

Ministry of Labour

Ministry Transition Binder

October 2022

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MINISTRY PROFILE

Ministry of Labour:

The Ministry of Labour promotes fair, healthy and safe labour and employment relationships in support of a strong, sustainable and inclusive economy.

Ministry Mandate:

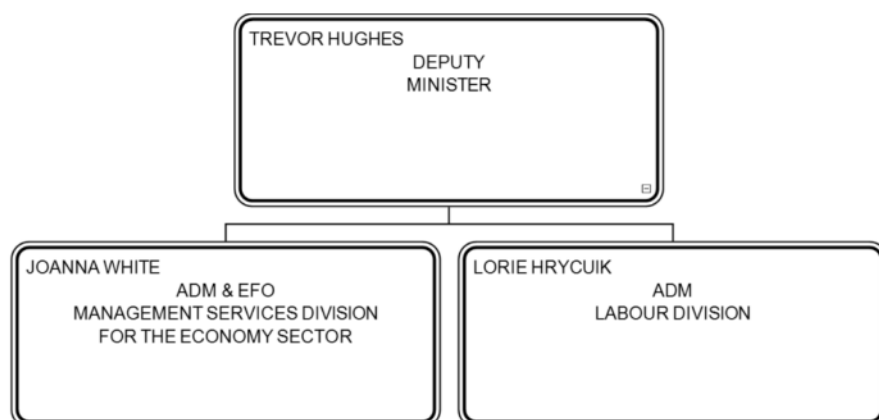
The Ministry has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, the *Workers Compensation Act* and the *Temporary Foreign Worker Protection Act* – and for the effective administration and enforcement of those statutes. The Ministry houses the Employment Standards Branch, the Workers' Advisers Office, the Employers' Advisers Office and the Bridging to Retirement Program. The Ministry has legislative responsibility for WorkSafeBC, and for the Ministry's three tribunals: the Labour Relations Board, the Employment Standards Tribunal and the Workers' Compensation Appeal Tribunal.

The Employment Standards Branch and the Ministry's three administrative tribunals are involved in managing complaints and issues that have been brought before them. The Workers' Advisers Office and the Employers' Advisers Office provide advice and advocacy for workers and employers with respect to issues under the *Workers Compensation Act*. In all cases, timely and accurate disposition of those complaints or issues is an essential component of a fair and balanced system of labour and employment laws that is readily accessible to all stakeholders.

The Bridging to Retirement Program provides support to B.C. forestry workers impacted by old growth harvesting deferrals by assisting workers who are 55 or older transition to retirement, creating opportunities for younger workers.

Full Time Equivalents (FTEs): 372

Executive Organizational Chart:



Budget:

Core Business Area	2021/22 Restated Estimates ¹	2022/23 Estimates ²	2023/24 Plan	2024/25 Plan
Operating Expenses (\$000)				
Labour Programs	15,787	15,828	15,828	15,828
Executive and Support Services	1,587	1,595	1,604	1,604
Total	17,374	17,423	17,432	17,432
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Labour Programs	3	3	3	3
Total	3	3	3	3

¹ For comparative purposes, amounts shown for 2021/22 have been restated to be consistent with the presentation of the 2022/23 Estimates.

² The Financial Summary table does not include the costs of the Bridging to Retirement program, which is funded through Vote 45 Contingencies (All Ministries) and New Programs.

* Further information on program funding and vote recoveries is available in the Estimates and Supplement to the Estimates.



February 25, 2022

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

Dear Minister Bains:

Thank you for agreeing to serve British Columbians as Minister of Labour.

In this past year, as a member of Cabinet, your work has contributed to this government's efforts to support British Columbians as they face the impacts of COVID-19. People throughout the province continue to work together to stay safe and rebuild their lives and communities from the effects of the pandemic. Our government remains committed to getting through the pandemic and its aftereffects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you –with support of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.

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**Office of the
Premier**

Web Site:
www.gov.bc.ca

Mailing Address:
PO Box 9041 Stn Prov Govt
Victoria BC V8W 9E1

Location:
Parliament Buildings
Victoria

- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.
- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government, and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

The pandemic has reminded us that we're strongest when we work together. Delivering on our commitments to people will require a coordinated effort with your cabinet and caucus colleagues, supported by the skilled professionals in the public service. You will also support your cabinet colleagues to do their work, particularly where commitments cross ministry lines.

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British Columbians expect their elected representatives to work together to advance the broader public good despite their partisan perspectives. That means seeking out, fostering, and championing good ideas, regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships through public and stakeholder engagement plans that connect with people to incorporate their perspectives early in the policy development process. These plans must include measurable outcomes and ensure active dialogue and ongoing outreach in your ministry's actions and priorities.

Over the course of our mandate, I expect you will make progress on the following items:

- Continue a collaborative approach in working with representatives of workers and employers to address the impacts of the COVID-19 pandemic on people and businesses.
- Continue working with the federal government on a paid sick leave program to protect workers and businesses during the COVID-19 pandemic and beyond.
- Create new consultative mechanisms to engage employer and worker representatives in consideration of any changes proposed to workplace legislation to ensure the widest possible support.
- Once the minimum wage reaches \$15.20 per hour in June 2021, provide predictability for employers and workers by tying the minimum wage to the rate of inflation.
- Ensure that every worker has the right to join a union and bargain for fair working conditions.
- Increase the number of WorkSafeBC caseworkers and increase workplace safety inspections.
- In partnership with WorkSafeBC and with support from the Minister of Mental Health and Addictions, work to develop better options for chronic work-related pain, including improving pain management practices for injured workers and providing treatment on demand to those with chronic pain as a result of workplace injuries.
- Support the work of the Minister of Advanced Education to restore the compulsory trades system to improve safety and give more workers a path to apprenticeship completion.

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- Support the Parliamentary Secretary for Gender Equity's work to close the gender pay gap by addressing systemic discrimination in the workplace and through new pay transparency legislation.
- Support the work of the Minister of Agriculture and Food to continue improving working conditions for all workers including temporary foreign workers and temporary domestic workers working in farming communities.
- Support the Parliamentary Secretary for Rural and Regional Development to establish a Worker Training and Job Opportunity Office to maximize the impact of our economic recovery plan for workers and communities during COVID-19 and beyond – with a focus on retraining workers, supporting resource communities facing job loss, developing higher value goods, and accessing new global markets and opportunities for BC products.

To assist you in meeting the commitments we have made to British Columbians, you are assigned a Parliamentary Secretary for the New Economy. You will work closely together and ensure your Parliamentary Secretary receives appropriate support to deliver on the following priorities, outlined in the mandate letter issued to them:

- Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.
- As part of the precarious work strategy, propose employment standards targeted to precarious and gig economy workers, and investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.

Our work as a government must continually evolve to meet the changing needs of people in this province. Issues not contemplated in this letter will come forward for government action and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of cabinet, with the expectation that any proposed initiatives will be subject to the usual cabinet and Treasury Board oversight. Your ministry's priorities must reflect our government's overall strategic plan as determined by cabinet.

All cabinet members are expected to review, understand and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a minister of the Crown, your conduct will reflect not only on you, but on cabinet and our government.

You are responsible for providing strong, professional, and ethical leadership within cabinet and your ministry. You will establish a collaborative working relationship with your

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deputy minister and the public servants under their direction who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. You must ensure your minister's office meets the highest standards for integrity and provides a respectful and rewarding environment for all staff.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer, and more affordable. I believe the challenges we face can and will be overcome by working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

A handwritten signature in black ink, reading "John J. Horgan". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Horgan
Premier



November 26, 2020

Adam Walker, MLA
Parliamentary Secretary for the New Economy
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Parliamentary Secretary Walker:

Thank you for agreeing to serve British Columbians as Parliamentary Secretary for the New Economy, supporting the Minister of Labour. You are taking on this responsibility at a time when people in our province face significant challenges as a result of the global COVID-19 pandemic.

