

Ministry of Labour
Estimates Debate Binder – 2020/21 Table of Contents

ESTIMATES HIGHLIGHTS	
Budget Qs and As	1
Ministry of Labour 2019/20 Estimates Summary	2
Ministry Top 3 Issues	3
Commitments	
Mandate Letter Accountabilities (in hard copy binder only)	4
Mandate Letter - Honourable Harry Bains	5
<i>Tabs Intentionally Blank</i>	6-7

EMPLOYMENT STANDARDS	
Agriculture Sector Compliance	8
Child Employment	9
<i>Employment Standards Act</i> - Exclusions and Alternate Standards	10
Employment Standards Branch Budget, Resources and Service Levels	11
Employment Standards Branch Statistical Summary	12
Minimum Wage and Fair Wages Commission	13
<i>Temporary Foreign Workers Protection Act</i>	14
Updating Employment Standards	15
Employment Standards Transformation	16
Domestic or Sexual Violence Leave	17
<i>Tabs Intentionally Blank</i>	18-20

Ministry of Labour
Estimates Debate Binder – 2020/21 Table of Contents

LABOUR RELATIONS	
B.C. Labour Relations Board Update	21
Collective Bargaining	22
<i>Labour Relations Code Review</i>	23
<i>Tabs Intentionally Blank</i>	24-25

WORKERS' COMPENSATION	
Asbestos	26
Bullying, Harassment and Mental Disorders	27
Forest Safety Issues Including Resource Roads	28
Helps Report Implementation	29
Mental Disorders, Including Post-Traumatic Stress Disorders and First Responders	30
Protecting the Lives and Safety of Workers	31
Workers' Compensation Review	32
Extending Coverage to Professional Athletes	33
<i>Tabs Intentionally Blank</i>	34-35

CROSS-PROGRAM	
Oversight of B.C.'s Labour Tribunals	36
GBA+, Diversity and Inclusiveness	37
UNDRIP – The Province's Relationship with Indigenous Peoples	38
Bridging to Retirement Program	39
Job Placement Coordination Offices	40
COVID-19 Impacts	41
COVID-19 Response	42
<i>Tabs Intentionally Blank</i>	43

Ministry of Labour
Estimates Debate Binder – 2020/21 Table of Contents

CORPORATE NOTES	
Deputy Minister's Office - Budget	44
Executive Compensation (Agencies, Boards and Commissions)	45
Minister's Office – Budget	46
Minister's Office – Travel	47
Ministry Service Plan Qs & As Ministry 2020/21 – 2022/23 Service Plan	48
Tabs Intentionally Blank	<i>49-50</i>

Budget 2020/21 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 \$736,000 in 2020/21?	3
3. Will there be any service delivery impacts resulting from the Ministry of Labour's 2020/21 fiscal adjustment of \$607,000?	3
4. Last year's budget included funding for the implementation of the <i>Temporary Foreign Worker Protection Act</i> (TFWPA) and the modernization of the Employment Standards System. Is this funding still in place, and are these initiatives still on track?	4
5. Last year government made significant changes to the Labour Relations Code. What is the status of funding of the Labour Relations Board in light of the resourcing impact of those changes?	5
6. Government announced the Ministry of Labour is delivering \$42M in programs over 2 years for supporting forest workers; it's not in the Ministry's budget – what is this for and where is funding coming from?	5
7. What is the status of the Fair Wages Commission's work? Is there funding in Budget 2020 for the Fair Wages Commission?	6
8. Have there been any changes to the WorkSafe funded services or the cost recovery model?	6
9. What is the impact of the Employer Health Tax (EHT) on the Ministry?	6
10. What actions has the Ministry taken to assist workers and employers in response to COVID-19?	7

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

The Ministry of Labour's 2020/21 budget of **\$17.185M** provides for the programs, operations and other activities under the following core businesses: Labour Programs, and Executive and Support Services.

Labour Programs (2020/21 Budget of \$15.642M)

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 (2020/21 Budget of \$1.759M)**

Labour Policy and Legislation includes the 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, including the forest workers support programs.

- **Employment Standards Branch (2020/21 Budget of \$13.882M)**

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 including resolving complaints, ensuring compliance and dispute resolution services.

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 (2020/21 Budget of \$1,000):**

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.

The gross operating budget for WSBC funded programming is \$30.535 million and all costs are fully recovered from the accident fund established pursuant to the Workers Compensation Act.

- **Executive and Support Services (2020/21 Budget of \$1.543M)**

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

Minister's Office (2020/21 Budget of \$591,000)

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 (2020/21 Budget of \$952,000)

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, Economic Development and Competitiveness.

2. Why has the Ministry of Labour's budget increased by \$736,000 in 2020/21?

The Ministry of Labour's 2020/21 budget is \$17.185 million, an increase of \$736,000 from the 2019/20 restated estimates budget of \$16.449 million.

- The increase is primarily due to an increase of \$1.214 million approved in Budget 2019 for the transformation 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 small increase of \$129,000 for BCGEU negotiated increases.
- The above lifts were offset by a fiscal adjustment of \$607,000. The Ministry underwent an in-depth budget review with the aim to reduce administrative and discretionary spending areas. Ongoing savings of \$607,000 were identified that would not impact core service delivery or resources allocated for staffing.

3. Will there be any service delivery impacts resulting from the Ministry of Labour's 2020/21 fiscal adjustment of \$607,000?

The Ministry underwent an in-depth budget review with the aim to reduce administrative and discretionary spending areas. Ongoing savings of \$607,000 were identified that will not impact core service delivery or staffing resources.

Savings were identified using the following measures:

- Limiting travel to essential requirements, reducing the level of support staff travelling, and using alternatives to travel whenever possible.
- Reducing budget allocations for legal services to reflect estimated ongoing annual costs for legal counsel.
- Reducing budget allocations for amortization to reflect estimated ongoing costs.
- Decreasing office expenses as a result of efficiencies realized through ESB transformation activities, such as decreased mailing costs.
- Reducing contracts to align budget with actual amounts anticipated for ESB transformation.
- Reducing other office and business expenses, to reflect anticipated ongoing costs.

4. Last year's budget included funding for the implementation of the *Temporary Foreign Worker Protection Act* (TFWPA) and the modernization of the Employment Standards System. Is this funding still in place, and are these initiatives still on track?

Modernization of the Employment Standards System and implementation of the TFWPA remain a priority for the Ministry. These initiatives are on track and funding is still in place. During 2019 the following progress was made:

- We established a Temporary Foreign Worker Protection Unit last Spring, then we launched the new licensing requirement, the "Recruiter Registry" in July 2019 to better protect vulnerable foreign workers from exploitation and abuse. We currently have more than 130 licenses published for the public to search so they can see which recruiters are licensed. We are completing our consultations with employers to bring the "Employer Registry" and the rest of the TFWPA into force to ensure employers wishing to hire TFWs are complying with BC law.
- The modernization of the Employment Standards System is well underway; in 2019/20 we focussed on making the Branch more accessible by removing barriers to accessing services, like the "Self Help Kit", hiring more than 36 new staff and improving our service delivery for clients who speak other languages through our multi-lingual information line.
- We also streamlined our complaints process and established a new a Collections Unit to focus on better outcomes for clients. This year we are continuing with improvements including a compliance and enforcement team that will undertake more proactive enforcement, and education and outreach so workers know their rights and employers know their responsibilities.

For fiscal 2020/21, the Ministry received a budget lift of \$1.214 million for the implementation of these initiatives, as well as minor incremental funding increases for BCGEU wage increases totaling \$125,000

	18/19	19/20	20/21	21/22	Total
Budget 2018	1.000	1.000	1.000	1.000	4.000
Budget 2019		3.786	3.786	3.786	13.786
			1.214	1.214	
Cumulative budget Increase	1.000	4.786	6.000	6.000	17.786

For fiscal 2020/21, all Ministries underwent an in-depth budget review with the aim to reduce administrative and discretionary spending areas. As a result, the Ministry's budget has been reduced by \$607,000 on an ongoing basis. This will not have an impact on core service delivery or resources allocated for staffing.

5. Last year government made significant changes to the Labour Relations Code. What is the status of funding of the Labour Relations Board in light of the resourcing impact of those changes?

- B.C.'s Labour Relations Code provides important protections for workers such as the right to unionize and job security when a unionized business changes ownership.
- Last year, we modernized the Labour Relations Code after it hadn't been substantially reviewed since 1992; the changes we made improved job security for contracted service workers while delivering more stable and harmonious labour relations for employers and unions.
- Any questions relating to LRB's budget should be directed to the Ministry of Attorney General. The Labour Relations Board Chair has indicated additional resources are required to fully implement the recent Code improvements; we are working with the Ministry of Attorney General, which is the ministry responsible for the LRB's budget.

6. Government announced the Ministry of Labour is delivering \$42M in programs over 2 years for supporting forest workers; it's not in the Ministry's budget – what is this for and where is funding coming from?

- The Ministry is delivering two new programs designed to support Interior B.C. forest workers, their families and communities through a \$40M worker transition to retirement program and \$2M for Job Placement Coordination Offices located in five impacted communities.
- s.12; s.13

- These two programs work together: the Retirement Bridging Program creates vacancies for younger, impacted workers in working mills and the Job Placement Offices helps fill those vacancies with workers through a Job Match program.
- There has been strong uptake with more than 900 applications to date for the retirement program, and more than 130 applications for the Job Match program. These programs are delivered by Labour and funded through FLNRORD (\$1.5M for the Job Placement Office is funded through deferred federal funds remaining from the Community Development Trust).
- In 2019/20, the Retirement Bridging program expenditures totalled \$10.822M including \$10.471M on benefit payments to applicants and \$351,000 on program administration costs. Anticipated expenditures in 2020/21 total \$16.000M.
- In 2019/20, Job Placement Coordination Office program expenditures totalled \$343,000. Anticipated expenditures in 2020/21 total \$1.657M.

7. What is the status of the Fair Wages Commission's work? Is there funding in Budget 2020 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 the 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 2020. The costs of completing this report will be managed within the Ministry's Budget 2020 allocation.

8. Have there been any changes to the WorkSafe funded services or the cost recovery model?

No.

9. What is the impact of the Employer Health Tax (EHT) on the Ministry?

- Ministries previously paid MSP premiums on behalf of employees (until December 31, 2019). The impact of EHT is the difference between the previous MSP premiums and the EHT.

- The EHT is included in the benefits chargeback rate set by Treasury Board staff and charged to each Ministry.
- The EHT amount included in the 2020/21 chargeback is 2.19% of salaries (**note – any questions on why this is higher than the EHT % of 1.95% should be directed to the Ministry of Finance**).
- MSP was 1.87% in the chargeback rate in 2018/19 and 1.66% in 2019/20.
- The annual net impact of the difference between EHT and MSP is approximately **\$64,000** (see table below for detailed calculations).
 - The annual net impact for the Employer Health tax is estimated at a \$265,000 for the 2020/21 fiscal year.
 - The estimated MSP premiums for the same period would be \$201,000, using the 2018/19 rate of 1.66%.

	Salary Budget (STOB 50)	EHT 2.19%	MSP 1.66%	Variance
Gross Salary Budget	30,237,000	662,190	501,934	160,256
WorkSafe BC Funded Services	(18,158,000)	(397,660)	(301,423)	(96,237)
Net Salary Budget	12,079,000	264,530	200,511	64,019

- The benefits chargeback rate is 25.4% in 2020/21 which is unchanged from 2019/20. The total increase in benefits over 2019/20 is \$184,000. This is mainly due to an increase in salary budget for the ESB transformation project.
- Questions on the benefits chargeback rate should be directed to the Minister of Finance.

10. What actions has the Ministry taken to assist workers and employers in response to COVID-19?

- The following changes have been made to BC's employment standards legislation in response to COVID-19:
 - Employment Standards Amendment Act (No. 2), 2020 (Bill 16)
 - On March 23, 2020, Government introduced and passed Bill 16 to provide unpaid, job-protected leave to employees during the COVID-19 pandemic.
 - Bill 16 supports employees who, in relation to COVID-19, cannot work because they are ill, they are required to self-isolate, their employer is concerned they may place others at risk, they are unable to return home to BC, or they need to care for their minor child or a dependent adult, including when a school or day care has closed.

- The leave is retroactive to January 27 (the date that the first presumptive COVID-19 case was confirmed in BC), and employees are entitled to the leave for as long as a specified COVID-19-related situation applies to them.
- B.C. Reg 94/2020:
 - Effective May 4, 2020, the Employment Standards Regulation was amended to extend the maximum period for a temporary layoff if the layoff is due to COVID-19-related reasons and the employee agrees.
 - Under those conditions, employers now have 16 weeks to resume operations and recall their employees back to work – up from the former 13 weeks.
 - The new 16-week layoff period coincides with the length of time that the federal Canada Emergency Response Benefit of \$500 per week is available.
 - The change allows workers to stay connected with their jobs for a longer period of time and assists employers by delaying the necessity to provide laid-off employees with termination or severance pay.
- Employment Standards Regulation – Update in Progress
 - The Ministry is also working with WorkSafeBC regarding adding COVID-19 or other infectious respiratory viruses to Schedule 1 of the regulation as a presumption to better support workers during the pandemic.

WorkSafeBC

- WorkSafeBC has been actively monitoring and adjusting to the COVID-19 situation to determine how to best support workers and employers across the province, including launching a province-wide inspection initiative to ensure employers are taking the appropriate steps to reduce the risk of workplace COVID-19 exposure.
- WorkSafeBC has also been a key partner in ensuring the safe implementation of BC's "restart plan" developing detailed sector specific resources and guidelines for industries as they begin to reopen.

Ministry of Labour

2020/21 Estimates Summary

MINISTRY ESTIMATES BUDGET OVERVIEW

2020/21 Estimate Budget: \$17.185M (up 4.5% or \$736K from Restated Estimates 2019/20 of \$16.449M)

* Note: \$736K Increase due to the following:

- \$1.214M net increase for the transformation of the Employment Standards Branch (ESB) and for the implementation of the Temporary Foreign Worker Protection Act (TFWPA).
- \$129K for BCGEU staff collective agreement increases.
- \$607K decrease for fiscal adjustment.

