is with another government organization.
 - The ministry can strictly prove that only one contractor is qualified, or is available, to provide the required goods and/or services.
 - The subject matter is of a confidential or privileged nature and disclosure through an open bidding process could reasonably be expected to compromise government confidentiality.
 - There is an unforeseeable emergency and the goods and/or services could not be obtained in time through a full competitive process.
 - When the cost of a competitive procurement process exceeds the benefits, which is generally the case for contracts under \$25,000.
- In October 2015, the ministry created a new policy that all direct award contracts must be **pre-approved** by both the branch Assistant Deputy Minister and the Executive Financial Officer.

Attachment: Appendix 1 – Ministry of Labour Direct Awards 2018/19

Contact:

Derek Cockburn	Manager	Procurement and Contracts	778 698-4342
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Ministry of Labour
Direct Award Contracts from April 1, 2018 to January 31, 2019

Client	Start Date	Contract Reference Number	Office, division or branch procuring the service	Name of the Contractor	Latest PO Amount	Description	Procurement Process
127	2018/07/01	SC19WA002	Labour Programs	BOGYO, GRANT R, DR	2,500	Presentation: (1) Psychological Disability Awards Guidelines, (2) Difference of Somatic Symptom Disorder and Chronic Pain (3) Often missed diagnoses within insurance schemes.	Under \$25,000
127	2018/07/01	C19WCAT002	Labour Programs	CAMPBELL, ROSALIND MARIE	2,000	Participate as a member of the Worker's Compensation Appeal Tribunal (WCAT) Community Advisory Council (CAC). The WCATCAC has been established to ensure WCAT's operations are responsive.	Under \$25,000
127	2018/07/01	C19WCAT003	Labour Programs	GOOD, MICHELLE F	2,000	Member of Workers Compensation Appeal Tribunal	Under \$25,000
127	2018/07/01	SC19WA001	Labour Programs	KELOWNA PSYCHOLOGISTS GROUP	4,250	Presentation on commonly seen (1) Psychological Disorders, (2) Mild Traumatic Brain Injuries (3) Bullying and harassment in the workplace.	Under \$25,000
127	2018/07/01	C19WCAT005	Labour Programs	LOUIE, MELISSA*	2,000	Participate as a member of the Workers Compensation Appeal Tribunal	Under \$25,000
127	2018/07/01	C19WCAT006	Labour Programs	SEYMOUR, MIRANDA K	2,000	Participate as a member of the Workers Compensation Appeal Tribunal Community Advisor Council	Under \$25,000
127	2018/07/01	SC19WAO03	Labour Programs	SLIVKA, JESSICA	850	Concussion Presentation for WAO Branch Conference	Under \$25,000

Total Value of Direct Award Contracts issued form April 1, 2018 to January 31, 2019

15,600

2019/20 Estimates Note Advice to the Minister

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

Title: Vendor Complaint Review Process

Revised: February 7, 2019

Issue: Report on the Vendor Complaints Received in Fiscal Year 2018/19

Response:

Vendor Complaints

- As at January 31, 2019, Labour programs and services had not received any vendor complaints for fiscal year 2018/19.

Background/Status:

- The Ministry's Vendor Complaint Review Process (VCRP) is designed to ensure that there is a process for the review of vendor complaints about its procurement process.
- The intent of the VCRP is to assist the Ministry in identifying and responding to problems in the establishment and application of government procurement policy and procedures.
- If necessary, the Ministry will implement changes required to its procurement processes identified through the complaint review process.
- This VCRP requires that ministries and vendors provide full access to all information pertinent to complaints. All information under this VCRP is subject to the *Document Disposal Act* and the access and privacy provisions of the *Freedom of Information and Protection of Privacy Act*.

Contact:

Derek Cockburn	Manager	Procurement and Contracts	778 698-4342
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2019/20 Estimates Note Advice to the Minister

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

Title: Deputy Minister's Office – Budget

Revised: February 5, 2019

Issue: Deputy Minister's Office Budget in 2019/20

Response:

- The budget for the Deputy Minister's Office is \$534,000.
- The budget includes funding to support the salary and benefits for the Deputy Minister and two support staff, travel, information systems and general office expenses.

Background/Status:

Budget Detailed Explanations

Estimates Budget	FY19 Estimates (\$)
Salaries and Benefits	451,000
Travel	43,000
Information Systems	20,000
Office and Business	20,000
Other Expenses	3,000
Recoveries	-3,000
TOTAL	\$534,000

- Deputy Minister's Office spending is forecasted to come in on budget this year.