COVID-19 has turned the lives of British Columbians upside down. None of us expected to face the challenges of the past number of months, yet British Columbians have demonstrated incredible resilience, time and time again. We will get through the pandemic and its aftereffects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: fighting the COVID-19 pandemic, providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you – and the work of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.
- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True

.../2

reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.

- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

As Parliamentary Secretary, you will assist your Minister in carrying out their duties. You may be asked to represent the Minister at public events, deliver speeches on behalf of the Minister, or act as a spokesperson for the government's position. You will reach out to stakeholders, businesses, civil society and individuals across B.C. to better understand their perspectives and bring their views to the Minister.

You are also being given special responsibility to support your Minister in specific areas within their mandate. You will work with, and be supported by, B.C.'s professional public service in this role.

Over the course of our mandate, I expect you will make progress on the following items:

- Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.

- As part of the precarious work strategy, propose employment standards targeted to precarious and gig economy workers, and investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.

Your Minister is ultimately responsible and accountable for their ministry and their mandate; thus, all key decisions will be made by them. Your role is to understand your Minister's policy goals, develop a deep understanding of the issues, participate in consultations with key stakeholders, Indigenous peoples and the broader public, in order to give your best advice to the public service as it develops options for a decision by the Minister.

You will collaborate with your Minister, Ministry and the Premier's Office to develop a workplan to guide your efforts, including detail on how the professional public service will support your work through briefings, supporting consultations, and keeping you apprised of policy development.

All members are expected to review, understand and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a Parliamentary Secretary, your conduct will reflect not only on you, but on your Minister and our government.

You are accountable for providing strong, professional and ethical leadership. I expect you to establish a positive, respectful and collaborative working relationship with your Minister, their staff and the public servants who provide the professional, non-partisan advice fundamental to delivering on our government's priorities.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer and more affordable. I believe the challenges we face can and will be overcome by working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

A handwritten signature in black ink, reading "John I. Horgan", followed by a long horizontal flourish line.

John Horgan
Premier

EXECUTIVE MEMBER BIOGRAPHY



Trevor Hughes
Deputy Minister
Ministry of Labour

Trevor was appointed as the Deputy Minister of Labour on July 18, 2017 after serving as an Assistant Deputy Minister of Labour for 9 years. Prior to joining the provincial government in October of 2008, Trevor was with the Health Employers Association of B.C. for 16 years.

The Ministry of Labour is responsible for employment related statutes and regulations, including the Workers Compensation Act, the Labour Relations Code, the Employment Standards Act, and the Temporary Foreign Worker Protection Act. Trevor is the senior official responsible for the provincial Workers' Compensation Board (WorkSafeBC). Trevor is responsible for government's relationship with the chair of the B.C. Labour Relations Board and the Employment Standards Tribunal, and the chair of the Workers' Compensation Appeal Tribunal.

Trevor is government's representative on the Board of Directors of The Community Against Preventable Injuries ("Preventable.ca"), a group of organizations working together to reduce the number and severity of preventable injuries in B.C.

EXECUTIVE MEMBER BIOGRAPHY



Lorie Hrycuik
Assistant Deputy Minister
Ministry of Labour

Lorie was appointed Assistant Deputy Minister of Labour on May 25, 2022. The Ministry of Labour is responsible for employment related statutes and regulations, including the Workers Compensation Act, the Labour Relations Code, the Employment Standards Act, and the Temporary Foreign Worker Protection Act.

Lorie has 14 years in the public service. Before joining the Ministry of Labour, Lorie was Executive Lead, Forestry Renewal, advancing modern forest policy and forest sector transformation in the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in 2021. In 2019, she was the Executive Lead of Population and Public Health in the Ministry of Health, coordinating the Chief Medical Health Officers and the Provincial Health Officer's office in leading the COVID-19 public health response. Prior to this, Lorie has advanced policy, legislation and program development and implementing in the ministries of Agriculture and in Health.

EXECUTIVE MEMBER BIOGRAPHY



Joanna White
Assistant Deputy Minister & Executive Financial Officer
Management Services Division
Ministry of Jobs, Economic Recovery and Innovation and Ministry of Labour

Joanna White was appointed Assistant Deputy Minister and Executive Financial Officer for the Ministry of Jobs, Economic Recovery and Innovation and the Ministry of Labour in July 2020. Prior to her appointment, Joanna had held the position in an acting capacity since November 2019.

Joanna began her 20-year career in the public sector as an Asylum and Refugee Caseworker with The Home Office of the United Kingdom.

Personal Information

Joanna joined the BC Public Service and has held a series of senior management and leadership roles across the Economy Sector Ministries including roles in Strategic Human Resources, Information Management, Corporate Planning and Strategic Initiatives.

In addition, Joanna previously held the position of Executive Director, Community Gaming Grants, and led the program's business transformation in response to the Auditor General's Report in 2016/17.

Joanna attended the University of Manchester in the United Kingdom and holds a BA (Hon) in History.

CORE BUSINESS / PROGRAM AREAS / BUSINESS PROCESSES
LABOUR POLICY AND LEGISLATION

DM Responsible: Trevor Hughes

The Labour Policy and Legislation Branch (the Branch) provides labour and employment-related information, research, analysis and expertise to the Minister, ministry executive, senior officials and associated boards and agencies. It is responsible for developing legislation and regulations, and legislative and regulatory changes, as well as producing briefing materials, Cabinet submissions and reports. The Branch also provides a range of corporate services, including representing the Ministry at major events such as Canadian Association of Administrators of Labour Legislation (CAALL) meetings, assisting with international labour law and policy consultations, participating on cross-government initiatives such as regulatory reform and federal-provincial consultations, and monitoring relevant trends, data and legal developments.

In delivering its core services, the Branch:

- Ensures that B.C.'s labour laws and policies are supportive of the evolving world of work and the direction set by government.
- Ensures expert advice and information is available to support the government, Minister, Ministry, tribunals and agencies, and other stakeholders.
- Includes in its analysis and advice the perspectives and experiences of stakeholders with the Ministry's legislation and regulations, including the *Labour Relations Code*, *Employment Standards Act*, *Workers Compensation Act* and *Temporary Foreign Worker Protection Act*.

Budget (In Millions):

Program Area	2021/22 Restated Budget	2022/23 Budget	2023/24 Planned	2024/25 Planned
Labour Policy and Legislation*	1.776	1.817	1.817	1.817

*Includes Budget for ADM's office

Average FTE burn (Q2 of 2022/23): 9 FTEs (includes ADMO).

Related Legislation:

- *Labour Relations Code*
- *Employment Standards Act*
- *Workers Compensation Act*
- *Temporary Foreign Worker Protection Act*
- *Fire and Police Services Collective Bargaining Act*

Organizational Chart:



CORE BUSINESS – INDUSTRIAL RELATIONS BRANCH

DM Responsible: Trevor Hughes

The Industrial Relations Branch works on behalf of government to promote stable labour relations in key sectors. Key activities and functions supporting this objective include: providing formal and informal assistance to parties in collective bargaining disputes; maintaining communication and positive relationships with stakeholders in the labour relations community; working closely with the Labour Relations Board; providing expert advice and assistance to the ministry and Minister in relation to bargaining relationships that impact the public interest; and monitoring all collective bargaining disputes in both the public and private sector.