CORE BUSINESS SUMMARY

Labour Programs \$15.642M

\$15.642M (\$732K increase from Restated 2019/20 Estimates - attributed to a budget lift of \$1.214M for the Employment Standards Branch transformation initiative and establishment of the Temporary Foreign Worker Registry, an increase of \$125K for BCGEU wage increases, offset by a fiscal adjustment of \$607K).

Executive and Support Services \$1.543M

\$1.543M (\$4K increase from Restated 2019/20 Estimates)

- Minister's Office \$591K no change from Restated 2019/20 Estimates)
- Corporate Services \$952K (\$4K increase from Restated 2019/20 Estimates)

CAPITAL BUDGET

- \$3K Office Furniture and Equipment (\$52K reduction from Estimates 2019/20 due to 2 vehicles purchased in 2019/20, none required in 2020/21).

MINISTRY OF LABOUR – TOP 3 Q&A

1. Status of Employment Standards & TFW Protection Act Budget Lift

Question: Last year's budget included funding for the implementation of the *Temporary Foreign Worker Protection Act (TFWPA)* and the modernization of the Employment Standards System. Is this funding still in place, and are these initiatives still on track?

Response:

Modernization of the Employment Standards System and implementation of the TFWPA remain a priority for the Ministry. These initiatives are on track and funding is still in place. During 2019 the following progress was made:

- We established a Temporary Foreign Worker Protection Unit last Spring, then we launched the new licensing requirement, the "Recruiter Registry" in July 2019 to better protect vulnerable foreign workers from exploitation and abuse. We currently have more than 130 licenses published for the public to search so they can see which recruiters are licensed. We are completing our consultations with employers to bring the "Employer Registry" and the rest of the TFWPA into force to ensure employers wishing to hire TFWs are complying with BC law.
- The modernization of the Employment Standards System is well underway; in 2019 /20 we focussed on making the Branch more accessible by removing barriers to accessing services, like the "Self Help Kit", hiring more than 36 new staff and improving our service delivery for clients who speak other languages through our multi-lingual information line.
- We also streamlined our complaints process and established a new a Collections Unit to focus on better outcomes for clients. This year we are continuing with improvements including a compliance and enforcement team that will undertake more proactive enforcement, and education and outreach so workers know their rights and employers know their responsibilities.
- For fiscal 2020/21, the Ministry received a budget lift of \$1.214 million for the implementation of these initiatives, as well as minor incremental funding increases for BCGEU wage increases totaling \$125,000

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Cumulative budget Increase	1.000	4.786	6.000	6.000	17.786

For fiscal 2020/21, all Ministries underwent an in-depth budget review with the aim to reduce administrative and discretionary spending areas. As a result, the Ministry's budget has been reduced by \$607,000 on an ongoing basis. This will not have an impact on core service delivery or resources allocated for staffing.

2. New ministry programs for Forest Worker Support

Question: Government announced the Ministry of Labour is delivering \$42M in programs over 2 years for supporting forest workers; it's not in the Ministry's budget – what is this for and where is funding coming from?

Response:

- The Ministry is delivering two new programs designed to support Interior B.C. forest workers, their families and communities through a \$40M worker transition to retirement program and \$2M for Job Placement Coordination Offices located in five impacted communities.
- s.12; s.13
- These two programs work together: the Retirement Bridging Program creates vacancies for younger, impacted workers in working mills and the Job Placement Offices helps fill those vacancies with workers through a Job Match program.
- There has been strong uptake with more than 900 applications to date for the retirement program, and more than 130 applications for the Job Match program. These programs are delivered by Labour and funded through FLNRORD (\$1.5M for the Job Placement Office is funded through deferred federal funds remaining from the Community Development Trust).
- In 2019/20, the Retirement Bridging program expenditures totalled \$10.822M including \$10.471M on benefit payments to applicants and \$351,000 on program administration costs. Anticipated expenditures in 2020/21 total \$16.000M.
- In 2019/20, Job Placement Coordination Office program expenditures totalled \$343,000. Anticipated expenditures in 2020/21 total \$1.657M.

3. Covid-19 Response

Question: What actions has the ministry taken to assist workers and employers in response to covid-19?

Response:

- The following changes have been made to BC's employment standards legislation in response to COVID-19:
 - Employment Standards Amendment Act (No. 2), 2020 (Bill 16)
 - On March 23, 2020, Government introduced and passed Bill 16 to provide unpaid, job-protected leave to employees during the COVID-19 pandemic.
 - Bill 16 supports employees who, in relation to COVID-19, cannot work because they are ill, they are required to self-isolate, their employer is concerned they may place others at risk, they are unable to return home to BC, or they need to care for their minor child or a dependent adult, including when a school or day care has closed.
 - The leave is retroactive to January 27 (the date that the first presumptive COVID-19 case was confirmed in BC), and employees are entitled to the leave for as long as a specified COVID-19-related situation applies to them.
 - B.C. Reg 94/2020:
 - Effective May 4, 2020, the Employment Standards Regulation was amended to extend the maximum period for a temporary layoff if the layoff is due to COVID-19-related reasons and the employee agrees.
 - Under those conditions, employers now have 16 weeks to resume operations and recall their employees back to work – up from the former 13 weeks.
 - The new 16-week layoff period coincides with the length of time that the federal Canada Emergency Response Benefit of \$500 per week is available.
 - The change allows workers to stay connected with their jobs for a longer period of time and assists employers by delaying the necessity to provide laid-off employees with termination or severance pay.
 - Employment Standards Regulation – Update in Progress

- The Ministry is also working with WorkSafeBC regarding adding COVID-19 or other infectious respiratory viruses to Schedule 1 of the regulation as a presumption to better support workers during the pandemic.

WorkSafeBC

- WorkSafeBC has been actively monitoring and adjusting to the COVID-19 situation to determine how to best support workers and employers across the province, including launching a province-wide inspection initiative to ensure employers are taking the appropriate steps to reduce the risk of workplace COVID-19 exposure.
- WorkSafeBC has also been a key partner in ensuring the safe implementation of BC's "restart plan" developing detailed sector specific resources and guidelines for industries as they begin to reopen.



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

2020/21 Estimates Note Advice to the Minister

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

Title: Agriculture Sector Compliance

Revised: May 27, 2020

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

Response:

- Government is committed to ensuring that workplaces are safe, healthy and fair so that employers and workers can prosper and contribute to B.C.'s economic growth.
- Government fully appreciates the contributions that B.C. farm workers make to our domestic and export food production and is committed to protecting the health and safety of farm workers and to ensuring that vehicle safety and employment standards are enforced.
- As part of my government's commitment to 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.
- The Employment Standards Branch continues to work actively with employers, employees, stakeholder groups and the Ministry of Agriculture in promoting compliance with the employment standards to which farm workers are entitled.

Background/Status:

- Farm workers are protected by the same employment standards that apply to all other workers in British Columbia. However, exemptions are provided in the areas of hours of work, overtime and statutory holiday pay.
- Farm workers are also fully covered by occupational health and safety standards, and employers in the agriculture sector are required to provide workers with a level of protection against a wide range of work-related hazards, including the handling of chemicals and pesticides.

2020/21 Estimates Note

Advice to the Minister

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

- Over the years, the Province has enhanced safety protection provisions in its laws and regulations to better protect farm workers in B.C. This includes amendments to the *Employment Standards Act* to:
 - Prohibit farm producers from using the services of an unlicensed farm labour contractor.
 - Allow for the suspension or cancellation of a farm labour contractors' licence for significant WorkSafeBC or motor vehicle violations.
 - Introduce a new administrative fee that would be billed to farm labour contractors to recover government's costs to transport stranded farm workers when unsafe vehicles are taken out of service in roadside inspections.
- Under the Ministry of Transportation and Infrastructure, the *Motor Vehicle Act* allows swift and strong action against Designated Inspection Facilities that do not perform to standards and requires a seatbelt for every passenger transported in a van or other passenger vehicle.
- Government has in place an interagency committee to coordinate enforcement, prevention and education activities with respect to farm workers. The interagency committee includes representatives from WorkSafeBC, Employment Standards Branch, Commercial Vehicle Safety and Enforcement (CVSE) (Ministry of Transportation and Infrastructure), the RCMP and the Superintendent of Motor Vehicles (Ministry of Public Safety and Solicitor General)¹.
- A key activity of the interagency committee is to conduct random roadside safety checks on vehicles used to transport farm workers.
- Statistics summarizing the interagency committee's activities are reported on the website: <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/farm-workers/iacc> (See Appendix 1 for 2019 statistics on interagency committee reporting relating to roadside vehicle checks).
- In 2007, 32 per cent of vehicles failed CVSE inspection; by 2019, that number had fallen to 25 per cent (42 of the 166 inspected vehicles). Questions regarding explanation for the number of vehicles that failed CVSE inspections can be referred to the Ministry of Transportation and Infrastructure who has the overall responsibility for motor vehicle safety.

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

2020/21 Estimates Note Advice to the Minister

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

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.
- 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 Employment Standards Branch (ESB) undertakes a combination of random roadside inspections, unannounced site inspections, worker interviews, payroll reviews and education sessions over the course of the growing and harvest season.
- This year the ESB conducted three information webinars for farm labour contractors to help them understand the licencing process and to help them understand their obligations as licensees. In addition, ESB conducted nine further education sessions with workers, employer associations and consulates engaged in the agriculture sector.

ESB Agriculture Compliance Team, Selected Stats (Calendar Year 2019²)

- 43 farm site inspections
- 100 vehicle inspections
- 23 determinations, resulting in 32 contraventions and \$27,000 in administrative penalties
- 1 FLC licence cancellation and 1 FLC licence suspension
- 4 proactive farm labour audits, resulting in voluntary compliance of \$25,504.51 in wages to farm workers

² * Note: For the 2019/2020 Estimates Note, ESB incorrectly reported that 243 inspections of farm sites were conducted. This figure (243) was actually the number of individual farm workers interviewed by ESB field staff. The number of farm inspections for the 3 prior calendar years is as follows: 2016 – 34 inspections; 2017 - 23 inspections; 2018 - 29 inspections;

2020/21 Estimates Note Advice to the Minister

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

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.
 - 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 2018 season and up to May 31, 2019, the minimum wage rate for SAWP workers, regardless of country of origin, was at least \$12.65 per hour (higher for some categories of work). As of June 1, 2019 the minimum wage rate for SAWP workers was at least \$13.85 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.

2020/21 Estimates Note Advice to the Minister

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

- 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

- In most jurisdictions, the employment standards for farm workers are different from those for other workers because of the unique nature of the industry and the harvesting season.
- Farm workers in B.C. are entitled to minimum employment standards that generally meet or exceed those in other provinces. While they are covered by most sections of the ESA, they are excluded from overtime and statutory holiday entitlements. Those who harvest specified crops by hand may be paid by piece rate, but must be paid at least the minimum regulated piece rate for each crop. Vacation pay is included in the piece rates as set out in the Regulation. Farm workers not paid by piece rate are entitled to vacation pay over and above their wages.
- Other provinces exclude at least some farm workers from significant provisions of their employment standards.
- In Alberta, employment standards apply to some farm and ranch workers but the following are excluded from employment standards:
 - Family members of the farm or ranch operator, and
 - Farm and ranch operations with five or fewer waged, non-family employees
- In Saskatchewan, farm workers are generally excluded from employment standards coverage. As such, the Director of Employment Standards cannot enforce employment standards protections for farm workers, but will provide assistance in recovering unpaid wages owed under employment contracts.
- Many of the same exclusions—minimum wage, hours of work and eating periods, overtime pay, vacation with pay and public holidays—apply to farm workers in Ontario, Quebec and the Maritime provinces.

2020/21 Estimates Note Advice to the Minister

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

Attachment: Appendix 1 – Interagency Committee Reporting 2019 Statistics

Contacts:

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

2020/21 Estimates Note Advice to the Minister

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

Appendix 1 – Interagency Committee Reporting 2019 Statistics

Interagency Reporting 2019 (Updated November 25, 2019)					
	Jan- Mar	Apr - Jun	July - Sept	Oct - Dec	TOTALS
ROADSIDE INSPECTIONS					
Total # of roadside inspections	0	5	8		13
Total # of vehicles inspected	0	49	117		166
CVSE					
Vehicles passing inspection by CVSE		35	89		124
Vehicle not passing inspection		14	28		42
# of violation tickets issued by CVSE		4	18		22
Value of tickets issued	\$ -	\$ 978.00	\$4,455.00	\$-	\$5,433.00
ESB Compliance Issues (Vehicles)					
FLC's found unlicensed		2	0		2
Up-to-date vehicle reg # and/or insp. certificate not filed		4	6		10
Vehicles without safety notice displayed		1	3		4
Vehicles without wage rate notice and/or FLC licence displayed		1	7		8
Vehicle removed from service mechanical deficiencies		1	1		2
Contraventions	\$ -	8	16		24
Value of penalties issued		\$ 13,500.00	\$8,000.00		\$21,500.00
					-
Education Presentations		2	6		
WorkSafeBC Compliance Orders					
Total orders issued		81	175		256
Inadequate first aid supplies/inappropriate fire extinguisher not in good working order		13			
Vehicle stop use order		9	53		66
Gross vehicle weight exceeded		11			20
Mechanical deficiencies		0			
Unsecured tools or equipment		32			84
Pre-trip inspection not done		8			31
No emergency exit or locked or inoperable		13			18
Seat belts missing or unserviceable		0			6
No safe means of entry and exit		4			5
Non-conforming or inadequately secured seats		0			0
Wrong drivers' licence		0			0
No Hi-Vis Vest		2			8
Speeding		0			0
No first aid attendant		0			0
Inspections with no violations		0			3
Inspections with violations		8			26
Total vehicle inspections		43			123
Warning letters issued		51			149
Penalties imposed		2			8
Penalties in progress		1			6
Penalty amounts imposed		0			0
		\$26,099.30	\$29,256.51		\$55,355.81
Education Presentations		0	0		0

2020/21 Estimates Note Advice to the Minister

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

Title: Child Employment

Revised: May 26, 2020

Issue: Child Employment and Employment Standards

Response:

- Government has made commitments to update employment standards to reflect the changing nature of workplaces and ensure they are applied evenly and enforced.
- Government also committed to develop options to increase compliance with employment laws and standards and to protect the lives, health and safety of all workers, including younger workers and to ensure that British Columbia fully meets its international labour obligations.
- The Ministry of Labour recognizes the significance of child and youth employment, both to the continuing operation of many British Columbia businesses and to the development of responsible, mature and hard-working young people, as long as it is safe.
- The Ministry of Labour is working to modernize the *Employment Standards Act* and Regulations by bringing the child employment provisions into compliance with international law.
- We committed to public consultations, and we did consult, and that is informing the work we are doing to modernize employment standards.

