

Ministry of Labour

Status Update – Implementation – Temporary Foreign Worker
Protection Act and ESB Business Transformation

Briefing for Minister

May 22, 2019

Purpose

- To provide the Minister with an update on work to implement the TFW Protection Act and Recruiter Registry.
- To provide the Minister with an update on work to modernize Employment Standards Branch.

TFW Protection Act Implementation

- **New Website** (demonstration for Minister).
- **Registry of Licensed Recruiters** (demonstration for Minister).
- **Launch of Recruiter Licensing** (June, 2019).
 - Online system for licensing recruiters (demonstration for Minister).
 - Program design work for recruiter licensing.
 - Due Diligence model for agents, partners and affiliates.
- **Implementation In Progress.**
 - Hiring more Licensing clerks.
 - Consultations underway to support launch.
 - Communications Planning underway with GCPE.

TFWPA – Confirm Direction and Launch

- **Fee Issue Paper for Treasury Board (for June 10th).**
 - Amount of the surety bond \$10,000 Manitoba, \$20,000 is Saskatchewan.
• s.13
 - If recruiter leaves business – s.13; s.14
 - Align Administrative Penalties with Employment Standards Act.
 - Align Records Search Fee with Employment Standards Act.
- **Regulation for Cabinet (June 26th).**
- **Launch of Recruiter Licensing (June 27/28, 2019).**

ESB Transformation – Update

- **Transformation:**
 - **Remove barriers to access to justice (Self Help Kit).**
 - SHK removed by Director upon Royal Assent.
 - Multi-lingual Service Delivery Pilot Extended.
 - **Improve complaint resolution process.**
 - Complaints Pilot underway (April-Sept).
 - **Increase proactive compliance.**
 - Agricultural Compliance Team – new vehicles, mobile application.
 - **Improve education and awareness.**
 - Website re-designed, preparing new materials.
 - **Improve collections.**
 - New team created, hiring two positions.
- **Legislative Changes and Operations:**
 - Information for employers to post.
 - Extending the wage recovery period & open files.
 - Investigation Reports.

Staffing Update

Role Description	Location	Hired	Status
Complaints – Employment Standards Assistants and Field Office Clerks	Victoria	3	Completed
Complaints – Employment Standards Officers	Richmond, Langley, PG	6	Ongoing
Complaints – Industrial Relations Officers	Richmond, Kelowna, Langley	6	Ongoing
Complaints – Data Integrity Clerks, Records Manager	Victoria	6	Completed
TFW – Director, Licensing Clerks	Langley	1	Ongoing

Complaints Volume & Backlog

	FY 16/17	FY 17/18	FY 18/19
Complaint Intakes	4,230	4,474	4,899

- 18/19 Complaints volume: 4,899
- Current Backlog: 844
- Open files in progress 1007

Next Steps

- Finalize the Fee Issue Paper.
- Complete drafting of the Regulation.
- Bring the first phase of the TFWPA into force.
- Communication to stakeholders and launch materials.
- Facilities upgrades underway.
- Other as directed.

Ministry of Labour

Status Update – Implementation – *Temporary Foreign Worker Protection Act* and ESB Business Transformation

Briefing for Minister

February 18, 2020

Purpose

- To provide the Minister with an update on work to implement the *TFW Protection Act*.
- To provide the Minister with an update on work to modernize Employment Standards Branch.

TFW Protection Act Implementation

- **Registry of Licensed Recruiters**
 - 100 licenced and publicly available
 - 55 in progress
 - Processing time approximately 5 weeks (including bond wait times)
- **Implementation In Progress**
 - Employer consultations wrapping up
 - Generally very positive feedback, publication flagged as potential issue
 - BC Agriculture Council wants a change to the employer intake form
 - Communications planning underway with Federal program and GCPE
 - Program designed for Employer registration process

Next Steps

- Drafting Regulation for Cabinet in March, 2020 for full implementation in July.

ESB Transformation – Update

- **Transformation:**
 - **Remove barriers to access to justice** (Self Help Kit)
 - SHK removed by Director upon Royal Assent.
 - Multi-lingual service delivery established.
 - **Improve complaint resolution process**
 - Complaints process improved with “early intervention” triage process.
 - Staffing increased.
 - Backlog reduction project in place with 8 Auxiliary hires.
 - **Increase proactive compliance**
 - New compliance team established.
 - 319 Audits undertaken since April 2019.
 - 80 of these were Director-initiated – 20,000 employees and \$2.5M in wages recovered and disbursed.
 - **Improve education and awareness**
 - Website re-designed, #2 website in all of government for use.
 - 19 education sessions across the branch’s services.
 - **Improve collections**
 - New team created, hired three positions, new strategies (registering in the Personal Property Registry).
 - Collected over \$1.6M in wages and \$100,000 in administrative penalties from non-compliant employers.