In delivering its core services, the Industrial Relations Branch:

- Provides expert advice and formal and informal assistance as required and directed.
- Consults with stakeholders to provide an ongoing dialogue on broader labour relations and policy issues.
- Monitors all ongoing collective bargaining disputes that could impact the public interest.
- Conducts fact finding, may help to facilitate the resolution of disputes, provides advice to government and helps to build labour relations capacity across government.

Budget: Budget is combined with Labour Policy Branch

Full Time Equivalents (FTEs): 2

Related Legislation:

- *Labour Relations Code*
- *Fire and Police Services Collective Bargaining Act*
- *Fishing Collective Bargaining Act*

Organizational Chart: Staff supporting this division's work are already captured in Labour Policy and Legislation Branch's organizational chart.

CORE BUSINESS / PROGRAM AREAS / BUSINESS PROCESSES
EMPLOYMENT STANDARDS BRANCH

DM Responsible: Trevor Hughes

The Employment Standards Branch (the Branch) ensures that employees covered by the *Employment Standards Act* (ESA) and the *Temporary Foreign Worker Protection Act* (TFWPA) receive basic standards of compensation and conditions of employment, while also ensuring vulnerable Temporary Foreign Workers (TFWs) are protected from exploitation. The Branch provides fair and efficient procedures for resolving workplace disputes, and it ensures that employers and employees understand their rights and responsibilities under the law.

In delivering its core services, the Branch:

- Administers the ESA, which sets standards for minimum wage, overtime, vacation, statutory holidays, leaves, compensation for length of service, hours of work and the employment of children. The ESA also requires licensing of farm labour contractors, employment agencies and talent agencies.
- Administers the TFWPA which sets standards for the treatment of TFWs including licensing requirements for recruiters of foreign workers, registration requirements for employers of TFWs and a complaint process for TFWs or third parties to promote compliance of the TFWPA.
- Receives and investigates complaints of contraventions of the ESA and the TFWPA from non-unionized employees and TFW's, and facilitates voluntary compliance of the complaints or issues decisions and levies mandatory penalties for contraventions under the ESA/TFWPA.
- Responds to public inquiries and educates employers and employees about their rights and responsibilities under the ESA/TFWPA through a variety of means including: a 1-800 information line; a comprehensive and user friendly website, factsheets in numerous languages; presentations to employers, employees, and various associations; and by partnering with stakeholders and other government organizations to deliver information to targeted audiences.
- Provides assistance to the Labour Relations Board in respect of union certification and decertification votes, and employer last offer votes.

Budget (In Millions):

Program Area	2021/22 Restated Budget	2022/23 Budget	2023/24 Planned	2024/25 Planned
Employment Standards Branch	14.010	14.010	14.010	14.010

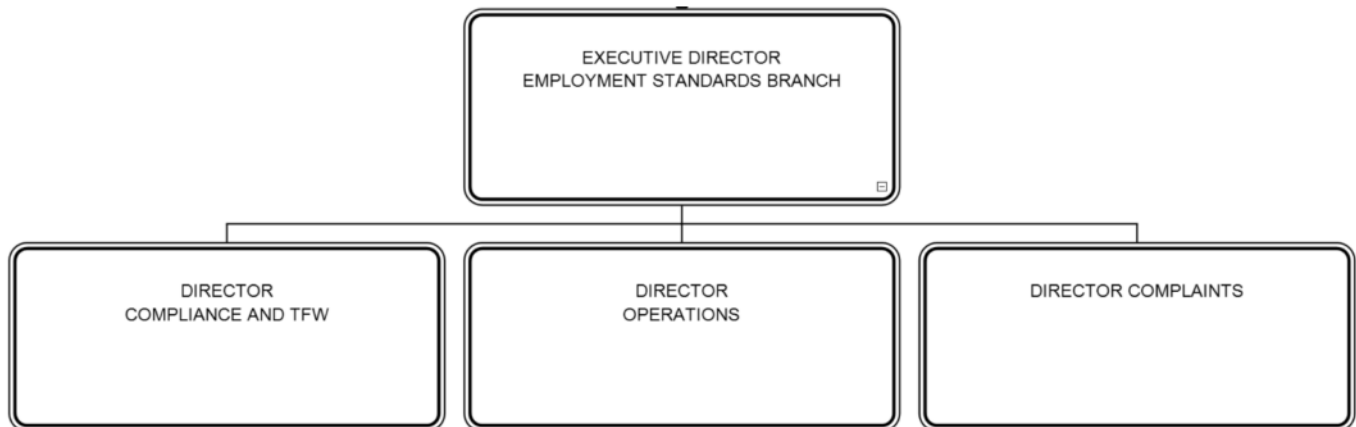
Advice/Recommendations; Government Financial Information

Average FTE burn (Q2 of 2022/23): 163 FTEs.

Related Legislation:

- *Employment Standards Act*
- *Temporary Foreign Worker Protection Act*
- *Labour Relations Code*

Organizational Chart:



CORE BUSINESS / PROGRAM AREAS / BUSINESS PROCESSES
EMPLOYERS' ADVISERS OFFICE

DM Responsible: Trevor Hughes

The Employers' Advisers Office (EAO) is established under section 350 of the *Workers Compensation Act* (the Act). The EAO's mandate is to assist employers on claims matters before WorkSafeBC or the Workers' Compensation Appeal Tribunal where the EAO determines there is merit, and to advise employers regarding the interpretation and administration of the Act or any regulations or decisions made under the Act. The EAO is fully funded by WorkSafeBC and receives no funding from government.

In fulfilling its mandate, the Employers' Advisers Office:

- Provides independent advice, assistance, representation and educational seminars to employers, and employer associations on occupational health and safety issues, prevention, claims management, assessments and appeals.
- Liaises with all levels of WorkSafeBC and the Workers' Compensation Appeal Tribunal (WCAT) to identify process or procedural inefficiencies affecting employer files.

Budget (In Millions):

The gross operating budget for WorkSafeBC funded programming is over \$30.5 million and all costs are fully recovered from the accident fund established pursuant to the Workers Compensation Act.

The amount allocated to EAO is as follows:

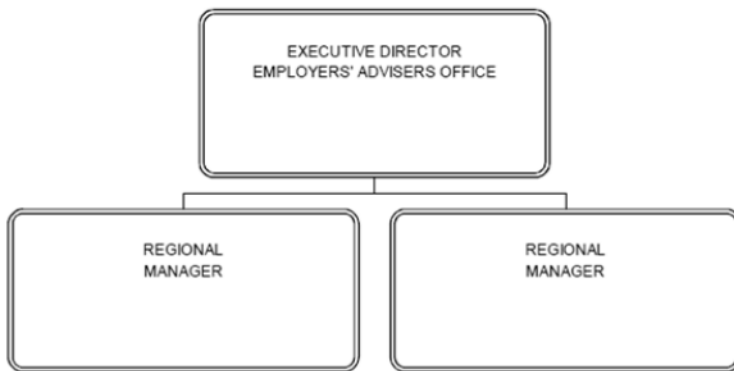
Program Area	2021/22 Restated Budget	2022/23 Budget	2023/24 Planned	2024/25 Planned
EAO Gross Budget	Advice/Recommendations; Government Financial Information			
WorkSafeBC Recoveries				
Net Budget				

Average FTE burn (Q2 of 2022/23): 38 FTEs

Related Legislation:

- *Workers Compensation Act*

Organizational Chart:



CORE BUSINESS / PROGRAM AREAS / BUSINESS PROCESSES
WORKERS' ADVISERS OFFICE

DM Responsible: Trevor Hughes

The Workers' Advisers Office (WAO) is established under section 350 of the *Workers Compensation Act* (the Act). The WAO's mandate is to assist workers on claims matters before WorkSafeBC or the Workers' Compensation Appeal Tribunal where WAO determines there is merit, and to advise workers and their dependants on the interpretation and administration of the Act. The WAO is fully funded by WorkSafeBC and receives no funding from government.