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.

2020/21 Estimates Note Advice to the Minister

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

- The changes made in 2003 allowed children as young as 12 to do virtually any kind of work, including in dangerous sectors like construction — resulting in life-altering injuries.
- In 2019, the Ministry of Labour introduced changes to the *Employment Standards Act* through the *Employment Standards Amendment Act, 2019* (Bill 8) to ensure that the work children and young people do is age-appropriate and safe for their health and development. These provisions are not yet in force.
- Provisions in Bill 8 prohibit employers from employing a child under 16 to perform hazardous work or to work in a hazardous industry, and from employing children under 14 without a permit from the Director of Employment Standards. Bill 8 allows 14- and 15-year-olds to perform “light work” with parental consent, or other work with a permit from the Director of Employment Standards.
- The details for these new child employment provisions will be set out in regulations to be approved by Cabinet. Before developing the regulations, the public and stakeholders are being consulted on what should be considered “light work,” “hazardous work,” or a “hazardous industry.”

Update on “Light Work”

- From October 7 to November 15, 2019, the Ministry of Labour undertook public engagement on the specific definition of what constitutes “light work”, how work permits for children as young as 12 should operate, and whether there should be any exemptions from the permitting requirement.
- The Ministry of Labour is currently reviewing this public input along with input received from interested groups and stakeholders on this topic.
- s.12; s.13

Update on “Hazardous Industry” and “Hazardous Work”

- s.12; s.13

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Child Employment Enforcement

- Employers are legally responsible for proving a child’s age and getting the required parental consent or permission in writing before employment starts.

2020/21 Estimates Note Advice to the Minister

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

- Employers found to have violated employment standards rules face penalties starting at \$500, and escalating to \$2,500 and \$10,000 for repeat offenses.
- The ESB continues to monitor child employment. The following statistics for the 2019 calendar year provide an overview:
 - ESB received 18 child employment permit applications in 2019, two of which resulted in a permit being issued.
 - In 2019, there were no contraventions of Section 9 of the *Employment Standards Act* (provisions in respect of hiring children).
 - In 2019, there were no contraventions of the provisions relating to children in the entertainment industry contained within Part 7.1 of the Employment Standards Regulation.

Contact:

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

2020/21 Estimates Note Advice to the Minister

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

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

Revised: May 25, 2020

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

Response:

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

Background/Status:

- The *Employment Standards Act* (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

2020/21 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, received considerable attention at the time from the sports-related media as a class action lawsuit against the Canada Hockey League (CHL) was before the courts. The claimants took the position that players should be classified as employees, not amateur athletes, who should receive minimum employment standards. In May 2020, a settlement was reached, with the CHL agreeing to pay out \$30 million to the former players who were members of the class.

Partial exclusions from the Act

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

Alternate Standards from the Act

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

2020/21 Estimates Note Advice to the Minister

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

s.13

- - Examples of workers subject to alternate employment standards include:
 - Truck drivers – 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.
 - Resident caretakers – subject to an alternate minimum wage that is paid monthly, and which is based on the number of suites in the apartment building the resident caretaker lives in.

British Columbia Law Institute Report on the Act

- The British Columbia Law Institute, a not-for-profit law reform agency, undertook a 4-year independent review of employment standards. The “Report on the *Employment Standards Act*” (Report), released 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 “*Principles should be developed to govern future applications for exclusion of an industry, activity, occupational group, or class of workers from all or part of the ESA in order to ensure that the interests of employers and employees are fully taken into account*” and “*Existing exclusions from ESA standards should undergo a systematic review by government to determine whether they continue to be justified.*”
- While government’s immediate focus is on 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

2020/21 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: June 17, 2020

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

Response:

- The Ministry of Labour is committed to changes to better resource and restore confidence in the employment standards system for workers and employers in British Columbia.
- Budget 2019 provided an increase of approximately \$14 million over three years to support the modernization of the Employment Standards Branch.
 - increase of approximately \$4 million in 2019/20.
 - increases of \$5 million in both 2020/21 and 2021/22.
- The net increase for the Employment Standards Branch for 2020/21 over 2019/20 is \$841,000 to further the business improvements. Part of my mandate is to ensure employment standards are being evenly and effectively enforced. With the extra resources, we are taking action to improve how the branch delivers the services that people count on.
- 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.
- With an effective employment standards system in place, B.C. can attract and retain the workers needed to grow our economy and employers can invest here knowing there is a level playing field.

Background/Status:

Situation before budget increases beginning in 2018

- In the recent past, Employment Standards Branch (ESB) budget and resourcing has often been the subject of criticism.
- The ESB budget was relatively stable over several years, totalling between \$7.8-\$7.9 million per year from 2013/14 through 2017/18.

2020/21 Estimates Note Advice to the Minister

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

- Labour stakeholders claimed that the ESB budget and staff reductions had led to a significant reduction in enforcement of the *Employment Standards Act* and protections for B.C. workers.
- In particular, labour stakeholders were critical that the ESB did very few proactive investigations and audits to ensure that workers were receiving their entitlements under the *Employment Standards Act*.

Budget increases beginning in 2018

- Beginning in 2018/19, the budget for the ESB has increased.
- The increases respond to the criticism that previously the ESB was not sufficiently resourced to protect B.C. workers.
- They also support the Minister of Labour's mandate letter commitment to ensure that employment standards are applied evenly and enforced.
- The increases recognize that the ESB has recently been given the responsibility to administer the *Temporary Foreign Worker Protection Act* – including implementing licensing for foreign recruiters.
- In 2018/19, the ESB received a budget increase of \$750,000 to engage in planning activities for modernization. \$250,000 went to the Legislative Policy branch. These funds were used to help ready the ESB for transformation and to develop modern business tools to assist in the overall modernization of employment standards in B.C.
- Budget 2019 provided an increase of \$14 million over three years to support the transformation of the Employment Standards Branch - an increase of approximately \$4 million in 2019/20 and increases of \$5 million in both 2020/21 and 2021/22.

	18/19	19/20	20/21	21/22	Total
Budget 2018	1.000	1.000	1.000	1.000	4.000
Budget 2019		3.786	3.786	3.786	13.786
			1.214	1.214	
Cumulative budget Increase	1.000	4.786	6.000	6.000	17.786

Using the additional resource to transform ESB

- The increase in funding will allow ESB to make significant improvements to services for workers and employers including:
 - Streamline the branch's process for receiving and resolving complaints.

2020/21 Estimates Note Advice to the Minister

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

- Create a proactive enforcement unit to lead site visits, investigations and audits.
 - Improve collection efforts of unpaid wages for workers.
 - Make technology upgrades to manage the new complaints process, improve data collection and reporting.
 - Improve the accessibility of services for those with different abilities and communication needs.
 - Implement the *Temporary Foreign Worker Protection Act*, including the creation of the registries and a new program to better protect temporary foreign workers.
- The ESB has embarked on a robust transformation project to meet an expanded mandate including:
 - Development of new tools, including a guided pathway to assist employees and employers to understand minimum standards
 - Development and launching of a new more accessible website
 - Removing the Self Help Kit as a requirement to filing complaints
 - Development and onboarding of a new integrated Case Management Information System
 - Working to operationalize a new investigation process to meet the new legislative direction of Bill 8 – *Employment Standards Amendment Act*
 - 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.

ESB Performance Measures

- The dedicated and hardworking ESB staff accomplish a significant amount with the resources they receive. Some examples include:
 - Resolves approximately 5,000 complaints per year, and recovers an average of \$7.58 million per year in wages for workers (5-year averages).
 - Staff answering our 1-800 information line help almost 82,000 callers per year (5-year average).
 - 88 per cent of decisions issued by ESB were upheld on appeal (five-year average).

2020/21 Estimates Note Advice to the Minister

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

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	135
Staffing budget (base salaries only)	\$5.8M	\$5.7M	\$5.9M	\$6.0 M	\$6.0M	\$8.0M	\$10.9M

ESB Service Indicators

	2015/16	2016/17	2017/18	2018/19	2019 YTD
Individual complaints closed within 6 months (Service Plan Target is >85%)	86%	89%	96%	92%	s.13

Contact:

Bill Boyte Executive Director

Employment Standards 778 974-2069
Branch

Employment Standards Branch - Statistical Summary

Calendar Year (Jan 1-December 31)	2015	2016	2017	2018	2019	AVG.
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Comments

s.13

s.13

Contact: Bill Boyle,
Executive Director
778.974.2069



Employment
Standards Branch

2020/21 Estimates Note Advice to the Minister

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

Title: Minimum Wage and the Fair Wages Commission

Revised: June 1, 2020

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

Response:

- In 2017, the Government created an independent Fair Wages Commission that heard from employers, workers, business organizations, union groups, academics, community stakeholders and low-wage workers.
- The commission prepared recommendations on the path to reaching —and surpassing — a \$15-an-hour minimum wage, which Government accepted.
- Accordingly, on June 1, 2020, the minimum wage increased to \$14.60 per hour. This increase was an important commitment to lower wage workers across the province. However, we recognize businesses are facing tough challenges right now too—that is why Government has deferred other increases and taxes. For example, the Employer Health Tax, PST, and carbon tax—all have been deferred to help support businesses.
- By 2021, we will also eliminate the lower minimum wage for liquor servers.
- We have increased the minimum piece rates for hand harvesting of specific crops by 11.5 per cent as of January 1, 2019 — equal to the rate of increase for the general minimum wage on June 1, 2018.
- Meanwhile, we are taking a more in-depth look at the piece rate regulations to ensure compensation for farm workers is both fair for workers and sustainable for farm operators.
- In the final phase of its mandate, the commission has been directed to work with economists, workers, the technology sector, small businesses, youth and others from all regions to make recommendations to address the discrepancy between the minimum wage and living wages in B.C.
- We expect to hear back soon from the commission on the results of their research.

2020/21 Estimates Note Advice to the Minister

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

Background/Status:

- The number of British Columbia employees earning minimum wage or less in 2019 was 147,600. This represents 7 per cent of paid employees in British Columbia (i.e., excluding the self-employed) and is an increase from 5.1 per cent in 2017. An increase in the per cent of employees earning minimum wage would be expected with the significant increases in the minimum wage since 2017.

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

- 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 was a budget of \$490,000 over two years for the commission and its operations. The budget was \$240,000 for 2017/18 and \$250,000 in 2018/19 and covered payment for appointees, costs for travel, consultations and contract writing/publication and support such as research and advisory services.
- As of March 31, 2020, the Fair Wages Commission expenditures for 2019/2020 were \$71,115. These expenditures were managed within the Ministry's base budget.
- Any required expenses for the commission in 2020/21 and onwards will be managed from within the Ministry's existing budget.

2020/21 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 \$0.20, 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 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)

2020/21 Estimates Note Advice to the Minister

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

- The Fair Wages Commission is currently reviewing the gap between living wages and the minimum wage in B.C. communities. This will fulfil the third phase of its mandate.
- As part of this review, the commission undertook a public engagement from mid-April 2019 to June 28, 2019 which included in-person engagement sessions and email stakeholder submissions.
- The commission is now completing its consultations and putting together its report.

Other jurisdictions – current minimum wage rates

- As of June 1, 2020, B.C.'s general minimum wage is \$14.60/hour, which, is second among the 10 Canadian provinces. Minimum wage rates among Canadian provinces currently range from \$11.32/hour to \$15.00/hour.
- At \$16/hour, Nunavut's minimum wage rate is higher than minimum wages in all other provinces and territories.
- Most Canadian jurisdictions, including B.C. now, have commitments to regular minimum wage increases based on a statistical measure (e.g., inflation) and/or a mechanism in place for a formal review (e.g., panel of experts) — see Appendix 1 for further details.
- In November 2018, the Ontario government passed labour legislation that freezes the province's minimum wage at \$14 an hour until 2020. The Ontario government has indicated that after 2020, the minimum wage is expected to increase at the rate of inflation (reaching \$15 an hour by approximately 2024).

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

- As of June 1, 2020, B.C.'s minimum wage for liquor servers is \$13.95/hour (\$0.65 lower than the general minimum wage).

2020/21 Estimates Note Advice to the Minister

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

- 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 \$10.45/hour for employees who customarily receive gratuities, while its general minimum wage is \$13.10/hour (\$2.65/hour difference).
- Based on the recommendations from the Fair Wages Commission's second report, British Columbia is phasing out the liquor server rate by June 1, 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.
- 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, and publicly released on December 10, 2019.
- The Ministry of Labour and the Ministry of Agriculture are currently engaged in further discussions about future changes to the minimum piece rates.

2020/21 Estimates Note Advice to the Minister

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

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

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

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

Appendix 1 – General Minimum Wages in Canada (as of June 1, 2020)

Jurisdiction	Rate (\$/hr)	Effective Date	Notes on Future Changes
Nunavut	16.00	April 1, 2020	Mandatory review by Minister.
Alberta	15.00	Oct 1, 2018	
British Columbia	14.60	June 1, 2020	<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)
Ontario	14.00	Jan 1, 2018	Holding at \$14 until Oct 2020. Future increases to be linked to inflation
Yukon	13.71.	April 1, 2020	On April 1 of each year, the rate increases based on annual increase for the preceding year in the CPI for Whitehorse.
Northwest Territories	13.46	April 1, 2018	Independent body gives advice.
Quebec	13.10	May 1, 2020	
Prince Edward Island	12.85	April 1, 2020	Independent body gives advice.
Nova Scotia	12.55	April 1, 2020	Government has committed to increases of 30 cents PLUS CPI (estimated at 25 cents) for three years (until 2021). Future increases tied to CPI. Independent body gives advice.
New Brunswick	11.70	April 1, 2020	Future changes tied to inflation. Minister review every two years.
Manitoba	11.65	Oct 1, 2019	Yearly increases indexed to provincial CPI.
Newfoundland and Labrador	11.65	April 1, 2020	<ul style="list-style-type: none"> Effective October 1, 2020: \$12.15/hour. Effective April 1, 2021: increase based on the National CPI at the time, based on the established formula, plus \$.25. On October 1, 2021: increase by \$.25.
Saskatchewan	11.32	Oct 1, 2019	Yearly increases based on average of increases in CPI and average hourly wage.