Contact:

Shawna Wilson Manager Budgets and Reporting 778 698-8401

2019/20 Estimates Note Advice to the Minister

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

Title: Executive Compensation (Agencies, Boards and Commissions)

Revised: February 11, 2019

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

Response:

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

Background/Status:

- In 2008, amendments were made to the *Public Sector Employers Act* (PSEA) requiring employers to disclose their senior executive compensation within six months of their fiscal year end in a form and manner directed by the CEO of PSEC.
- Since 2008, government has coordinated the disclosure of executive compensation for public sector employers on an annual basis.
- The compensation that is disclosed includes holdbacks, benefits, perquisites, allowances, pension, severances, salary continuance, and any other payments.
- The requirements to disclose apply to all public sector employers', CEOs/Presidents, and the top four decision-makers/executives earning \$125,000 or more in base salary.
- Since 2008, executive bonuses have been transitioned to holdbacks of up to 20 per cent.

2019/20 Estimates Note Advice to the Minister

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

- Since September of 2018, Boards have been provided the option to eliminate or reduce holdbacks for their organizations.
- When new staff or newly-promoted staff move to an executive position which had bonus pay available to it, a hold back up to a maximum of 20 per cent of maximum base salary will be employed in place of bonuses.
- In addition, a reduction in the total base salary for senior executives of 10 per cent has been applied. The reduction reflects a reduced amount of pay at risk and compression with CEO compensation.
- Increases in total compensation may be due to legitimate vacation payouts, retirement allowances or other payments.
- To support the principles of restraint, this government:
 - Provides direction to public sector employers entities on standards of conduct, including policy that limits salary increases for executives, adopting a consistent public sector compensation approach using common principles, and ensuring post-employment restrictions are included in contracts.
 - Ensures direction for Crown agencies, boards and commissions that is intended to strengthen accountability, promote cost control, and ensure public sector entities operate in the best interest of taxpayers.
 - Maintains an effective management and transparent disclosure of executive compensation framework for all public sector employers that meet the definition of the *Public Sector Employers Act*, including Crown agencies boards and commissions.

Contact:

Michael Lord	Assistant Deputy Minister	Management Services	250 387-8705
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2019/20 Estimates Note Advice to the Minister

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

Title: Ministry Fees

Revised: February 5, 2019

Issue: Ministry Fees in 2019/20

Response:

- The Ministry of Labour collects the following fees:
 - **Farm Labour Contractor Licenses** (\$150 fee) – Farm Labour Contractors must obtain a license before commencing work in the province of British Columbia.
 - **Employment Agency Operating Licenses** (\$100 fee) – An Employment Agency must be licensed under the *Employment Standards Act*.
 - **Talent Agency Operating License** (\$100 fee) – A person must be licensed under the *Employment Standards Act* in order to operate a talent agency in the province of British Columbia.
 - **Fee to search director's records** (\$35 fee) – A person or company may request the director conduct a search of records maintained by the director for information, in respect of a person named in the request, related to contraventions of the *Employment Standards Act* or the regulations or complaints or investigations under the *Employment Standards Act*.
 - **Fines and Penalties** – Penalties are issued where an employer has contravened a section of the *Employment Standards Act* or Regulation. Penalties are as follows:
 - First contravention: \$500.
 - Contravention of the same requirement at the same location within three years of the first contravention: \$2,500.
 - Contravention of the same requirement at the same location within three years of the second contravention: \$10,000.

If asked about the Labour Relations Board...

- In 2016/17, the ministry collected fees associated with the Labour Relations Board. Effective April 1, 2017, the Labour Relations Board transferred to the Ministry of Attorney General and Labour is no longer responsible for the collection of these fees.

2019/20 Estimates Note Advice to the Minister

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

Background/Status

What are Fees?

- Fees charged by government generally have their basis in legislation. Often the relevant statute contains a provision which says the Lieutenant Governor in Council (or sometimes the Minister) may make regulations or orders establishing fees, lease payments, royalty rates or other charges.

Contact:

Shawna Wilson	Manager	Financial Planning and Reporting	778 698-8401
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2019/20 Estimates Note Advice to the Minister

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

Title: Minister's Office – Budget

Revised: February 5, 2019

Issue: Minister's Office Budget in 2019/20

Response:

- The Minister's Office budget for 2019/20 is \$591,000.