In fulfilling its mandate, the Workers' Advisers Office:

- Provides advice, assistance and representation to injured workers and their dependants with claims, appeals, prohibited action complaints, and occupational health and safety issues under the *Workers Compensation Act*.
- Provides expert advice, input and education to workers, WorkSafeBC, and other stakeholder groups, including unions and professional associations.

Budget (In Millions):

The gross operating budget for WSBC funded programming is over \$30.5 million and all costs are fully recovered from the accident fund established pursuant to the Workers Compensation Act.

The amount allocated to WAO is as follows:

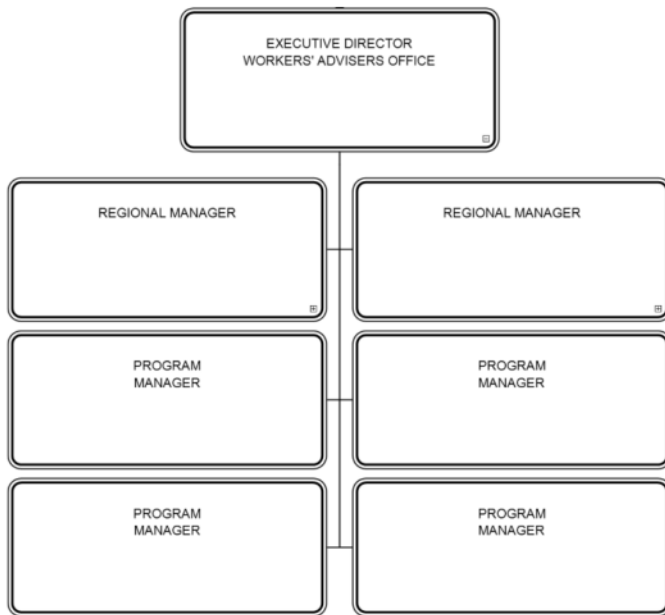
Program Area	2021/22 Restated Budget	2022/23 Budget	2023/24 Planned	2024/25 Planned
WAO Gross Budget	Advice/Recommendations; Government Financial Information			
WorkSafeBC Recoveries				
Net Budget				

Average FTE burn (Q2 of 2022/23): 55 FTEs

Related Legislation:

- *Workers Compensation Act*

Organizational Chart:



CORE BUSINESS – FOREST WORKER SUPPORT PROGRAMS

ADM Responsible: Lorie Hryciuk

The Bridging to Retirement Program is part of a suite of forestry worker support programs that were announced by the Province in November 2021 to support forestry workers and communities that will be impacted by old growth deferrals.

The Bridging to Retirement Program assists workers and forest dependent contractors that are 55 years and older in the North, Interior and Coastal communities of BC to retire from the forestry industry. The program is available for those workers or forest dependent contractors impacted by either a permanent closure or indefinite curtailment of four months or longer. Workers who are interested in voluntarily retiring, require employer approval with the employer agreeing to create a new position for an impacted worker. Eligible workers who access this program are entitled to receive up to a maximum of \$75,000 in bridging benefits depending upon their age, years of experience and employer contribution.

Budget:

There is no base budget for the Bridging to Retirement Program.

Advice/Recommendations; Government Financial Information

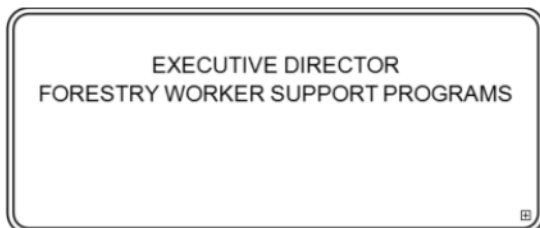
Full Time Equivalents (FTEs): N/A (FTEs are three-year temporary assignments).

Average FTE burn (Q2 of 2022/23): 6 FTEs

Related Legislation:

- NA

Organizational Chart:



CORE BUSINESS / PROGRAM AREAS / BUSINESS PROCESSES
WORKERS' COMPENSATION APPEAL TRIBUNAL

DM Responsible: Trevor Hughes

The Workers' Compensation Appeal Tribunal (WCAT) is an independent tribunal established under Part 7, section 278 of the *Workers Compensation Act* (the Act). WCAT is the second and final level of appeal in the workers' compensation system of British Columbia and is independent of WorkSafeBC. WCAT is made up of the Chair (appointed by Order in Council) and one or more Vice Chairs (appointed by the Chair after consultation with the Minister). WCAT is fully funded by WorkSafeBC and receives no financial support from government.

WCAT commenced its operations on March 3, 2003. It replaced the former Workers' Compensation Review Board and the former Appeal Division of WorkSafeBC.

In fulfilling its mandate:

- WCAT has jurisdiction over a variety of workers' compensation matters including employer assessments, prevention penalties, retaliatory actions, and certificates for the courts regarding the status under the Act of parties to litigation.
- However, WCAT's primary activity involves appeals by workers and employers of workers' compensation claims. Workers and employers may be represented on appeals by the Workers' Advisers Office and Employers' Advisers Office, a union representative, compensation consultant, lawyer, family member or friend.
- WCAT decisions are final, but some may be submitted for reconsideration by WCAT on limited grounds.
- WCAT is required to decide appeals within 180 days from the date it receives the records related to the decision under appeal. However, this timeframe may be extended by WCAT's Chair in limited circumstances set out in the Act.
- All decisions by WorkSafeBC's Review Division that are appealable must be appealed to WCAT within 30 days.

Budget (In Millions):

The gross operating budget for WSBC funded programming is over \$30.5 million and all costs are fully recovered from the accident fund established pursuant to the Workers Compensation Act.

The amount allocated to WCAT is as follows:

Program Area	2021/22 Restated Budget	2022/23 Budget	2023/24 Planned	2024/25 Planned
WCAT Gross Budget	Advice/Recommendations; Government Financial Information			
WorkSafeBC Recoveries				
Net Budget				

Average FTE burn (Q2 of 2022/23): 88 FTEs

Related Legislation:

- *Workers Compensation Act*

Organizational Chart: WCAT is comprised of a Chair appointed by Order in Council and Vice-Chairs appointed by the Chair after consultation with the Minister; the remaining team of public servants is led by one excluded Director-level staff person, so the organizational chart is not included.