2020/21 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

2020/21 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.

2020/21 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

2021/22 Estimates Note Advice to the Minister

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

Title: *The Temporary Foreign Worker Protection Act*

Revised: May 29, 2020

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.
- On October 1, 2019, the requirement for recruiters to be licenced by the Director of Employment Standards came into effect. This includes a requirement for a \$20,000 bond against future unpaid penalties or other monies owing.
- As of May 29, 2020, there were 132 Temporary Foreign Worker recruiter licenses issued and published, with more applications actively being processed.
- The Ministry of Labour is working on the regulations necessary to establish the registry of employers. Ministry staff are consulting with stakeholders and provincial partners before bringing these provisions into force this year.
- The employer registry remains important to the ministry and the launch has been postponed as the Province and employers respond to the COVID-19 emergency as a priority.

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.

2021/22 Estimates Note Advice to the Minister

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

- 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).
- The TFWPA creates two 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 provisions establishing the recruiter licensing system have been brought into force. Ministry staff are consulting on the creation of the employer registry prior to bringing it into force by regulation.
- The Director of Employment Standards is responsible for administering the TFWPA, including the licensing of foreign worker recruiters and the registration of employers wishing to recruit foreign nationals.
- The intent is to have the registration requirement apply only to employers who are seeking to recruit foreign workers who are seen as the most vulnerable.
- When violations occur, the TFWPA provides for strong enforcement, including monetary penalties and cancellation of recruiter licences and employer registrations, along with possible jail time.
- s.13
- The Ministry is currently working to develop the required regulations so that the remainder of the TFWPA can be implemented as soon as possible. The legislation and experiences of Saskatchewan and Manitoba (both of which already have temporary foreign worker registries) helped to inform this work.
- The Employment Standards Branch has established the Temporary Foreign Worker Protection Unit, which is responsible for the licensing of foreign worker recruiters and, once in place, 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
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2020/21 Estimates Note Advice to the Minister

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

Title: Updating Employment Standards

Revised: June 17, 2020

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.
- Many of the recommendations made by the British Columbia Law Institute were incorporated into the *Employment Standards Amendment Act, 2019* (Bill 8), which received Royal Assent in May 2019.
- The Ministry continues to review the other recommendations that have not yet been addressed.
- The Ministry also placed a priority on transforming the Employment Standards Branch; in Budget 2019, \$14 million in new funds were invested over three years to increase employment standards protections and enforcement in the province. The branch's net increase is \$841,000 for fiscal 2020/21.
- The new funds are being used to increase the timeliness of the Employment Standards Branch services, as well as deliver proactive enforcement activities and more education and outreach so workers know their rights and employers know their obligations in B.C.'s workplaces.

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 has acted to deliver on this priority.
- Major reviews of the *Employment Standards Act* (the Act) occurred in 1993 (conducted by consultant Mark Thompson) and in 2002 (as part of the previous government's core review).

2020/21 Estimates Note Advice to the Minister

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

- 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.
- 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 towards the project's costs.
- In December 2018, the BCLI Project Committee published its final report, "Report on the *Employment Standards Act*", which included 71 recommendations for modernizing the Act for current workplace realities.
- Many of the final report's recommendations were incorporated into the *Employment Standards Amendment Act, 2019* (Bill 8), which received Royal Assent in May 2019. In developing Bill 8, the Ministry also considered input from the Employment Standards Coalition, the BC Federation of Labour and others.
- Regulations are required to fully implement Bill 8, including those that will bring into force provisions impacting child employment, temporary help agencies and the responsibilities of the Director of Employment Standards. The Ministry will be working on these regulations throughout 2020.
- The Ministry also placed a priority on transforming the Employment Standards Branch; in Budget 2019, \$14 million in new funds were invested over three years to increase employment standards protections and enforcement in the province.
- The new funds are being used to increase the timeliness of the Employment Standards Branch's services, as well as deliver proactive enforcement activities and more education and outreach so workers know their rights, and employers know their obligations, in B.C.'s workplaces.
- 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, such as the COVID-19 public health emergency.

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

Contact:

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

2020/21 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.
2019	<ul style="list-style-type: none"> Permit required from the Director of Employment Standards to employ a child under 14. 14 and 15-year-olds allowed to perform "light work" that is safe for their health and development. Prohibition against the employment of persons under 16 in hazardous industries or in hazardous work. Authority established to set a minimum age between 16 and 19 for employment in any hazardous industries or work. Introduction of domestic or sexual violence leave and critical illness or injury leave. Introduction of provisions protecting workers' rights with respect to tips and gratuities.

2020/21 Estimates Note Advice to the Minister

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

	<ul style="list-style-type: none"> • <i>Employment Standards Act</i> restored as the floor for new and renewed collective agreements. • Restored requirement for employers to inform employees of their rights. • Requirement added for licensing of temporary help agencies. • Restored corporate officers' and directors' liability for unpaid wages in bankruptcy situations. • Repealed requirement that a domestic worker must live at the employer's residence. • Modernized the Employment Standards Branch (ESB): <ul style="list-style-type: none"> ○ Self-help kit eliminated. ○ Wage recovery period extended to 12 months, with the Director of Employment Standards having the discretion to extend to 24 months in prescribed circumstances. ○ Requirement added for a preliminary review followed by an investigation for all complaints accepted by the ESB. ○ Requirement added for employers and workers to have the opportunity to respond to a written report on the investigation of all complaints before a final decision is made. ○ Director of Employment Standards given authority to conduct a broader investigation of a workplace if a complaint shows systemic problems and to waive a monetary penalty in certain circumstances.
2020	<ul style="list-style-type: none"> • Introduction of COVID-19-related leave. • Introduction of up to three unpaid days personal illness or injury leave. • Introduction of up to five paid days domestic or sexual violence leave (Second Reading adjourned in the House on March 5, 2020).

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

2020/21 Estimates Note Advice to the Minister

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

Title: Employment Standards Transformation

Revised: June 17, 2020

Issue: Modernizing 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.
- The Ministry also placed a priority on transforming the Employment Standards Branch; in Budget 2019, \$14 million in new funds were invested over three years to increase employment standards protections and enforcement in the province. The branch's net increase is \$841,000 for fiscal 2020/21.
- We are modernizing our business and have removed barriers to accessing branch services, like the "Self Help Kit".
- We have improved our Information Line to provide service in 140 languages, so workers know their rights and employers know their obligations under B.C.'s employment standards law.
- We have created new tools, like the "guided pathway" to customize our web content to meet people's needs and we have streamlined our complaints process to help vulnerable clients access our services. 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 increasing our investigation and audit activities, increasing our collections activity with a dedicated team and doing more outreach, making more educational resources available and doing more proactive enforcement of the law.

2020/21 Estimates Note Advice to the Minister

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

Background/Status:

- The Minister articulated a vision for systemic improvement to the employment standards system that included:
 - removing barriers for workers to access their statutory entitlements;
 - streamlining the complaint process;
 - undertaking proactive enforcement activities (site visits, audits, investigations) in targeted sectors of industry to address bad actors and level the playing field for good employers;
 - focusing on improved collections outcomes for workers through improved data collection and branch re-alignment;
 - protecting vulnerable temporary foreign workers working in B.C.
- In Budget 2018, the ministry received \$1 million to undertake planning work to support the Employment Standards Branch business transformation including planning for the new *Temporary Foreign Worker Protection Act*.
- In April 2019 the branch increased capacity through a hiring process and added 36 new positions to the branch to support complaints processing, collections and proactive enforcement. In addition, we completed a series of projects to pilot new services, improve current processes and create new information tools and supports for workers and employers to begin the shift from a complaints-based system to one where more proactive enforcement of the law, investigations and education will better support B.C.'s workers, employers and a sustainable growing economy.
- This year the ministry is hiring key positions to support the compliance team and is realigning its organizational structure to better-use its resources, continuing it's focus on collections, and increasing compliance and enforcement activities like audits and investigations.
- 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
Bill Boyte	Director, ESB	250 668-3048

FY 18/19 Transformation Project Overview

Project Name	Description	Final Budget
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s.13; s.17

FY 19/20 Transformation Project Overview

Project Name	Description
Hiring new staff	Hire and onboard new staff to support ESB and TFWPA
Facilities Capital Improvements	Plan and implement over 2 years capital improvements to ESB office spaces
Compliance & Enforcement Fleet	Purchase vehicles to be used by the new Compliance and Enforcement Unit
Organizational Redesign	Identify further opportunities to realign branch organizational structure
Case Management System	Implement new system for TFWPA and ESB (all lines of business)
Solutions Explorer (ESB)	Expand tool to include more pathways for workers and employers
Multi-Lingual Service (TFWPA)	Continue pilot for multilingual support for ESB and extend to include TFWPA
Infoline Technology Upgrade	Improve client service with new phone technology for Info-line staff
ESB Complaints Process	Pilot new process and evaluate; implement across branch
TFWPA Program Design	Build remaining process and procedures needed for the TFWPA implementation
ESB Website Renewal	Continue to improve multi-lingual and plain-language content for clients
Site Inspection Tool	Agricultural Compliance Team to pilot tool within new Compliance and Enforcement Unit

2020/21 Estimates Note Advice to the Minister

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

Title: Domestic or Sexual Violence Leave

Revised: May 28, 2020

Issue: Leave Respecting Domestic or Sexual Violence: Workplace Supports for People Facing Domestic or Sexual Violence

Response:

- Ending violence, supporting safety and creating security are central to our work as government.
- Government has prioritized having a broad range of supports in place for individuals facing domestic or sexual violence.
- In spring 2019, Government amended the *Employment Standards Act*, to include new leave provisions that provide job protected unpaid leave for people facing domestic or sexual violence.
- In fall 2019, the Ministry of Labour and the Gender Equity Office consulted in-person and online with domestic and sexual violence survivor advocates, workers, employers and the general public on how to improve the job-protected unpaid leave and what government can do to ensure workplace support is there for people facing domestic or sexual violence when they need it most.
- The majority of the participants in the consultations expressed support for paid domestic or sexual violence leave as both necessary and overdue.
- Further amendments, introduced on March 3, 2020 (Bill 5), build on the improvements made to the ESA last year that provided unpaid, job-protected leave from work for those impacted by domestic or sexual violence. If passed, the new amendments will mean five of these days will be employer-paid days.
- Survivors of domestic or sexual violence, including children and youth, need our help and our work supports economic stability for families facing these challenging situations.

Background/Status:

- On May 30, 2019, the *Employment Standards Amendment Act* (Bill 8) introduced unpaid, job-protected domestic or sexual violence leave to the *Employment Standards Act* (the Act).
- The leave entitles employees to up to 10 consecutive or intermittent days of leave, and up to an additional 15 weeks of consecutive or, with the employer's consent, intermittent leave.

2020/21 Estimates Note

Advice to the Minister

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

- The leave is available if an employee, an employee's child (under 19), or a dependent adult in the care of the employee (who is the dependent adult's parent or former guardian) experiences domestic or sexual violence.
- Employees may take the unpaid leave for any of the following purposes in relation to domestic or sexual violence experienced by themselves, their child (under 19) or their dependent adult child in their care:
 - To seek medical attention for a physical or psychological injury or disability
 - To obtain victim services or other social services
 - To obtain psychological or other professional counselling for a psychological or emotional condition
 - To relocate temporarily or permanently
 - To seek legal or law enforcement assistance or attend a civil or criminal proceeding.
- Employers are not required to pay an employee for any of the time away from work, although some workplaces may have policies or collective agreements that provide for paid leave.
- Employees must provide the employer with reasonably sufficient proof in the circumstances that the employee is entitled to the leave, if the employer requests proof. The Act recognizes the need for flexibility and sensitivity and does not specify what type of documents would be sufficient proof in different circumstances.
- When Bill 8 was introduced, Government made a public commitment to carry out an engagement process to determine next steps in making improvements to leave for workers escaping or recovering from domestic or sexual violence.
- The engagement process, conducted last fall, was far-reaching and encompassed the public, employers, labour representatives, Indigenous women's organisations, groups supporting individuals and families who have experienced domestic or sexual violence and gender equity groups.
- Specifically, it consisted of:
 - an online questionnaire -- which received 6,300 responses; and,
 - face-to-face consultations with stakeholders.
- The majority of the participants expressed support for paid domestic or sexual violence leave as both necessary and overdue.
- In Spring 2020, government introduced further amendments (Bill 5) to the Act to establish a worker's entitlement to domestic or sexual violence leave each calendar year in three parts:
 - up to five days of paid leave - which is the new entitlement,

2020/21 Estimates Note Advice to the Minister

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

- up to five days of unpaid leave - which is reduced from the existing entitlement of up to ten days of unpaid leave to accommodate the five days of paid leave, and
- an additional unpaid leave of up to 15 weeks - which is unchanged from the existing entitlement.
- The paid leave will support workers experiencing, or who have specified family members experiencing, domestic or sexual violence by allowing them to relocate or pursue legal, medical, counselling, financial or other support services, or to look for a new home, so that they may rebuild their lives without the risk of losing income.
- It also allows workers the time and opportunity to remove themselves - or their loved ones - from a violent situation, to put their safety and security first, and to seek out the supports they need.
- As of May 28, 2020, Bill 5 is awaiting second reading in the Legislative Assembly.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

Title: B.C. Labour Relations Board Update

Revised: May 27, 2020

Issue: Update on the Labour Relations Board, including staffing, members and the voting processes

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.
- The Board has, amidst the COVID-19 emergency, continued to operate, process applications and conduct votes, hearings, settlement conferences, and mediations, with modifications to allow for virtual proceedings, mail ballots and with staff working from home.
- **Resources:** The 2018 *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 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.