Staffing Update – 40 new hires

Role Description	Location	Hired	Status
Complaints – Employment Standards Assistants and Field Office Clerks	Victoria	3	Completed
Complaints – Employment Standards Officers	Richmond, Langley, PG	6	Completed
Complaints – Industrial Relations Officers	Richmond, Kelowna, Langley	19	Completed
Complaints – Data Integrity Clerks, Records Manager	Victoria	6	Completed
TFW – Director, Licensing Clerks	Langley	3	Completed
Collections Staff	Richmond, Langley, Kelowna	3	Completed

Complaints Volume & Backlog

	FY 16/17	FY 17/18	FY 18/19
Complaint Intakes	4,230	4,474	4,899

- 19/20 Complaints Volume to date: 7,470
- s.13

Next Steps

- TFWPA:
 - Complete Employer Registry Consultations & Drafting
 - Finalize communication protocols
 - Bring the remainder of the TFWPA into force
 - Stakeholder communication and launch materials
- ESB Modernization:
 - Continue to prioritize backlog reduction
 - Continue to build the Case Management System
 - Prioritize proactive enforcement activities for 20/21

Ministry of Labour

Status Update – Implementation – *Temporary Foreign Worker Protection Act* and ESB Business Transformation

Briefing for Minister

November 25, 2019

Purpose

- To provide the Minister with an update on work to implement the *TFW Protection Act*.
- To provide the Minister with an update on work to modernize Employment Standards Branch.

TFW Protection Act Implementation

- **New Website** – good feedback on access and use
- **New Staff** – Director, two Licensing Clerks and shared compliance/enforcement unit
- **Registry of Licensed Recruiters**
 - 39 licenced and publicly available
 - 106 in progress
 - Since October 1: Proactive enforcement through Employment Agency License holders
- **Implementation In Progress**
 - Employer consultations underway
 - Generally very positive feedback, publication flagged as potential issue
 - Communications planning underway with GCPE
 - Program design for Employer registration process

Next Steps

- Drafting Regulation for Cabinet in March, 2020 for full implementation

ESB Transformation – Update

- **Transformation:**
 - **Remove barriers to access to justice** (Self Help Kit)
 - SHK removed by Director upon Royal Assent
 - Multi-lingual Service Delivery Pilot Extended
 - **Improve complaint resolution process**
 - Complaints Pilot for new process completed, staffing increased
 - **Increase proactive compliance**
 - 215 Audits completed since April 2019
 - **Improve education and awareness**
 - Website re-designed, #2 website in all of government for use
 - 19 education sessions across the branch's services
 - **Improve collections**
 - New team created, hired three positions
- **Facilities Upgrades**
- **Legislative Changes and Operations:**
 - Information for employers to post is completed
 - Extending the wage recovery period impact

s.14

Staffing Update – 40 new hires

Role Description	Location	Hired	Status
Complaints – Employment Standards Assistants and Field Office Clerks	Victoria	3	Completed
Complaints – Employment Standards Officers	Richmond, Langley, PG	6	Completed
Complaints – Industrial Relations Officers	Richmond, Kelowna, Langley	19	Completed
Complaints – Data Integrity Clerks, Records Manager	Victoria	6	Completed
TFW – Director, Licensing Clerks	Langley	3	Completed
Collections Staff	Richmond, Langley, Kelowna	3	Completed

Complaints Volume & Backlog

	FY 16/17	FY 17/18	FY 18/19
Complaint Intakes	4,230	4,474	4,899

- 19/20 Complaints Volume to date: 5,257
- s.13
- Open Files in Progress: 1,537

Next Steps

- Complete Employer Registry Consultations
- Draft the Regulation
- Communication protocols with federal agencies
- Bring the remainder of the TFWPA into force
- Communication to stakeholders and launch materials
- Continue to prioritize backlog reduction

A summary document for the following number of complaints received, complaints resolved by the Employment Standards Branch regarding contraventions of the Employment Standards Act, province-wide, broken down by calendar year, for the years 2017-2020;

	Received	Resolved
2017	4400	4090
2018	4937	4308
2019	7618	4653
2020	7344	4921

Number of Employment Standards Act complained filed received against Zellstoff Celgar LLP or Mercer Celgar LLP Between January 1, 2006 and January 14, 2021

- Zellstoff Celgar LLP - 1
- Mercer Celgar LLP - 1