BRIEFING NOTE
INDEPENDENT SELF-REGULATOR - WORKSAFEBC

Name: WorkSafeBC

Legislative Authority: *Workers Compensation Act*

Mandate:

WorkSafeBC is established by provincial legislation as an agency with the mandate to oversee a no-fault insurance system for work-related injuries, illnesses and deaths. WorkSafeBC partners with employers and workers in B.C. to do the following:

- Promote the prevention of work-related injury, illness, and death
- Rehabilitate those who are injured, and provide timely return to work
- Provide fair compensation to replace workers' loss of wages arising from a work-related disability or death
- Ensure sound financial management for a viable workers' compensation system

Current Appointees:

Last Name	First Name	Title	Mechanism	Initial Appt	Term Expiry
Dhillon	Baltej Singh	Law/Law Enforcement Representative	Order in Council	01-Dec-17	December 1, 2023
Laurie	Andrea Michelle	Worker Representative	Order in Council	01-Dec-19	December 1, 2023
Teschke	Katherine (Kay) Elizabeth	Public Interest Representative	Order in Council	01-Dec-17	December 1, 2023
Smith	Don	Actuary Representative	Order in Council	31-Dec-18	December 31, 2024
Loftus	Lee James	Public Interest Representative	Order in Council	01-Dec-17	December 1, 2023
Packer	Rebecca	Health Care and Rehab Representative	Order in Council	18-Feb-20	December 1, 2023
Parr	Jeff	Chair/Public Interest Representative	Order in Council	16-Aug-20	December 31, 2022
Pawluk	Lorna	Employer Representative	Order in Council	05-Feb-21	December 31, 2023
Village	Judy	Occupational Health/Safety Representative	Order in Council	01-Oct-21	September 21, 2023

Appointments required:

- Advice/Recommendations; Personal Information

Issue(s):

- WorkSafeBC is prepared for the introduction in the Fall 2022 of an amendment bill that will result in operational changes to the organization and to the programs/benefits it administers under the *Workers Compensation Act*. In addition, the organization is working on a number of priorities established by government, including the development and introduction of training and licensing for asbestos abatement contractors and employees flowing from legislation that received Royal Assent in 2022.

Key Contact:

- Anne Naser
- President and Chief Executive Officer
- (604) 247-5545

CORE BUSINESS – Oversight of B.C.’s Labour Tribunals

Issue:

- The Minister of Labour’s Role with respect to the Labour Relations Board (LRB) and the Employment Standards Tribunal (EST).

Background:

- The 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 consists of a chair and vice chairs (currently nine) appointed by the Lieutenant Governor in Council (LGIC) after a merit-based process.
- The EST conducts appeals of Determinations issued by the Director of Employment Standards under the *Employment Standards Act* and under the *Temporary Foreign Worker Protection Act*. The EST is made up of a Chair who is appointed by the LGIC, and members (currently nine), who are appointed by the Attorney General after consultation with the Chair and a merit-based process.
- Both tribunals are independent statutory tribunals which operate in a quasi-judicial manner. The tribunals are co-located in Vancouver and currently share the same Chair (Jennifer Glougie).
- **Oversight of B.C.’s Labour Tribunals:** The Attorney General has responsibility for the LRB and EST budgets.
- The Attorney General also has responsibility for the administrative justice and certain other tribunal-related sections of the *Labour Relations Code* in relation to the LRB, and the *Employment Standards Act* in relation to the EST.
- The 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 Minister of Labour retains responsibility for matters related to reviews, appealable decisions, compliance, enforcement and sector-specific policies. This includes provincial labour relations policy reflected in the *Labour Relations Code* and provincial employment standards reflected in the *Employment Standards Act*.
- 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.
- With respect to budget decisions and appointments for these tribunals, the practice has been for the Attorney General and the Minister of Labour to work closely together, especially to ensure that the views of the labour and business communities are considered in appointment decisions.

CORE BUSINESS / PROGRAM AREAS / BUSINESS PROCESSES
MANAGEMENT SERVICES DIVISION

ADM Responsible: Alana Best (MUNI and TACS); Joanna White (JERI and Labour)

The Management Services Division administers the internal infrastructure and systems that contribute to improved service delivery for the Ministries of Municipal Affairs; Jobs, Economic Recovery and Innovation; Tourism, Arts, Culture and Sport; and Labour. Lines of business include: Budget and financial management, facilities, information technology, human resources, corporate planning and compliance reporting, correspondence and FOI and records management.

Budget:

Core Business Area	2021/22 Restated Estimates	2022/23 Estimates ¹	2023/24 Plan	2024/25 Plan
Management Services Division	11,138	12,540	12,540	12,540

1. The fiscal 2022/23 Estimates include \$ 5.502M from MUNI, \$ 5.636M from JERI, \$0.414M from LBR, and \$0.080M from TACS.

Full Time Equivalents (FTEs):

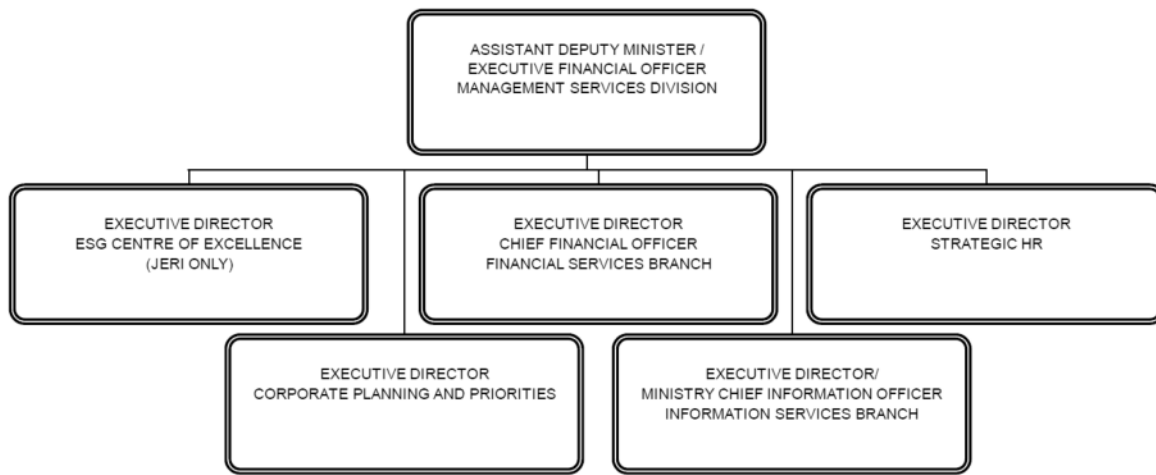
In this shared services model, FTES are distributed between JERI and MUNI pay-lists. However, staff provide support to program areas in all four Ministries. The below table summarizes JERI and MUNI FTEs for the period April 1 to August 31, 2022:

Average FTEs (2022/23 Q1) ¹	
MUNI	77
JERI	34
Total Economy Sector FTEs	111

1. FTEs presented include ADM offices for MUNI and JERI

Related Legislation: NA

Organizational Chart:



Ministry of Labour

2022/23 – 2024/25 Service Plan

February 2022



For more information on the Ministry of Labour contact:

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Victoria, B.C., V8W 9T5

250-356-1346

Or visit our website at

<https://www.gov.bc.ca/lbr>

Published by the Ministry of Labour

Minister's Accountability Statement



The *Ministry of Labour 2022/23 – 2024/25 Service Plan* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared.

A handwritten signature in dark ink, appearing to read 'H. Bains', with a horizontal line underneath.

Honourable Harry Bains
Minister of Labour
February 4, 2022

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Purpose of the Ministry

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.

In this context, the Ministry has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, the *Workers Compensation Act* and the *Temporary Foreign Worker Protection Act* – and for the effective administration and enforcement of those statutes. The Ministry houses the Employment Standards Branch, the Workers' Advisers Office, the Employers' Advisers Office and the Bridging to Retirement Program. The Ministry has legislative responsibility for WorkSafeBC, and for the Ministry's three tribunals: the Labour Relations Board, the Employment Standards Tribunal and the Workers' Compensation Appeal Tribunal.

The Employment Standards Branch and the Ministry's three administrative tribunals are involved in managing complaints and issues that have been brought before them. The Workers' Advisers Office and the Employers' Advisers Office provide advice and advocacy for workers and employers with respect to issues under the *Workers Compensation Act*. In all cases, timely and accurate disposition of those complaints or issues is an essential component of a fair and balanced system of labour and employment laws that is readily accessible to all stakeholders.