2020/21 Estimates Note

Advice to the Minister

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

- As of May 27, 2020, 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):

Name	Position	Term
Jacquie de Aguayo	Chair	February 4, 2022
Jennifer Glougie	Associate Chair	June 1, 2022
Najeeb Hassan	Registrar and Vice-Chair	December 1, 2024
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.

2020/21 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 people employed in the labour relations community who act on an infrequent basis at the LRB (and are paid a per diem). In 2006, the terms of appointments of all members expired. No new appointments have been made, resulting in no use of members in any form in 14 years.
- In 2007, a Committee of Special Advisors (established under Section 3 of the Code) stated that members have an important role to play in the proper functioning of the LRB.^{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.

Voting Processes

- 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.

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2020/21 Estimates Note

Advice to the Minister

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

- 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 then 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 current chair is reviewing opportunities to improve the services of the LRB to the labour relations community.
- In addition, Bill 30 (2019) implemented recommendations from the section 3 committee review of the *Labour Relations Code* which included amendments to limit and clarify the Board's authority to use mail ballots. Specifically, the amendments require that a vote can only be conducted by mail if the parties agree or if the Board is satisfied that there are exceptional circumstances. Further, where a mail vote is ordered, it must be done as expeditiously as possible.

Impact of Bill 30 on the LRB

- Bill 30 amended the *Labour Relations Code* to improve fairness for workers as well as promote stable and productive labour relations to the benefit of employers and British Columbians more broadly.
- Several of the changes require the LRB to slightly adapt its practices and procedures. For example, Bill 30 shortened the timeline between when a certification application is made and when the vote happens. Bill 30 also amended how certain mediation services are accessed and provided by the Board.
- The Ministry understands the LRB has been adapting its practices and procedures as necessary and has engaged in a dialogue with the labour relations community to communicate changes and hear input.

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2020/21 Estimates Note Advice to the Minister

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

- The LRB works with the Ministry of Attorney General to assess its budget and staffing levels.

Contact:

Trevor Hughes	Deputy Minister	Ministry of Labour	778 974-2189
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2020/21 Estimates Note Advice to the Minister

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

Title: Collective Bargaining

Revised: June 1, 2020

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

Response:

- The Ministry of Labour monitors collective bargaining disputes, including those that might have a negative impact on the public interest, whether in the public or private sector.
- Where possible, we encourage parties to use the services of the Mediation Division of the Labour Relations Board to assist them in resolving disputes. In addition, prior to a strike or lockout, where appropriate, the Labour Relations Board will establish essential service levels to protect the health, safety or welfare of British Columbians.
- In the event that there are collective bargaining disputes, the Labour Relations Board is available to assist the parties in mediation and adjudication. The Ministry is also prepared to assist the parties and to do whatever is necessary to protect the public interest.
- Collective agreements have their best outcomes when negotiated at the bargaining table, allowing the parties to work out their differences; with mediation or similar help if necessary.
- The Ministry is not involved in the establishment of bargaining mandates for the public sector and is, in fact, neutral in collective bargaining. The mandate can be addressed by the Minister of Finance.

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

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

Background/Status:

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

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2020/21 Estimates Note

Advice to the Minister

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

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

2020/21 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 several years, government has indicated to municipalities, UBCM and to the BC Professional Fire Fighters Association that there are no plans to review the Act, as the Act is achieving the objectives for which it was established.

BC Bargaining Database

- In 2008, the BC Bargaining Database was launched in partnership with the BC Federation of Labour, the Business Council of BC and the Labour Relations Board to provide data and trends on collective bargaining.
- The database provides important information about collective bargaining to the public. It is particularly valuable because it provides objective data to employers and unions about other collective bargaining settlements so that they do not have disputes about this information at the bargaining table. An online database and website was created in late 2013.
- 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

2020/21 Estimates Note Advice to the Minister

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

Title: *Labour Relations Code* Review

Revised: June 1, 2020

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.
- In May 2019, government passed Bill 30 which implemented all the legislative changes to the *Labour Relations Code* recommended by the Panel.
- The amendments made by Bill 30 improve fairness for workers as well as promote stable and productive labour relations to the benefit of employers and British Columbians more broadly.

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 was 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 was also asked to review any recent changes in labour laws in other Canadian jurisdictions to ensure B.C.'s Code is consistent with best practices elsewhere.

2020/21 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 made 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.
- On May 30, 2019, Government passed Bill 30, the *Labour Relations Code Amendment Act*.
- One of the main objectives of Bill 30 is to improve the process under which employees are able to access their rights to union representation and collective bargaining. Bill 30 implements several important changes designed to enhance protections for employees considering unionization against the risk of employer interference or intimidation. This includes shortening the timeline between when the application is made and when the vote happens. Bill 30 also gives the Labour Relations Board broader discretion to grant union certification when an employer is found to have unduly interfered with the certification process.
- Another key feature of Bill 30 is that it extends "successorship" protection to contract retendering in several sectors where workers have been historically vulnerable to contract retendering. Importantly, this will provide improved stability and job security for thousands of workers who provide:
 - non-clinical health care services;
 - building cleaning services;
 - security services;
 - bus transportation services; and,
 - food services.

Labour Relations Regulation Change

- One additional recommendation provided by the Review Panel was to amend the *Labour Relations Code* Regulation to provide that union membership evidence (for the purpose of establishing membership in good standing in a trade union where that trade union is making an application for certification) is valid for six months rather than the current 90 days.

2020/21 Estimates Note Advice to the Minister

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

- The Review Panel determined that the 90-day time frame for signing up members unduly restricts a union's organizing efforts, especially given the challenges unions face in the modern economy -- smaller workplaces; workers working a variety of shifts, from home, and at remote worksites; and turnover.
- On April 6, 2020, Cabinet approved an Order-in-Council to implement the Review Panel's recommendation.

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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2020/21 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.

2020/21 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.

2020/21 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

2020/21 Estimates Note Advice to the Minister

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

Title: Asbestos

Revised: May 27, 2020

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

Response:

- The Government of British Columbia is keenly aware of the extent to which asbestos is a significant health and safety issue for B.C. workplaces and workers.
- Government is committed to keeping British Columbians and our environment safe from the deadly consequences of asbestos.
- The Ministry of Labour is leading a cross-ministry Asbestos Working Group mandated “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.”
- Established in 2017, the cross-ministry Asbestos Working Group includes representatives from the Ministry of Labour along with the Ministries of Health, Environment and Climate Change Strategy, Municipal Affairs and Housing and WorkSafeBC.
- The Asbestos Working Group consulted on how to better protect people and the environment from asbestos 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 December 2018, the Asbestos Working Group released a draft report “Keeping Workers, the Public and the Environment Safe from Asbestos.”
- The Report identified key issue areas surrounding asbestos, including identification, handling, abatement and disposal, and identified 16 recommendations on strategies and initiatives that the provincial government and its agencies could take to further protect British Columbians and the environment from the dangers of asbestos.

Continued...

2020/21 Estimates Note Advice to the Minister

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

- The Asbestos Working Group sought public input until February 15, 2019, on the recommendations contained within the draft report.
- The Asbestos Working Group received feedback from homeowners, municipalities, workers and employers in the construction and renovation sector. This feedback is being incorporated into a final report which will be available to the public soon.

Background/Status:

- 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.
- 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.
- WorkSafeBC reports that asbestos exposure remains a challenge in workplaces; in 2019, more than 431 workers reported workplace exposure to asbestos, as compared to 578 exposures reported in 2018.
- WorkSafeBC reports that in 2019, asbestos exposure was a primary driver in 84 of 140 work-related deaths that resulted from occupational disease.
- Workers with the highest risk of inhaling the asbestos 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.
- 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.

2020/21 Estimates Note

Advice to the Minister

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

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 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.
- As part of its mandate, in December 2018, the Working Group released a report "*Keeping Workers, the Public and the Environment Safe from Asbestos: Working Group Draft Final Report and Recommended Actions*" (the Report). The Report, through research and analysis, identified key issue areas surrounding asbestos that span through a continuum of identification, handling, abatement and disposal.
- The Report identified five broad and specific concerns particularly:
 - qualification and competencies,
 - regulatory and enforcement gaps and overlaps,
 - costs driving work underground,
 - gaps in public knowledge and awareness, and
 - limitations in disposal options and facilities and illegal dumping.
- The Report also identified 16 recommendations on strategies and initiatives that the British Columbia government and its agencies could undertake to further protect British Columbians and the environment from the dangers of asbestos. Following the release of the initial report in December, 2018, the Asbestos Working Group sought public input on initial recommendations to help refine the strategies and initiatives proposed in the Report in order to advance solutions that prevent further asbestos exposure.

2020/21 Estimates Note Advice to the Minister

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

- The Asbestos Working Group received over 30 submissions from homeowners, municipalities, workers and employers in the construction and renovation sector.
- This feedback is being incorporated into a final report which is expected to provide direction on how to better protect British Columbians and our environment from the dangers of asbestos, including the disposal of asbestos.

WorkSafeBC's Estimates Binder

- s.13

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

Title: Bullying, Harassment and Mental Disorders

Revised: May 26, 2020

Issue: Actions to address bullying and harassment in the workplace

Response:

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

Background/Status:

Bullying and Harassment as a Workers' Compensation Issue

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

2020/21 Estimates Note Advice to the Minister

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

- The legislation explicitly recognizes bullying and harassment as significant work-related stressors that can result in a compensable mental disorder. The intent of this provision is to express a clear position that these destructive behaviours are simply not acceptable in the workplace.
- In order for a compensation claim to be accepted, a psychiatrist or psychologist must have diagnosed a mental disorder.
- Mental disorder claims that result from termination, discipline and other decisions related to a worker's employment are excluded – although a claim may be accepted if bullying or harassment accompany the decision and a mental disorder results.

● s.13

Bullying and Harassment as a Worker Safety Issue

- 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.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

Title: Forest Safety Issues Including Resource Roads

Revised: May 26, 2020

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.
- 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.
- 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.

2020/21 Estimates Note Advice to the Minister

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

• s.13

Current Audit being undertaken by the Auditor General

- In 2019, the Auditor General commenced an audit that it is focusing on forest service roads from a Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) perspective.
- FLNR staff have advised that the audit has been focused on road and bridge maintenance and other matters that fall within FLNR's and BC Timber Sales' mandate, and that unlike the 2008 audit, worker and public safety issues have not been within the audit's scope.
- Nevertheless, in light of the September 2019 fatal bus crash on the main Bamfield logging road, it is possible that worker and public safety issues may come within the audit's scope.
- The Ministry of Labour is aware of the Auditor General's audit and is prepared to assist if public and worker safety issues are examined.

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 FLNR and other government ministries and agencies had long had with the enforcement approach established under the WCA and OHSR.

2020/21 Estimates Note Advice to the Minister

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

- 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.
- s.13; s.14
- 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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2020/21 Estimates Note Advice to the Minister

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

Title: Helps Report Implementation

Revised: May 27, 2020

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 Lakeland and Babine sawmill explosions in 2012, and WorkSafeBC's investigations of those explosions, are looked at rigorously so that no one experiences the kind of horrific explosion that those workers faced, and the serious lifelong injuries they were left with.
- In the wake of the explosions at the Lakeland and Babine sawmills, the previous government took steps to ensure that similar tragedies do not happen again.
- In 2019, government engaged labour lawyer Lisa Jean Helps to assess whether the necessary and proper changes had been made and to make further recommendations, if necessary.
- Helps concluded that the previous recommendations have been implemented and the changes have largely been effective and positive. She has recommended additional improvements to WorkSafeBC investigations, which WorkSafeBC and government are now reviewing.

Background/Status:

2012 Sawmill Explosions and Follow-up Reviews

- On January 20, 2012, two people died and 20 were injured in an explosion at Babine Forest Products in Burns Lake. Three months later, on April 24, two people died and 22 were injured in a similar explosion at Lakeland Mills in Prince George. Crown Counsel was unable to proceed with charges due to flaws in the investigation and search warrant process.
- BC Coroners Service inquests were conducted into the deaths of the four individuals and Government also commissioned two reports in 2014 — the Dyble Report and the Macatee Report. Together, these reports and the 2015 BC Coroners Service verdicts included numerous recommendations directed at government and other agencies on how to make improvements to workplace safety, inspections, education, enforcement and investigations.

2020/21 Estimates Note Advice to the Minister

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

2019 Helps Review

- Vancouver lawyer Lisa Jean Helps was contracted by the Ministry of Attorney General to assess both government's and WorkSafeBC's progress in implementing recommendations stemming from the past reports. In August 2019, she delivered her report, *WorkSafeBC and Government Action Review: Crossing the Rubicon*. Helps was directed to seek input from relevant stakeholders and staff in WorkSafeBC and the ministries of Attorney General, Public Safety and Solicitor General and Labour. In addition, she was to invite workers affected by the explosions, and their families, to share their perspectives on the issues under review. Helps was also directed to provide advice on potential legislative changes to improve safety for B.C. workers. The report was made public on December 2, 2019.
- Helps noted that all recommendations from the previous reports have been implemented and the changes have largely been effective and positive. She was also tasked with making recommendations for further actions to strengthen investigations to ensure those responsible for workplace incidents are held accountable.
- The recommendations covered a wide variety of issues and were aimed at several government agencies including the Ministry of Labour, WorkSafeBC, the Ministry of Public Safety and Solicitor General and the police. Many of the recommendations have been accepted and work is underway to implement them. For example, recommendations to:
 - Begin investigations with a quasi-criminal approach when warranted, applying a flexible, situation specific criteria.
 - Restructure WorkSafeBC's Fatal and Serious Incident Investigation Team from its current two-team model to a one-team model, to improve efficiency and timeliness and avoid duplication of efforts.
 - Separate WorkSafeBC's Investigation Unit from the Worker and Employer Services Group.
 - Amend the *Workers Compensation Act* to include search and seizure powers. Currently, investigating officers must apply for a search and seizure warrant under the *Offence Act*.
 - Amend the *Workers Compensation Act* to remove the unnecessary step of getting approval by WorkSafeBC executives before an investigating officer can recommend charges be laid.
 - Amend the *Occupational Health and Safety Regulation* to strengthen worker protections around the right to refuse unsafe work.