Background/Detail

Minister's Office Budget Detailed Explanations

Minister's Office	
Expenditure Type	
	FY19 Estimates (\$)
Salaries	339,000
Benefits	107,000
Legislative Salaries	54,000
Travel	50,000
Information Systems	8,000
Office and Business	9,000
Other Expenses	25,000
Recoveries	-1,000
TOTAL	\$591,000

- Salaries budget of \$339,000 supports the following Minister's Office staff complement:
 - One senior ministerial assistant.
 - One ministerial assistant.
 - One executive assistant.
 - One administrative coordinator.
 - One administrative assistant.
- Benefits Budget:
 - Benefits are calculated as a fixed percentage of employee salaries.
 - The percentage is established by the Ministry of Finance on an annual basis.

2019/20 Estimates Note Advice to the Minister

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

- In 2018/19, the benefit charge was 24.8 per cent of salaries, in 2019/20 the Ministry of Finance revised the charge upward to 25.4 per cent.
 - Benefits budget also accommodates the charge for the ministerial pension adjustment.
 - The charge is a fixed percentage of the Minister's executive salary.
 - The percentage is determined by the Ministry of Finance and is approximately \$20,000 a year (39.4 per cent of the Minister's executive salary).
- Legislative Salaries Budget:
 - Legislative salaries budget accommodates the Minister's executive salary.
 - Ministers receive an additional salary that corresponds to 50 per cent of their basic MLA compensation.
 - Only the Minister's executive salary is reported against the Minister's Office budget.
 - MLA basic compensation (\$108,105.35 effective April 1, 2018) is reported against the Legislative Assembly's budget.
 - The Minister's executive salary is determined by the *Members' Remuneration and Pensions Act*.
- Travel:
 - Travel budget accommodates the travel for ministerial staff and Minister travel (e.g. travel for trade missions and other ministry business).
 - Travel to and from the Minister's constituency is reported separately under the budget of the Legislative Assembly.
- Information Systems:
 - Information systems budget accommodates data communications charges (e.g. email cell phone charges).
- Office and Business:
 - Office and Business budget accommodates printing charges, shipping, and office supplies.
- Other Budget:
 - Other Budget accommodates Ministry of Finance charges for VIP computer support (24 hour).

Contact:
Shawna Wilson Manager Financial Planning and 778 698-8401
Reporting

2019/20 Estimates Note Advice to the Minister

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

2019/20 Estimates Note Advice to the Minister

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

Title: Minister's Office – Travel

Revised: February 5, 2019

Issue: Minister's Office Travel Expenditures

Response:

- The 2019/20 budget for travel for my office is \$50,000
- My travel expenses will be made available on a quarterly basis on the government's Open Information website.
- The most recent publication of Ministerial Travel Expenses is for the fiscal quarter ending December 31, 2018.
- There is currently \$7,714.52 in expenses published for my travel.

How does Minister's Travel compare to Other MLAs?

- Travel Expenses for all MLA's are published on a quarterly basis on the Legislative Assembly's website. The public is free to review this information and perform comparisons.
- Travel requirements are assessed throughout the year to ensure fiscally prudent management practices are adhered to.
- Ranking my travel against other MLA's is not a performance metric used by the ministry.

Contact:

Shawna Wilson	Manager	Financial Planning and Reporting	778 698-8401
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2019/20 Estimates Note Advice to the Minister

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

Title: Transfers

Revised: February 5, 2019

Issue: What are government transfers?
What expenses are reported by the ministry as government transfers?

Response:

- Government transfers are transfers of monetary assets from the Province to an individual, a business or other entities.
- They are non-exchange transactions where the Province is not the direct beneficiary of any goods or services, repayment, or investment.
- Government transfers fall under the following expenditure categories: Grants, Entitlements, Shared Cost Arrangements and Transfers to Crown Corporations.
- Labour's 2019/20 government transfers budget is \$68,000, a \$18,000 increase from 2018/19 restated Estimates.

Background/Status

- The budget allocation supports transfers to the Business Council of BC to enhance and continue to operate, maintain, and update the online B.C. bargaining database website. The database provides publicly available reports on the status of public and private sector collective bargaining, summaries of collective agreement settlements, and a calendar of expiring collective agreements.