The Bridging to Retirement Program provides support to B.C. forestry workers impacted by old growth harvesting deferrals by assisting workers who are 55 or older transition to retirement, creating opportunities for younger workers.

For more information about the Ministry's areas of responsibility and key initiatives, visit the Ministry of Labour website.

Strategic Direction

In 2022/2023, the Government of British Columbia will continue its whole-of-government response to the COVID-19 pandemic with a focus on protecting the health, social and economic well-being of British Columbians. Building on our economic, environmental, and social strengths while looking to seize opportunities to improve outcomes for all British Columbians will be an important aspect of each ministry's work as we respond to COVID-19 and recover from devastating floods and wildfires. The policies, programs and projects developed over the course of this service plan period will align with the five foundational principles established by Government in 2020: putting people first; working toward lasting and meaningful reconciliation; supporting equity and anti-racism; ensuring a better future through fighting climate change and

meeting our greenhouse gas reduction targets; and supporting a strong, sustainable economy that works for everyone.

This 2022/23 service plan outlines how the Ministry of Labour will support the government's priorities including the foundational principles listed above and selected action items identified in the [November 2020 Minister's Mandate Letter](#).

Performance Planning

Goal 1: Strong and fair labour laws and standards that: respond to the rise of the gig¹ economy and increased precarious work; support an inclusive, sustainable and innovative economy; protect vulnerable workers; and ensure world-class worker health and safety

Objective 1.1: Update and Modernize B.C. Labour Laws

Key Strategies

- Continue to support the Parliamentary Secretary for the New Economy to work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.
- Review and develop options to improve the workers' compensation system.
- Continue a collaborative approach in working with representatives of workers and employers to address the impacts of the COVID-19 pandemic on people and businesses.
- Utilize the advice and experience provided by consultative mechanisms designed to engage employer and worker representatives in consideration of any changes proposed to workplace legislation to ensure the widest possible support.
- Continue to prioritize opportunities for Ministry engagement with Indigenous Peoples as part of the ongoing effort to implement the *Declaration on the Rights of Indigenous Peoples Act*.

Performance Measure(s)	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
1.1a Percentage of Employment Standards Branch complaints resolved within 180 days	N/A ¹	New Baseline	80% or Improve	85% or Improve

Data source: Ministry of Labour Employment Standards Branch internal data.

¹The Employment Standards Branch is currently undertaking a project to address the backlog of worker complaints; the project data for 21/22 is not yet available.

Linking Performance Measure to Objective

Meeting the targets provides evidence to the Ministry that the ongoing updating and modernization of B.C. labour laws is successful. A complaint under the *Employment Standards Act* indicates a worker's view that the minimum legal standards are not being correctly applied in a workplace. A high percentage of complaints that are resolved within the 180-day time period reflects the Ministry's success in establishing clear expectations for workers and employers based on laws that are responsive and relevant to the modern workplace.

¹ The term "gig economy" can include, for example, short term/temporary work as well as work conducted through internet-based platforms such as food delivery and transportation services.

Discussion

In previous years, a target to resolve at least 85 per cent of disputes within 180 days was established to promote fairness and certainty to workers and employers and ensures that disputes do not linger in the workplace or after an employment relationship is terminated.

This is a long-established performance measure for the Employment Standards Branch. The branch is continuing to modernize its complaints resolution processes as part of an ongoing business transformation initiative. In addition, the branch's new case management system is expected to be fully in place in the middle of the 2022/23 fiscal year. The Ministry is committed to ensuring a timeliness metric continues to be reported and new baseline is established in 2022/23 to reflect the updated process at the branch expected to be fully implemented.

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

Objective 2.1: Continue to implement new and updated Ministry processes to improve service delivery

Key Strategies

- Broaden training and outreach efforts to a wide array of service providers and stakeholders in the workers' compensation system, including enhanced Indigenous client outreach as well as the continued use of multi-language service delivery.
- Implement a redesign of the public-interface and case management system used by the Workers Advisers Office to better serve the public.
- Continue to implement new collections procedures aimed at improving collections outcomes on new employment standards complaints.
- Maintain a proactive enforcement unit within the Employment Standards Branch that will focus on industries and sectors with high complaint volumes.
- Prioritize the processing of complaint files to improve service delivery for workers and employers.

Performance Measure(s)	2020/21 Baseline	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
2.1a Number of community outreach sessions conducted annually by the Workers' Advisers Office (WAO) ¹ .	10	12	Maintain or Improve	Maintain or Improve	Maintain or Improve
2.1b Number of educational outreach sessions conducted annually by the Employers' Advisers Office (EAO) ²	130	90	Maintain or Improve	Maintain or Improve	Maintain or Improve

Data source:

¹Ministry of Labour, Workers' Advisers Office internal data.

²Ministry of Labour, Employers' Advisers Office internal data.

Linking Performance Measure to Objective

2.1a WAO regional community outreach sessions are part of the Ministry's efforts in improving service delivery in that they directly assist workers in becoming more aware and knowledgeable by providing information on the workers' compensation system and claims issues.

2.1b EAO educational outreach sessions are part of the Ministry's efforts in improving service delivery in that they serve to directly promote awareness and understanding among employers of occupational health and safety requirements as well as the province's workers' compensation system. In addition, these sessions can assist employers in meeting their regulatory training requirements both under the *Workers Compensation Act* and Occupational Health and Safety Regulations.

2020/21 has been selected as a new baseline year for this measure as it reflects a new normal, for the foreseeable future, in terms of client interaction as a result of the COVID-19 pandemic.

Objective 2.2: Maintain an effective B.C. Temporary Foreign Worker Protection (TFWPA) Regime

Key Strategies

- Maintain and enforce the recruiter licensing regime.
- Maintain and enforce the employer registration system.
- Maintain the public-facing website to ensure reliable information is available and accessible.

Performance Measure(s)	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
2.2 Number of proactive investigations undertaken under the TFWPA	20	Maintain or Improve	Maintain or Improve	Maintain or Improve

Data source: Employment Standards Branch data.

Linking Performance Measure to Objective

Proactive investigations of employers that hire foreign workers and of agencies that recruit foreign workers are a key feature of ensuring the TFWPA is effective in protecting vulnerable foreign workers. Proactive investigations are evidence-based inquiries that utilize complaints data to identify economic sectors with high levels of non-compliance, as well as routine and random auditing.

Goal 3: Support forest workers as government transitions towards a new approach for sustainable forest management

The B.C. government is providing a strategically coordinated and comprehensive suite of supports for B.C. forest workers, contractors, workers, employers, and communities in response to the impacts of old growth harvesting deferrals, which resulted from recommendations in the June 2020 Old Growth Strategic Review report, [A New Future for Old Forests](#). The Ministry of Labour is delivering an expanded Bridging to Retirement program starting in January 2022.

Objective 3.1: Implement Bridging to Retirement program to support forest workers that may be impacted by old growth harvesting deferrals

Key Strategies

- Administer the Bridging to Retirement Program to transition older workers to retirement and manage the transitional impacts resulting in employment loss and forestry contract reductions.
- Work collaboratively with other ministries to connect forest workers with industry needs for employment opportunities.

Performance Measure(s)	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
3.1a Number of workers receiving bridging benefit funding offers ¹	N/A	TBD	TBD	TBD

Data source: Ministry of Labour, Bridging to Retirement Program internal data.

¹Current year forecasts and future year targets are not yet available given the infancy of the program. Updates to be provided in next year's Service Plan.