2020/21 Estimates Note Advice to the Minister

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

- Designate specific police contacts, both municipal and RCMP for *Criminal Code* 217.1 and 219 offences, and ensure that WorkSafeBC investigations know and have contacts for these previously designated Crown and police.
- Create an Incident Command System for workplace accidents across agencies, including WorkSafeBC, Police (Municipal and RCMP), First Responders and others. This should include an information sharing agreement between police, WorkSafeBC Investigators and Crown Counsel, and a hierarchy of command.
- The recommendations directed at the Ministry of Labour require amendment to the Workers Compensation Act and are under review and consideration.

Class-action Lawsuit

- A class-action lawsuit has been launched by a group of workers and family members involved in the 2012 explosions 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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WorkSafeBC Estimates Notes

- s.13

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2020/21 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: May 26, 2020

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.
- Effective April 16, 2019, government passed a regulation to add nurses, emergency dispatchers and publicly funded health-care assistants to the mental disorder presumption to ensure they have easier access to workers' compensation for mental-health disorders that come from work-related trauma.
- As Minister responsible for WorkSafeBC, I also acknowledged the need to look at other sectors for this presumption, because certain professions are more likely to experience trauma on the job that can lead to mental illness.

Continued...

2020/21 Estimates Note Advice to the Minister

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

- WorkSafeBC has established a first responders' mental health steering committee, with participation from government, employers and unions representing first responders, to look at ways to reduce incidents of work-related mental health issues, including Post-Traumatic Stress Disorder. The committee is currently focused on this issue in the COVID-19 health emergency, which has resulted in significant increases in work-related mental health challenges for first responders.
- The federal, provincial and territorial ministers responsible for labour have 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.

Background/Status:

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

- The *Workers Compensation Act* was amended in 2012 to expand coverage for workers who experience work-related mental disorders, including PTSD. The change means that all B.C. workers, including paramedics and other first responders, are covered for mental disorders caused by a larger array of traumatic events or stressors.
- In spring 2018, government introduced Bill 9, the *Workers Compensation Amendment Act, 2018*, to address concerns raised by a number of first responder stakeholders that coverage for mental disorders under the *Workers Compensation Act* did not go far enough and that it was necessary to broaden the range of mental health injuries accepted by WorkSafeBC.
- This Bill amended the *Workers Compensation Act* to provide a new mental disorder presumption for paramedics, police, fire fighters, sheriffs and correctional officers. These occupations are frequently exposed to traumatic events at work.
- The presumption covers mental disorders that may arise from a traumatic event experienced at work, such as PTSD.
- These mental disorders are presumed to have been caused by one or more traumatic events that an eligible worker was exposed to in the course of their work, rather than having to be proven, in order to obtain workers' compensation benefits and supports.

2020/21 Estimates Note

Advice to the Minister

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

- Like other presumptions under the *Workers Compensation Act*, the mental disorder presumption is rebuttable if there is evidence that the cause of the disorder was not the worker's employment.
- Bill 9 also provided Cabinet with authority to designate other occupations by regulation. This will allow other relevant occupations to be considered for the presumption.
- Effective April 16, 2019, government passed the *Mental Disorder Presumption Regulation* to add nurses, emergency dispatchers and publicly funded health-care assistants to the mental disorder presumption.
- The presumption enables easier access to workers' compensation for mental-health disorders that come from work-related trauma.
- The mental disorder presumption is about fairness and support for workers who experience higher-than-average mental harm due to the jobs they do on behalf of British Columbians.
- The Minister of Labour has acknowledged the need to look at other sectors for this presumption, because certain professions are more likely to experience trauma on the job that can lead to mental illness.
- Other stakeholders, such as the Health Sciences Association, have lobbied government to have other specific occupations added to the *Mental Disorder Presumption Regulation*.

Actions to Support First Responders

- The Ministry of Labour has worked with other ministries, WorkSafeBC, employers, unions and first responders to step up efforts to prevent PTSD and other mental disorders in first responders, and to provide proper support through the employers, WorkSafeBC and the public health system.
- Specific initiatives include the following:
 - In 2015, WorkSafeBC struck the *Supporting Mental Health in First Responders Steering Committee*, 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.

2020/21 Estimates Note Advice to the Minister

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

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.
- At the February 2020 meeting in Fredericton, the ministers directed their workers' compensation and occupational health and safety regulatory agencies to work together to develop a pan-Canadian approach to addressing issues related to data sharing, awareness building and providing the best tools to workplace parties. The Canadian Centre for Occupational Health and Safety (CCOHS) agreed to take a leadership role in the development of a pan-Canadian approach that would engage all key players in each jurisdiction.
- CCOHS will undertake a comprehensive scan of jurisdictional approaches and activities of service providers to inform the identification of best practices, how to measure the impact of different measures and what a pan-Canadian approach could be.

WorkSafeBC's Estimates Binder

- s.13

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2020/21 Estimates Note Advice to the Minister

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

Title: Protecting the Lives and Safety of Workers

Revised: May 26, 2020

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.
- In light of the COVID 19 Pandemic, the safe return of workers to the workplace is critical. My ministry has been interfacing between WorkSafeBC, the Provincial Health Officer, various areas of government, industry and unions to help facilitate appropriate guidance being made available for employers and workers.
- WorkSafeBC has been a key partner in ensuring the safe implementation of B.C.'s "Restart Plan", developing detailed sector specific resources and guidelines for industries as they begin to reopen.

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.

2020/21 Estimates Note Advice to the Minister

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

- The Minister of Labour maintains an ongoing dialogue with the WorkSafeBC Chair about worker safety. Discussions include emerging safety issues and accidents that can highlight areas where more work needs to be done, including legislative, regulatory, policy and program actions.
- WorkSafeBC's 2018-2022 Strategic Plan and its 2020-2022 Service Plan include a prevention strategy with the following key elements:
 - Safety ownership and culture;
 - Occupational disease prevention;
 - Serious injury prevention;
 - Workplace violence prevention;
 - Small business considerations;
 - Incentives and penalties;
 - Vulnerable workers;
 - Mental health and bullying and harassment; and
 - Societal transformation.

• s.13

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2020/21 Estimates Note Advice to the Minister

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

Title: Workers' Compensation Review

Revised: May 27, 2020

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

Response:

- A fair, effective and respectful workers' compensation system is of utmost importance to this government.
- This includes ensuring that injured and ill workers, and surviving dependants, receive fair and timely compensation and are treated with dignity and respect.
- 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,
 - to restore injured workers to safe, productive and durable employment, and
 - to improve areas such as mental disorders, merits and justice (i.e. permitting WorkSafeBC more leeway to deal with the individual aspects of workers' claims), vocational rehabilitation and evidence requirements.
- In October 2018, Terry Bogyo was contracted by WorkSafeBC to undertake an analysis of the surplus in the Accident Fund. His review took into consideration WorkSafeBC's mandate to manage the Fund with a view to the best interests of the compensation system as a whole, as well as the statutory requirements under which the Fund operates.
- A key element in Mr. Bogyo's review was the impacts of legislative amendments in 2002 that were aimed at returning the Accident Fund to financial health. Employers faced increased costs, but more significantly the changes reduced compensation and supports to injured workers.
- Mr. Bogyo submitted his report to WorkSafeBC's chair and to government in December 2018, which we are continuing to review.

Continued...

2020/21 Estimates Note Advice to the Minister

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

- The financial uncertainty resulting from the COVID-19 emergency, and the related uncertainty for the Accident Fund, has impacted the timing for considering amendments to the *Workers Compensation Act* that have a significant cost impact for the workers' compensation system.
- In April 2019, Janet Patterson, a retired labour lawyer, was appointed to carry out a focused review of the workers' compensation system. We have now received Ms. Patterson's report and will make the report public once we have had time to review and consider her findings.
- 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.

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 reported to government and to WorkSafeBC about the quality of services being provided. This was particularly so for complex cases that can present challenges for the system and for the affected workers and dependants.
- These concerns are important to the WorkSafeBC executive and to government. Generally, service quality issues can be addressed directly by WorkSafeBC without legislative amendment.
- 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 five 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.

2020/21 Estimates Note Advice to the Minister

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

- 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: Since 2017, government has appointed a number of new individuals to the WorkSafeBC board of directors, including a new chair, to provide new perspectives and experience.
 - Internal WorkSafeBC Culture: The Minister directed the WorkSafeBC board of directors to implement a culture change within WorkSafeBC to improve services, with a focus on injured workers who need care, compassion and respect while they recover.
 - Employers: The Minister directed the WorkSafeBC board of directors to remind employers of their responsibilities and accountability to reduce workplace injuries and death under the *Workers Compensation Act* (WCA) and the Occupational Health and Safety Regulation.
 - Policies and Legislation:
 - The Minister directed the WorkSafeBC board of directors to review its Rehabilitation and Claims Services policies to determine if there are policies that could be amended to ensure a worker-centred approach. The process, led by consultant Paul Petrie, resulted in a report published on April 25, 2018 entitled “Restoring the Balance: A Worker-Centred Approach to Workers’ Compensation Policy”. The report contains 41 recommendations for change which led to the development of a workplan covering the period 2019 – 2021 to engage interested stakeholders in a process to implement as many of the recommendations as possible.
 - In April 2019, Janet Patterson, a retired labour lawyer, was appointed to carry out a focused review of the workers’ compensation system.
 - Ms. Patterson assessed five areas:
 - policies and practices to support injured workers’ return to work,
 - the case management of injured workers,
 - a gender and diversity-based analysis of the policies and practices,
 - modernizing WorkSafeBC’s culture to be more worker-centric, and
 - recommendations for necessary *Workers Compensation Act* amendments, consistent with her focussed terms of reference.

2020/21 Estimates Note

Advice to the Minister

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

- The Ministry of Labour has now received Ms. Patterson's report. Government will make the report public once the Minister has had time to review and consider its findings.
- Public consultation is now complete on the 2019 – 2021 WorkSafeBC workplan.
- Government passed Bill 9-2018 (the *Workers Compensation Amendment Act, 2018*) which adds a presumption for first responders who experience trauma as a result of their work and which results in a diagnosed mental health injury/disorder. The amendment includes authority to add other occupations by regulation.
- Government passed Bill 18-2019 (the *Workers Compensation Amendment Act, 2019*) which expanded the definition of firefighters who are eligible for the three workers' compensation presumptions currently available to firefighters – that is, the presumptions for certain cancers, for heart disease and heart injury, and for mental health disorders.
- 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 eight require amendment to the WCA). The report was released for public comment (as part of Janet Patterson's review) in July 2019.
- 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 feedback was released on December 19, 2018. A final report is expected soon.

○ s.13

2020/21 Estimates Note Advice to the Minister

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

- The Minister also engaged Vancouver labour lawyer Lisa Helps to review the implementation of reports following the tragic explosions at the Lakeland and Babine sawmills in 2012. Helps concluded that the recommendations from the previous reports have been implemented and the changes have largely been effective and positive. She has made further recommendations that government is considering. Helps' report was delivered to government in August 2019 and released publicly on December 2, 2019.

○ s.13

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2020/21 Estimates Note Advice to the Minister

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

Title: Extending Coverage to Professional Athletes

Revised: May 26, 2020

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.
- WorkSafeBC has a preliminary analysis project underway that involves a policy review of this exemption to consider whether the exclusion of professional sports competitors from coverage should continue.
- I would note that I have met with the president of the BC Lions, general counsel for the CFL and vice president and general counsel of the Vancouver Canucks to discuss this issue as well.

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.

2020/21 Estimates Note Advice to the Minister

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

- 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.
- 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, alongside representatives from the Professional Lacrosse Players' Association, Professional Hockey Players' Association and the National Hockey League Players' Association.
- Representations were made in support of appropriate workers' compensation coverage for all professional athletes working in Canada.
- 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.
- On Feb. 28, 2019, the Minister met with the president of the BC Lions, general counsel for the CFL and vice president and general counsel of the Vancouver Canucks on the same issue.
- WorkSafeBC’s Policy, Regulation and Research Division has a preliminary analysis of this issue underway as part of its 2019-2021 policy priorities in its Compensation and Occupational Disease Workplan.
- This project notes that professional sports competitors are currently exempt from coverage, pursuant to a 1994 Workers’ Compensation Reporter Decision.
- This project involves a policy review of this exemption to consider whether the exclusion of professional sports competitors from coverage should continue to apply.
- This policy workplan can be viewed on WorkSafeBC’s website.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

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

Revised: May 27, 2020

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

Response:

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

Background/Status:

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

2020/21 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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2020/21 Estimates Note Advice to the Minister

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

Title: GBA+, Diversity and Inclusiveness

Revised: May 25, 2020

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

Response:

- The Ministry of Labour's approach to promoting fair, healthy and safe labour and employment relationships includes a commitment to diversity and inclusion – and a recognition of the diversity and makeup of the communities it serves.
- Gender-Based Analysis Plus, also known as GBA+ is an important analytical tool for government's budget, policy and program decisions to meet our commitment to gender equality, diversity and inclusiveness, and multiculturalism.
- GBA+ is particularly important for the Ministry of Labour, whose work touches upon workers and employers with a wide range of identity factors (gender, Indigeneity, race, class, age, education, sexual orientation, language, ability, etc.).
- A GBA+ lens is applied to all ministry legislative and policy initiatives, programs and service delivery considerations, and to Treasury Board and Cabinet submissions to ensure that a broad range of gender based perspectives are considered throughout the ministry's work.
- The adoption of GBA+ in the Ministry promotes an evidence-based, inclusive and people-centred approach to programming and decision-making.
- Recent ministry accomplishments that benefitted from GBA+, diversity and inclusiveness considerations include the *Temporary Foreign Worker Protection Act*, the phasing-out of the lower minimum wage for liquor servers, expansion of the workers' compensations presumptions 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.