Contact:

Shawna Wilson Manager Budgets and Reporting 778 698-8401

Budget 2019/20 Questions and Answers

Contents

1. What does the Ministry of Labour's budget provide for?	2
2. Why has the Ministry of Labour's budget increased by \$3.811M in 2019/20?.....	4
3. What is the status of the Fair Wages Commission's work? Is there funding in Budget 2019 for the Fair Wages Commission?	5
4. Budget 2018 included \$1.000 M per year in funding to plan for the implementation of the Temporary Foreign Worker Registry and to plan for the modernization of the Employment Standards Branch. What is the status of these initiatives?.....	6

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

The Ministry of Labour's 2019/20 budget of **\$16.449M** provides for the programs, operations and other activities under the following core businesses: Labour Programs, and Executive and Support Services.

Labour Programs (2019/20 Budget of \$14.910M)

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

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

Labour Policy and Legislation (2019/20 Budget of \$1.868M)

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

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

The Assistant Deputy Minister's Office provides leadership, strategic guidance and support to all Labour staff and program areas, and direct corporate support to the ADM and other ministry executive offices.

Employment Standards Branch (2019/20 Budget of \$13.041M)

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

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

WorkSafeBC Funded Services (2019/20 Budget of \$0.001M):

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

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

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

The Workers' Advisers Office, Employers' Advisers Office, and Workers' Compensation Appeals Tribunal operate independently from WorkSafeBC.

Costs are fully recovered from the accident fund established pursuant to the Workers Compensation Act.

Executive and Support Services (2019/20 Budget of \$1.539M)

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

Minister's Office (2019/20 Budget of \$0.591M)

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

Corporate Services (2019/20 Budget of \$0.948M)

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

The Management Services Division provides administrative services for the operating programs of the Ministry of Labour, including financial administration and budget coordination, strategic and business planning and reporting, human resources, office management, and accommodation and information systems, some of which are provided by the Ministry of Municipal Affairs and Housing and the Ministry of Jobs, Trade and Technology

2. Why has the Ministry of Labour's budget increased by \$3.811M in 2019/20?

The Ministry of Labour's 2019/20 budget is \$16.449 million, an increase of \$3.811 million from the 2018/19 restated estimates budget of \$12.638 million

The increase is primarily due to an increase of \$3.786 million for the modernization of the Employment Standards Branch (ESB) and for the implementation of the Temporary Foreign Worker Protection Act, which establishes two temporary foreign worker registries – one for foreign worker recruiters who will be required to be licenced under the Act, and one for employers who will be required to be registered under the Act.

A further increase of \$0.275 million was received to fund salary and benefit increases for BCGEU employees.

These increases are offset in small part by a decrease in the Ministry's budget of \$0.250 million from the expiration of time limited funding for the Fair Wages Commission.

3. What is the status of the Fair Wages Commission's work? Is there funding in Budget 2019 for the Fair Wages Commission?

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

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

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

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

The Commission's final report is expected in the Summer of 2019. The costs of completing this report will be managed within the Ministry's Budget 2019 allocation.

4. Budget 2018 included \$1.000 M per year in funding to plan for the implementation of the Temporary Foreign Worker Registry and to plan for the modernization of the Employment Standards Branch. What is the status of these initiatives?

The Ministry has directed 2018 planning funding to the development of transformation readiness projects for the Employment Standards Branch. These projects cover a range of activities, including modernizing tools that will be available to ESB's clients, streamlining internal processes to improve efficiency, and planning for a new information system.

In 2018, the ESB also developed and delivered enhanced services such as the Multi-Lingual Information Line pilot project.

Budget 2019 allows for an incremental \$3.786 million in 2018/19 and \$5.000 million in each of 2019/20 and 2020/21 for the implementation of the Employment Standards Branch transformation. Combined with the \$1.000 million allocated in Budget 2018, Budget 2019 will provide approximately \$17 million over 3 years for the modernization of the Employment Standards Branch and implementation of the Temporary Foreign Worker Protection Act and related registries.

Transformative initiatives in 2019 will include:

- hiring new staff — including additional complaints resolution staff and new proactive enforcement and collections teams;
- implementing a new Case Management System to improve clients' interactions with the branch and improve processes to support the new model;
- increasing capacity for multi-lingual service delivery and improved accessibility for hearing and vision impaired clients;
- new programs to better protect temporary foreign workers including the licensing of foreign worker recruiters and the registration of employers seeking to hire TFWs.