Linking Performance Measure to Objective

3.1 There are three streams within the Bridging to Retirement Program: one for older impacted workers, one for older impacted contractors and their employees, and one for older workers voluntarily wishing to retire from a working operation to create a vacancy for a younger worker. The number of applications with funding offers is a direct measure of the number of people who will benefit from the bridging benefit.

Financial Summary

Core Business Area	2021/22 Restated Estimates ¹	2022/23 Estimates ²	2023/24 Plan	2024/25 Plan
Operating Expenses (\$000)				
Labour Programs	15,787	15,828	15,828	15,828
Executive and Support Services	1,587	1,595	1,604	1,604
Total	17,374	17,423	17,432	17,432
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Labour Programs	3	3	3	3
Total	3	3	3	3

¹ For comparative purposes, amounts shown for 2021/22 have been restated to be consistent with the presentation of the 2022/23 Estimates.

² The Financial Summary table does not include the costs of the Bridging to Retirement program, which is funded through Vote 45 Contingencies (All Ministries) and New Programs.

* Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

Appendix A: Agencies, Boards, Commissions and Tribunals

As of February 4, 2022, the Minister of Labour is responsible and accountable for the following:

WorkSafeBC

WorkSafeBC is established by provincial legislation as an agency with the mandate to oversee a no-fault insurance system for the workplace. WorkSafeBC partners with employers and workers in B.C. to: promote the prevention of workplace injury, illness, and disease; rehabilitate those who are injured, and provide timely return to work; provide fair compensation to replace workers' loss of wages while recovering from injuries; and ensure sound financial management for a viable workers' compensation system.

The Labour Relations Board

The Labour Relations Board is an independent, administrative tribunal with the mandate to mediate and adjudicate employment and labour relations matters related to unionized workplaces.

The Employment Standards Tribunal

The B.C. Employment Standards Tribunal is an administrative tribunal established under the Employment Standards Act. The Tribunal conducts appeals of Determinations issued by the Director of Employment Standards under the *Employment Standards Act* and under the *Temporary Foreign Worker Protection Act*. The Tribunal may also reconsider any order or decision it makes.

The Workers' Compensation Appeal Tribunal

The Workers' Compensation Appeal Tribunal is the final level of appeal in the workers' compensation system of B.C. and is independent of WorkSafeBC

MAJOR CORPORATE ISSUE NOTE

Ministry: Labour

Issue: Industrial Inquiry Commission (IIC) Report and Recommendations regarding the successorship of collective agreement rights with forest tenure transfers.

Background: Under the Labour Relations Code (the Code), successorship provisions provide that when a unionized business is sold, leased, transferred, or disposed of, the new employer is bound by the terms of the existing collective agreement, including the unionized workforce. In November 2021, Government appointed Vince Ready and Amanda Rogers as an IIC to undertake analysis and make recommendations about the potential expansion of the successorship provisions to include situations where a forest tenure is transferred from one entity to another but where there is not necessarily a transfer of a business. This could include, for example, when a First Nation receives tenure as part of a Treaty settlement or reconciliation agreement.

The appointment of the IIC arose from the Labour Relations Code Review Panel's 2018 report, which considered the issue of forestry successorship, but recommended further review. The IIC was given a mandate to consult with First Nations and forestry stakeholders (e.g., major forest companies, contractors, trade unions) when preparing their report. The IIC submitted their report and recommendations to Government in February 2022. The report was released to the public in July 2022.

Stakeholder submissions to the IIC expressed a diversity of views regarding potential changes to forestry successorship. Unions and labour groups universally advocated to extend successorship rights to apply to all forest tenure transfers, while employers (i.e., forestry companies, forestry contractor associations) were, overall, strongly opposed. First Nations groups echoed many of the concerns expressed in the employer submissions and added enhanced concerns about the IIC process and applying successorship in the First Nations context.

When making their recommendations, the IIC took into consideration the unique circumstances respecting tenure transfer involving First Nations in recognition of the UN Declaration of the Rights of Indigenous Peoples (UNDRIP). The IIC made recommendations, the most significant of which recommended amendments to the Code to extend successorship:

- when a forest tenure is transferred from a unionized licence holder and the tenure recipient continues logging operations within five years; and,
- to include tenure transfers involving First Nations. However:
 - The IIC also recommended that when a First Nation becomes subject to a collective agreement and a workforce as a result of a tenure transfer, the successorship process should include an automatic re-opening of the collective agreement for the limited purpose of addressing any incompatibilities between the existing collective agreement and UNDRIP. This mechanism would need to include an economically viable dispute

resolution process (managed through the Labour Relations Board) to break an impasse arising in this bargaining context that places appropriate weight on compliance with UNDRIP and government's commitment to the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA).

- The IIC recommends Government engage in further consultation with First Nations groups to determine how this limited collective agreement reopening and related dispute resolution mechanism should work under an expanded successorship provision.

Issue/Opportunity: Government has not yet made a decision regarding implementation of the IIC's recommendations and potential amendments to the Code. In July, with the release of the report, the Ministry of Labour (LBR) initiated an engagement and consultation process on the IIC report and recommendations. The engagement and consultation is to be completed on September 29, 2022.

LBR is engaging First Nations, including through information sessions regarding the IIC's report and recommendations throughout September 2022. As well, meetings with forestry stakeholders and with labour organizations will occur in September. First Nations, First Nations groups, and employer and employee stakeholders have been invited to make written submissions by the deadline.

Cabinet
Confidences:

Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations; Intergovernmental Communications

Next Steps: Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations

MAJOR CORPORATE ISSUE NOTE

Ministry: Labour

Issue: Precarious Work – Employment Standards Issues

Background: The Minister of Labour and the Parliamentary Secretary for the New Economy have a mandate letter commitment that includes the following:

- Work with labour and business organizations to develop a precarious work strategy that reflects modern workplaces' diverse needs and unique situations.
- As part of the precarious work strategy, propose employment standards targeted to precarious and gig economy workers, and investigate the feasibility of a government-backed collective benefit fund and access to a voluntary pooled-capital pension plan for workers who do not otherwise have coverage.

The economy and workforce have changed dramatically over the past few decades with the growth of precarious work, including an increasing prevalence of independent contractors, part-time work, and people working multiple jobs.

Since 2018, the Ministry has adopted a number of improvements to ameliorate the working conditions of precarious workers including: minimum wage – annual increases tied to inflation (currently \$15.65); job-protected leaves, such as paid sick leave, domestic/sexual violence leave, critical illness/injury leave, and COVID-19 related leaves; restoring single-step certification and extending successorship to protect collective bargaining rights in sectors where workers are vulnerable to contract re-tendering.

There has also been growth in the “gig economy,” which consists of flexible and temporary jobs, often served by way of an online platform or application (app) – such as app-based ride hail and food delivery services. Gig work can be an innovative option for workers who value the flexibility, supplemental income, and independence, but it also brings challenges.

Currently, many perceive gig workers as independent contractors who are not “employees” covered by the protections of the *Employment Standards Act* (the Act), including minimum wage, overtime pay, statutory holidays, mandatory meal breaks, vacations and vacation pay and job-protected leaves. Sometimes the nature of the work and relationship to the business does make these gig workers as truly independent contractors. Other times the gig worker may be incorrectly classified as independent contractors when they actually are employees of the business and are not receiving the *Employment Standards Act* protections to which they are entitled. In all cases, gig workers require fair pay, benefits and working conditions to support themselves and their families, and to protect their health and safety.