2020/21 Estimates Note Advice to the Minister

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

Background/Status:

Gender-Based Analysis Plus (GBA+)

- GBA+ is an analytical tool that includes the examination of a range of identity factors (gender, Indigeneity, race, class, age, education, sexual orientation, language, ability, etc.) that supports a comprehensive approach to policy development that is people-centered and evidence-based.
- Over 160 governments and international/regional institutions, including 10 Canadian provinces/territories and the federal government, are using gender-based analysis tools as key components of their policy-making process.
- In 2018, the B.C. Government committed to gender equality by ensuring that gender equality is reflected in its budgets, policies and programs (Parliamentary Secretary for Gender Equity Mandate Letter, February 7, 2018).
- On July 13, 2018, the Deputy Ministers Council approved a three-year GBA+ Implementation Plan for the Public Service. In 2018/19, the focus was on the budgets and the budgeting process so that GBA+ informed the 2019/20 Budget and is publicly communicated. In 2019/20 the focus expanded to include policy development so that GBA+ informs all new budget and policy decisions.
- For the Ministry of Labour, gender-based analysis tools have been in use for some time, and have helped inform policy analysis in a number of areas including:
 - Government's commitment to increase the general minimum wage to at least \$15.20/hour by 2021, and the phasing-out of the lower minimum wage for liquor server wage.
 - Amendments to the *Employment Standards Act* to: expand existing job-protected compassionate care and parental leave provisions; enact new job-protected leaves for parents of murdered and missing children and for workers experiencing domestic or sexual violence; establish job-protected leave during the COVID-19 outbreak and establish unpaid job-protected sick leave.
 - Under the *Workers Compensation Act*, expanding the firefighters' presumptions and the mental disorder presumption to be more inclusive of workers who face similar risks and exposures.
 - The *Temporary Foreign Worker Protection Act* which contains compliance and enforcement provisions, which will help protect vulnerable temporary foreign workers from exploitation and abuse.

2020/21 Estimates Note Advice to the Minister

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

- The Ministry has worked closely with the Gender Equity Office to support government's diversity and inclusiveness priorities – most notably, working together to conduct stakeholder consultations on the domestic and sexual violence leave provisions under the *Employment Standards Act*.
- In July 2019, the Ministry of Labour formally launched a GBA+ Working Group. The Working Group facilitates and supports the implementation and use of GBA+ analysis tools and approaches in the ministry.
- The GBA+ Working Group's initial priority has been to develop Ministry staff knowledge and expertise as well as offer tools to systematically and thoughtfully apply gender-based analysis to all aspects of the Ministry's mandate.
- The ministry is developing a GBA+ Implementation Plan. The Implementation Plan's focus is to strengthen the capacity of the ministry to advance GBA+ budget, legislation, policies, programs, services and communications in a way that is evidence-based, promotes gender equity and meets the needs of B.C.'s diverse population.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

Title: **UNDRIP – The Province’s Relationship with Indigenous Peoples**

Revised: May 27, 2020

Issue: **The Province of British Columbia’s Relationship with Indigenous Peoples and the Ministry of Labour**

Response:

- The Premier’s Mandate Letters directed me and all my cabinet colleagues to 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.
- In November 2019, the government passed the B.C. *Declaration on the Rights of Indigenous Peoples Act*, which aims to create a path forward that respects the human rights of Indigenous peoples while introducing better transparency and predictability in the work we do as British Columbians.
- The B.C. *Declaration on the Rights of Indigenous Peoples Act* sets the UN Declaration into the provincial legislative framework, so that over time as other laws are modified or built, they will align with the UN Declaration.
- Existing B.C. laws will not change immediately, as aligning provincial laws with the UN Declaration will take time and will involve consultation and collaboration with Indigenous peoples. There will be opportunities for engagement with stakeholders including industry, local government and the public during this process.
- I am committed to ensuring that our commitments are fully met within the context of the Ministry of Labour’s policies, legislation, programs and services.
- Examples of how the Ministry of Labour is adopting the framework set out in the Declaration on the Rights of Indigenous Peoples Act include our recent efforts to consult with Indigenous groups and individuals on potential amendments to provincial labour laws impacting domestic and sexual violence leave and the workers’ compensation system, and to hear about the implications for Indigenous Peoples.

2020/21 Estimates Note Advice to the Minister

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

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.
- In November 2019, the government passed the B.C. *Declaration on the Rights of Indigenous Peoples Act*, which requires BC laws to incorporate the principles of the UN Declaration when laws are modified, or new laws are drafted.
- The Ministry of Labour has developed an implementation plan that describes how the Ministry will build these commitments into its programs and services. Specifically, the Ministry has identified four streams of activity that it will undertake:
 - 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 principles and commitments guiding the Province's relationship with Indigenous Peoples;
 - 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 incorporating the principles and commitments guiding the Province's relationship with Indigenous Peoples into the Ministry's statutory regimes (for example, ensuring that Indigenous firefighters working for Indigenous organizations are covered by the cancer and workplace mental health presumptions under the *Workers Compensation Act*);
 - Making explicit efforts to consult with Indigenous groups and individuals on potential amendments to provincial labour legislation, and to hear about the implications for Indigenous Peoples, including possible changes impacting domestic and sexual violence leave and the workers' compensation system.

2020/21 Estimates Note Advice to the Minister

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

- Building Ministry capacity to perform policy analysis and operational delivery through a lens that embodies the principles and commitments guiding the Province's relationship with Indigenous Peoples, as well as Gender Based Analysis Plus; 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
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2020/21 Estimates Note Advice to the Minister

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

Title: Bridging to Retirement Program

Revised: June 5, 2020

Issue: Retirement Bridging Program for Interior Mill Workers

Response:

- We are dedicated to putting workers and families first, which is why we invested \$69 million to address challenges faced by Interior forest workers impacted by long-term or permanent mill shutdowns.
- In addition to job placement, forest employment and community grant programs, the government is funding the Bridging to Retirement Program, which helps older workers transition to retirement and creates vacancies in working mills for younger workers so our Interior communities stay strong.
- The Ministry of Labour's Bridging to Retirement program offers up to \$75,000 to eligible Interior mill workers to transition to retirement. Both those impacted by a mill closure and those who voluntarily wish to retire, with employer consent, can participate in the program.
- Impacted workers, contractors and communities can easily access forest worker support programs online.
 - The website includes information and application details for the retirement bridging program, the forest employment program, community support grants and training opportunities, job placement and funding.
- As of June 5, 2020, there have been 291 applications to the Bridging to Retirement Program from impacted workers, (i.e., those who have been laid off or had their shifts substantially curtailed), of which 230 have been approved.
- In addition, 670 applications have been submitted from "voluntary" retirees who are willing to create vacancies for younger impacted workers. Many employers have joined the program so far to permit the processing of those workers voluntarily retiring. More than 300 of these applications have been approved for voluntary retirement by their employers and their files are actively being processed.
- Thus far, in fiscal 2020/21 \$2.9 million has been spent on retirement payments, and \$13.2 million has been spent since the program's inception in Fall 2019.
- The vast majority of workers accept the bridging benefit; only ten workers have declined the offered amounts as insufficient to fund their retirement.

2020/21 Estimates Note Advice to the Minister

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

Background/Status:

- The B.C. Interior is defined by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and includes all the communities in the Natural Resource Districts of Skeena, Omineca and Northeast and Cariboo, Kootenay-Boundary and Thompson-Okanagan. It does not include the districts of South Coast or West Coast (does not include Vancouver Island).
- There are two streams for the Bridging to Retirement Program: one for laid-off mill workers or those facing permanent closure, and one for older workers not laid-off but voluntarily wishing to retire to make room for younger workers who would otherwise be laid-off.
- Laid-off mill workers will be eligible for funding if they:
 - Are a full-time mill worker in the B.C. Interior; and,
 - Are 55 years of age or older (no maximum) at the time of application; and,
 - Have been working in a mill in Interior B.C. for the last 2 consecutive years (or, if they have been displaced since May 1, 2019, the 2 consecutive years prior to the displacement date); and,
 - Are displaced on or after May 1, 2019, due to a permanent or indefinite closure or a curtailment of at least 4 months.
- Older workers can voluntarily transition to retirement from working mills if they meet the above criteria (without being displaced) and if their employer confirms that the vacancy created will be filled by a younger, impacted worker who would otherwise be laid-off, and no skills shortage will be created by their departure in that operation.
- To receive retirement bridging funding, the applicant must agree to permanently vacate his or her position and all seniority with the employer, and not return to work in B.C.'s forestry sector or in any other industry as an "employee" for a period of at least 18 months. Pulp mill positions in the B.C. Interior are also eligible for the program.
- If eligible, applicants will receive a maximum combined payment of up to \$75,000 based on years of experience, age and the amount of the employer's contribution. The benefit is calculated at \$5,000 for each year in the industry to a maximum of 15 years (i.e. the \$75,000 maximum). This payment is a bridging benefit which is reduced by \$5,000 for each year of age over 55 to a maximum of 10 years (i.e. a maximum reduction of \$50,000). For individuals over the age of 65, there is no further reduction in the benefit.

2020/21 Estimates Note Advice to the Minister

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

- For impacted workers, the bridging benefit amounts noted above will be reduced by the amount each eligible applicant would receive based on severance calculated under the *Employment Standards Act*, to a maximum of eight weeks salary. This represents the employer cost-sharing aspect of the program.
- For voluntary retirees, the bridging benefit amounts will be reduced by the amount each eligible applicant would receive based on the contribution provided by the employer. Typical employer cost-sharing contributions include the extension of health and dental benefits, or pay in lieu, for a period of months.
- The Ministry of Finance's Tax Policy Branch and the Canada Revenue Agency (CRA) have confirmed that these payments will be considered a taxable retiring allowance and the province will be required to deduct and remit income tax on these payments at the rates prescribed by the CRA:
 - 10% on amounts up to and including \$5,000
 - 20% on amounts over \$5,000 up to and including \$15,000
 - 30% on amounts over \$15,000
- This same tax treatment was applied under the previous 2008-2011 Community Development Trust programs.

Contact:

John Blakely

Executive Director

Labour Policy and
Legislation Branch

778 974-2173

2020/21 Estimates Note Advice to the Minister

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

Title: Job Placement Coordination Offices

Revised: May 27, 2020

Issue: Support for Forestry Workers – Job Placement Co-ordination Offices

Response:

- Job Placement Co-ordination Offices are operating in five interior communities hardest hit by mill closures: 100 Mile House; Fort St. James; Fort St. John; Mackenzie; and Clearwater. Each office also serves a broader catchment area of communities.
- Services are provided to all forestry workers, including employees and contractors who are looking to access government services, transition to new employment or seek retraining.
- Offices are typically staffed with a team leader and a former local mill worker.
- The Offices also deliver the Job Match Program, which matches forestry workers with employment opportunities.
- Staff track the transition and employment of impacted forest workers on an individual basis.
- As of May 27, 2020, 86 workers have bridged to retirement, 17 workers have found new permanent employment through the Placement Offices and 77 have been referred to training programs.
- This program works closely with the Bridging to Retirement program to provide screened, skilled forest workers from the Placement Offices to fill vacancies created in working mills through the voluntary retirement of workers.
- Forest workers, contractors and communities can easily access forest worker support programs online, through ServiceBC offices across the province and through appointments with the Placement Offices for in person service.
 - The website includes information and application details for the retirement bridging program, the forest employment program, community support grants, and training opportunities, job placement and funding.

2020/21 Estimates Note Advice to the Minister

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

Background/Status:

- The purpose of the Job Placement Co-ordination Offices are to support forest workers, contractors and owner/operators that are currently impacted by mill closures and shift reductions by offering individualized assistance to access government services and programs and to match job opportunities with displaced forestry workers. Individual outcomes will be tracked and this program works closely with the Bridging to Retirement Program to provide younger impacted workers with the appropriate skills to fill vacancies created by retiring workers.
- Job placement offices are part of the \$69 million in funding that has been provided to support interior forest workers and Interior communities. \$2 million of this funding is being used to establish the job placement co-ordination offices.
- The job placement co-ordination offices:
 - Provide customized access to government services for displaced forest workers,
 - Support the Bridging to Retirement Program to fill vacancies created by retirements,
 - Obtain specialized job opportunity information in the forestry sector to coordinate movement of displaced workers between and among other forest sector operations, maximizing re-employment and sector skill retention; and,
 - Coordinate services to ensure displaced forestry workers are considered for LNG, Site C and other large infrastructure project work.
- Program outcomes will be monitored using the following metrics:
 - Number of identified displaced workers who receive outreach from the Job Placement Co-ordination Office,
 - Percentage of displaced workers referred to training programs; and,
 - Number of clients transitioning to new employment, or retirement through the program.

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

Title: COVID-19 Impacts

Revised: May 25, 2020

Issue: COVID-19 Impacts on Ministry Operations and Ministry Transition to the “new normal”.

Response:

- The Ministry has maintained its key strategic functions amidst the COVID-19 emergency:
 - All ministry services have remained operational with temporary limits to some in-person service delivery in order to control the spread of the virus.
 - All offices are providing virtual service delivery and most remained physically open to provide in-person services to clients with appropriate precautions in place.
- The ministry’s transition plan for the “new normal” includes a gradual transition plan informed by various principles, preconditions and assumptions and adequate time between each phase to monitor any developments on the COVID -19 situation as it evolves.

Initial Stage – May 19, 2020

- Prioritizing direct service to clients to allow ministry to respond to any backlogs or dramatic demand surges due to the COVID-19 emergency.

Intermediate Stage

- Expanding return to worksite options, maintaining remote work options where possible, developing a response plan and updating branch business continuity plans for a potential second wave of COVID-19 or another related pandemic.

Long Term Stage

- Reviewing and assessing on a case by case basis a return to office options for the rest of the employees working remotely.

Background/Status:

- On March 17, 2020, a public health emergency was declared in the province related to the novel coronavirus, COVID-19, followed by a province-wide state of emergency declared on March 18, 2020.
- Government swiftly implemented emergency measures to reduce the spread of the virus including reduced social and economic activities.

2020/21 Estimates Note Advice to the Minister

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

- On May 6, 2020, the Government of B.C. announced a strategy for the gradual and safe resumption of social and economic activity for the people of B.C, the “Restart Plan”.

Ministry Operations During COVID-19 Emergency

- The Ministry’s effort in delivering on its priorities during the COVID-19 pandemic include:
 - Maintaining front-counter in-person physical presence for the public with appropriate precautions, at almost all of its offices throughout the province and maintaining compliance with Provincial Health Officer orders and health and safety guidelines
 - Where operationally feasible, supporting employees to work from home to minimize contact and maintain physical distance as per the Provincial Health Officer orders.
 - Where operationally feasible, modifying some labour program delivery methods in response to COVID-19 emergency.
 - Implementing measures to minimize the risk of transmission in the workplace including cleaning and hygiene practices, maintaining physical distance and where physical distance could not be maintained, implementing physical barrier measures including plexiglass.
 - GBA+: The Ministry encouraged staff to have conversations with supervisors to adopt work schedules and work arrangements that, where possible, accommodate their diversity and unique needs.
 - Psychological and Mental Health Issues: Ministry Executive is continuously monitoring and managing employee fear, anxiety and/or any misinformation through communication and regular updates to ensure optimum mental health of staff.
 - Business Continuity Plans: Ministry branches were directed to review and update their business continuity plans in response to COVID-19 emergency.

Transitioning Ministry Operations to A “New Normal”

- The Ministry of Labour developed a Ministry of Labour Operations Plan (Operations Plan) which includes a three-phase transition plan for the “new normal” in alignment with government’s “Restart Plan”.

2020/21 Estimates Note Advice to the Minister

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

- The Ministry's approach in transitioning its operations to a "new normal" is based on the following principles and preconditions:
 - Compliance with Provincial Health Officer orders and directives including considerations to develop enhanced protocols aligned with the Public Health and Safety Guidelines.
 - Prioritizing public-facing services in meeting the needs of B.C workers and employers.
 - Compliance with WorkSafeBC/Occupational Health Safety Regulation (OHS) requirements.
 - Prioritizing staff safety with special considerations to staff with greater vulnerability to the COVID-19 virus including those with compromised immunity and other health issues or staff with COVID-19 health concerns regarding the people they live with.
 - Availability of support services for employees including childcare, safe ways to get to work including public transit, open schools (for parents with school going children) etc.
 - Alignment and consistency in execution of operational plans in instances of co-located offices with other Ministries and/or Agencies.
 - Ministry wide restrictions on non-essential work travel.
 - Staff commitment to compliance and awareness of the COVID-19 safe plans and protocols as well as public health and safety guidelines. In addition, the Ministry is prepared to share its plans with the public to ensure their safety and confidence in coming into ministry offices around the province, where appropriate.

Contact:

John Blakely Executive Director Policy and Legislation 778 974-2173

2020/21 Estimates Note Advice to the Minister

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

Title: COVID-19 Response

Revised: May 28, 2020

Issue: Labour response to COVID-19

Response:

- During this unprecedented public health emergency, Government has acted to ensure that workers are better able to stay connected with their jobs, employers have increased flexibility to help them remain in business and workplaces remain healthy and safe.
- Specifically:
 - Changes to the *Employment Standards Act* provide employees with access to unpaid, job-protected leave if they are unable to work for reasons related to COVID-19.
 - Changes to the Employment Standards Regulation extend the maximum period for a temporary layoff, allowing employees and employers to maintain a longer employment relationship during a shut down.
 - Frequent updates to our web content to provide current and relevant information to employers and employees.
 - WorkSafeBC is using its authority and expertise to assist industry to develop appropriate back-to-work plans and ensure the continued health and safety of workplaces across the province.

Background/Status:

- Government has acted to ensure that BC's labour policies and legislation are responsive to the challenges presented by the COVID-19 pandemic.

Employment Standards

- The following changes have been made to BC's employment standards legislation in response to COVID-19:
 - *Employment Standards Amendment Act (No. 2), 2020* (Bill 16)
 - On March 23, 2020, Government introduced and passed Bill 16 to provide unpaid, job-protected leave to employees during the COVID-19 pandemic.

2020/21 Estimates Note Advice to the Minister

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

- Bill 16 supports employees who, in relation to COVID-19, cannot work because they are ill, they are required to self-isolate, their employer is concerned they may place others at risk, they are unable to return home to BC, or they need to care for their minor child or a dependent adult, including when a school or day care has closed.
- The leave is retroactive to January 27 (the date that the first presumptive COVID-19 case was confirmed in BC), and employees are entitled to the leave for as long as a specified COVID-19-related situation applies to them.
- B.C. Reg 94/2020:
 - Effective May 4, 2020, the Employment Standards Regulation was amended to extend the maximum period for a temporary layoff if the layoff is due to COVID-19-related reasons and the employee agrees.
 - Under those conditions, employers now have 16 weeks to resume operations and recall their employees back to work – up from the former 13 weeks.
 - The new 16-week layoff period coincides with the length of time that the federal Canada Emergency Response Benefit of \$500 per week is available.
 - The change allows workers to stay connected with their jobs for a longer period of time, and assists employers by delaying the necessity to provide laid-off employees with termination or severance pay.

WorkSafeBC

- WorkSafeBC has been actively monitoring and adjusting to the COVID-19 situation to determine how to best support workers and employers across the province, including launching a province-wide inspection initiative to ensure employers are taking the appropriate steps to reduce the risk of workplace COVID-19 exposure.
- WorkSafeBC has also been a key partner in ensuring the safe implementation of BC's "restart plan" developing detailed sector specific resources and guidelines for industries as they begin to reopen.

2020/21 Estimates Note Advice to the Minister

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

Contact:

John Blakely	Executive Director	Labour Policy and Legislation Branch	778 974-2173
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2020/21 Estimates Note Advice to the Minister

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

Title: Deputy Minister's Office – Budget

Revised: February 12, 2020

Issue: Deputy Minister's Office Budget in 2020/21

Response:

- The Deputy Minister's Office budget in 2020/21 is \$538,000. This is a \$4,000 increase from the 2019/20 budget of \$534,000.
- The 45,000 increase is for BCGEU employee negotiated compensation increases.
- The budget includes funding to support the salary and benefits for the Deputy Minister and support staff, travel, information systems and general office expenses.

Background/Status:

Estimates Budget	FY20 Restated (\$)	FY21 Estimates (\$)	Variance (\$)
Salaries and Benefits	451,000	455,000	4,000
Travel	43,000	43,000	0
Information Systems	20,000	20,000	0
Office and Business	20,000	20,000	0
Other Expenses	3,000	3,000	0
Recoveries	-3,000	-3,000	0
TOTAL	\$534,000	\$538,000	\$4,000

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

Contact:

Shawna Wilson Manager,
Financial Management Services 778 698-8401
Planning

2020/21 Estimates Note Advice to the Minister

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

Title: Executive Compensation (Agencies, Boards and Commissions)

Revised: January 20, 2020

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.

2020/21 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:

Joanne White	A/Assistant Deputy Minister	Management Services	250 387-8705
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2020/21 Estimates Note Advice to the Minister

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

Title: Minister's Office – Budget

Revised: June 5, 2020

Issue: Minister's Office Budget in 2020/21

Response:

- The Minister's Office budget for 2020/21 is \$591,000, no change from the 2019/20 restated budget.

Background/Detail

Minister's Office	
Expenditure Type	FY20 and FY21 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

Ministers' Offices Budgets, Detailed Explanation

- 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; and,

2020/21 Estimates Note Advice to the Minister

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

- 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.
 - In 2020/21 the benefit charge is 25.4 per cent of salaries, no change from 2019/20.
 - The 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 Pension Board and is approximately \$22,000 a year (40.14 per cent of the Minister's executive salary).
- Legislative Salaries Budget:
 - The 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 (\$111,024.19 as at April 1, 2019) is reported against the Legislative Assembly's budget. The compensation increase scheduled to come into effect on April 1, 2020 was withheld by a decision of the Legislative Assembly Management Committee.
 - 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 and caucus related travel 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).

2020/21 Estimates Note Advice to the Minister

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

- 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	Management Services	778 698-8401
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2020/21 Estimates Note Advice to the Minister

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

Title: Minister's Office – Travel

Revised: May 22, 2020

Issue: Minister's Office Travel Expenditures

Response:

- The Minister of Labour's Office has a 2020/21 travel budget of \$50,000, which is consistent with previous years.
- My travel expenses will be made available on a quarterly basis on the government's Open Information website.
- The most recent publication of Ministerial Travel Expenses is for the fiscal quarter ending March 31, 2020.
- My travel expenses for the period April 1, 2019 to March 31, 2020 are \$19,286.89.

If asked how Minister's Travel compares to other MLAs...

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

2020/21 Estimates Note Advice to the Minister

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

Minister's Quarterly Travel Expense Summary

Name: Honourable Harry Bains **Quarter:** 2020 Jan to Mar

Portfolio: Labour

Travel expense summary (amount paid this quarter):

In Province Flights: \$ 4,518.58

Other Travel in Province: \$ 1,452.38

Out of Country Travel: \$ -

Out of Province Travel: \$ -

Total travel expenses paid this quarter: \$ 5,970.96

Travel expenses fiscal year-to-date: \$ 19,286.89

Contact:

Shawna Wilson Manager,
Financial Management Services 778 698-8401
Planning

2020/21 – 2022/23 Service Plan Questions & Answers

Contents

What are the Ministry's goals?	2
Have the Ministry's goals changed?	2
How do these goals reflect the Ministry's work?	2
What are the Ministry's objectives and performance measures?	3
Have the Ministry's objectives changed?	5
Has the Ministry revised or removed any performance measures?	5
Is the Ministry on track to meet its performance measure targets?	5
How is the Ministry supporting Indigenous Peoples/communities?	5

Ministry of Labour

What are the Ministry's goals?

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

The Ministry Service Plan identifies three goals:

Goal 1: Strong and fair labour laws and standards that: reflect the changing nature of workplaces; support a growing, sustainable and innovative economy; protect vulnerable workers; and ensure world-class worker health and safety

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

Goal 3: Support displaced forest workers facing forest sector rationalization including permanent mill closures and curtailments

Have the Ministry's goals changed?

The Ministry's continued goals have not changed; however, a new third goal has been added this year.

Goal 3: Support displaced forest workers facing forest sector rationalization including permanent mill closures and curtailments.

How do these goals reflect the Ministry's work?

The Ministry's overarching goal is to support government in putting people at the heart of decision-making by working to make life more affordable, to improve the services people count on and to build a strong, sustainable economy that works for everyone. The goals in the Service Plan have been developed to reflect the continued role and work of the Ministry and the direction provided in the Minister's Mandate Letter.

Ministry of Labour

What are the Ministry's objectives and performance measures?

Objectives & Performance Measures		2019/20 Forecast	2020/21 Target	2021/22 Target	Explanation
Objective 1.1: Update and modernize B.C. labour laws					
PM 1.1	Percentage of Employment Standards Branch complaints resolved within 180 days	s.13	Greater than 85%	Greater than 85%	<p>Target missed due to substantial increase in complaints to the ESB (removal of Self-Help Kit, and expansion of the time period during which employee wages can be recovered (6 months to 12 months).</p> <p>Same PM & targets until 2022/23. Current review of process underway that may lead to a new PM at that time.</p>
Objective 2.1: Develop new and update existing Ministry processes to improve service delivery					
PM 2.1a	Number of community outreach sessions conducted annually by the Workers' Advisers Office (WAO)	On Track	Same	Same	Same PM & targets
PM 2.1b	Number of educational outreach sessions conducted annually by the Employers' Advisers Office (EAO)	On Track	Changed to 460 (from Maintain or Improve)	Changed to 470 (from Maintain or Improve)	Target number stated instead of just 'Maintain or Improve'

Ministry of Labour

Objective 2.2: Establish and implement an effective B.C. Temporary Foreign Worker Protection Regime					
PM 2.2	Number of proactive investigations undertaken under the TFWPA	On Track	Baseline to be Established	TBD	Baseline data for 2019/20 and 2020/21 are based on partial years as the program is new (established in 2019/20 and into operation over 2020/21)
Objective 3.1 Implement temporary programs to create and find vacancies for displaced forest workers					
PM 3.1	Number of applications to the Bridging to Retirement Program with funding offers issued	NEW PM	TBD (New measure & targets)	TBD (New measure & targets)	Direct measure of number of people who will benefit from the bridging program. Program expected to be completed in 2022/23.
PM 3.2	Number of displaced forest workers who participated in Job Placement Coordination Office services	NEW PM	TBD (New measure & targets)	TBD (New measure & targets)	Direct measure of # of people who will benefit from the services. Program expected to be completed in 2022/23.

Ministry of Labour

Have the Ministry's objectives changed?

The Ministry's objectives are the same as last year's Service Plan, with the exception of new Objective 3.1: Implement temporary programs to create and find vacancies for displaced forest workers.

Has the Ministry revised or removed any performance measures?

One Performance Measure has been revised or removed in this year's Service Plan:

- 1) The targets for performance measure 2.1b. (Number of educational outreach sessions conducted annually by the EAO) have been updated to 460 and 470 for 2020/21 and 2021/22, respectively from 'Maintain or Improve'.

Is the Ministry on track to meet its performance measure targets?

The Ministry is forecasting that it will meet all its performance measure targets, apart from PM 1.1.

The reason PM 1.1 was not met was a substantial increase to the number of complaints received by the ESB, due to the removal of the 'Self-Help Kit' from the website, and the expansion of the time period during which employee wages can be recovered (from 6 months to 12 months). **This is not yet public.**

How is the Ministry supporting Indigenous Peoples/communities?

The government of B.C. is committed to implementing the *Declaration on the Rights of Indigenous Peoples Act* and the Truth and Reconciliation Commission Calls to Action, as well as to demonstrating support for true and lasting reconciliation. To achieve these goals the Ministry is taking the following actions:

- Broadening training and outreach efforts to a wide array of service providers and stakeholders in the workers' compensation system, including enhanced Indigenous client outreach.
- Having amended the *Workers Compensation Act* to extend the firefighter presumptions to fire investigators, forest fire fighters and firefighters employed by Indigenous organizations.