Cabinet Confidences; Advice/Recommendations

Cabinet Confidences;
Advice/Recommendations

Issue/Opportunity: Cabinet Confidences; Advice/Recommendations
Cabinet Confidences; Advice/Recommendations

Next Steps: Cabinet Confidences; Advice/Recommendations
Cabinet Confidences; Advice/Recommendations

POLICY AND LEGISLATION ISSUE NOTE

Ministry: Labour

Issue: Minimum Wage – Employment Standards Issue

Background: The *Employment Standards Act* requires employers to pay employees at least the minimum wage.

In its 2020 election platform, Government committed to tying annual minimum wage increases to the rate of inflation starting in 2022. This was also included in the mandate commitment letter for the Minister of Labour.

Consistent with the commitment, effective June 1, 2022, the general minimum wage rate was adjusted by 2.8%, resulting in an increase of 45 cents to \$15.65/hour. The rate of the adjustment was equivalent to the annual average percentage change to the BC Consumer Price Index (CPI) for 2021. Alternate minimum wage rates (i.e., minimum piece rates for hand harvesting of specified crops in the agricultural sector; minimum daily or monthly rates for live-in home support workers, live-in camp leaders, and resident caretakers) were also adjusted by 2.8% (although the piece rates increase is effective on January 1, 2023).

Currently, the minimum wage is adjusted by Order-in-Council (OIC) to what the government of the day considers appropriate (i.e., on an ad hoc basis). There are no legislative provisions establishing requirements for the timing or amount of the adjustment. The current ad-hoc process may create unpredictability for workers and employers and can result in increases that may not be introduced in a measured way (e.g., resulting in large one-time jumps in minimum wage rates). Government's commitment to make increases tied to inflation is intended to provide workers and employers with stable, measured and predictable minimum wage increase.

Issue/Opportunity: Cabinet Confidences; Advice/Recommendations
Cabinet Confidences; Advice/Recommendations

Advice/Recommendations; Cabinet Confidences; Government Financial Information

Next Steps: Cabinet Confidences; Advice/Recommendations
Cabinet Confidences; Advice/Recommendations

POLICY AND LEGISLATION ISSUE NOTE

Ministry: Labour

Issue: *Workers Compensation Act* amendments to be introduced in the fall of 2022.

Background:

Since 2017, government has made significant changes to BC's workers' compensation system in response to various reviews, including those of Janet Patterson, Paul Petrie, Terry Bogyo, and Lisa Helps. In December 2021 Minister Bains issued a public statement that signalled government's intention to explore a series of reforms to improve programs and services for workers injured in the workplace, as well as ensure workers are treated fairly while navigating the system. This work has been undertaken during 2022 with the resulting amendments to the *Workers Compensation Act* (Act) to be ready for introduction in fall 2022.

Issue/Opportunity:

These improvements to the Act support government's priorities for the workers' compensation system: enhance worker and employer confidence in the system, ensure fair compensation for injured workers and surviving dependants, and direct a worker-centric focus that also considers employers' interests.

The proposed legislation will amend the Act to:

1. Add a legal duty for employers to return injured workers to work.
2. Require the WorkSafeBC Board of Directors to establish an effective Fair Practices Commissioner to investigate the fairness of workers' and employers' dealing with WorkSafeBC.
3. Expand access to advice or examination from independent health professionals to help decide workers' compensation appeals when requested by a worker or employer.
4. Require the payment of interest on certain delayed benefit payments.
5. Prohibit employers from suppressing workers' compensation claims.
6. Improve the fairness of annual inflation adjustments to compensation benefits.
7. Allow the Board to increase the maximum compensation for non-traumatic hearing loss.

Cabinet Confidences; Advice/Recommendations

Next Steps: Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations

POLICY AND LEGISLATION ISSUE NOTE

Ministry/Ministries: Labour

Issue: Employment Standards Branch Complaint Backlog and Budget

Background:

The Employment Standards Branch (ESB) administers the *Employment Standards Act* and Regulations, which set minimum standards of wages and working conditions in BC's non-unionized workplaces. ESB also administers the *Temporary Foreign Worker Protection Act*. ESB resolves disputes and promotes the fair treatment of employees and employers.

In recent years, ESB has experienced significant increases in complaint volumes, requests for advisory services and enforcement functions. Further, ESB has needed to operationalize new legislative provisions and an expanded program delivery. This has resulted in a backlog and delays.

Between 2018 and 2019, complaint volumes grew from 4,937 to 7,617. They have remained high since then. Complaints intake was 7,403 in 2020, 6,215 in 2021 and is on trend for 7738 in 2022.

Demand for ESB advisory services has also increased. From 2020 to 2021, inquiries from workers and employers grew from 74,800 to 122,792. This was a significant increase over the 5-year average of 85,160.

These increases are the result of recent improvements to BC employment standards. Changes have removed barriers and enhanced awareness and accessibility, while raising demand for ESB services:

- In 2019, the Ministry removed the Self-Help Kit, which required workers to deal directly with their employer before making a complaint. Workers can now file complaints directly with ESB.
- In 2019, the *Temporary Foreign Worker Protection Act* took effect, which establishes a new regulatory framework to protect temporary foreign workers. ESB has new enforcement functions, such as responding to complaints and undertaking audits.
- In 2018, legislative changes were made to double the wage recovery period from six months to one year, which ESB is responsible for enforcing.

The COVID-19 pandemic also contributed to the backlog. Pandemic response actions such as temporary

layoff variances, vaccination leave and illness leave resulted in new work for ESB.

Issue/Opportunity:

The backlog has created delays and issues for workers and employers seeking timely access to ESB services. While the current average wait in days of all unassigned complaints in the Branch queue is 150 days, there is a wide discrepancy in service timelines for low complexity complaints as compared with high complexity complaints (which make up the majority of ESB's queue). Low complexity complaints wait approximately 5 months before being assigned while high complexity complaints wait approximately 14.5 months.

Several actions have been undertaken to reduce the backlog, including the dedication of \$14M in new funding over three years (approved in Budget 2019):

- New staff have been hired in all roles supporting the complaints process. In 2019/20, 36 new staff were hired for complaints processing, collections and proactive enforcement.
- In 2021, a "Backlog Reduction Team" was established, and 24 new temporary Employment Standards Officers were hired. Advice/Recommendations; Government Financial Information
- Advice/Recommendations; Government Financial Information
- Advice/Recommendations; Government Financial Information
- The Ministry has developed new, streamlined intake and triage processes that allow for simpler cases to be resolved quickly and provide better outcomes for workers.
- Technological improvements have been made as part of government's overall digital transformation strategy.
- In total, from February 2021 to the end of August 2022, an approximate 25% backlog reduction was achieved. Advice/Recommendations
- As of October 2022, ESB was continuing recruitment efforts to hire additional permanent and temporary staff to help resolve complaints and reduce the backlog.

Next Steps:

- ESB continues to actively recruit and hire new staff to address the backlog.
- Government remains committed to enforcing employment standards and delivering timely resolution of complaints for all British Columbians.

POLICY AND LEGISLATION ISSUE NOTE

Ministry/Ministries: Labour

Issue: National Day of Truth and Reconciliation – Statutory Holiday Decision

Background: In 2021, the Federal Government amended the *Canada Labour Code* to add a new, “National Day for Truth and Reconciliation” for federally regulated workers to be observed as a statutory holiday each year on September 30. This action responded to the Truth and Reconciliation Commission of Canada’s call to action on the Federal government to establish a National Day of Truth and Reconciliation as a statutory holiday to honour First Nations, Inuit and Métis survivors of residential schools and their families and communities and to ensure that public commemoration of their history and the legacy of residential schools.

On a statutory holiday, employees are entitled to an employer paid day off or, if they are required to work on that day, payment at premium rates. As the National Day for Truth and Reconciliation is a federal statutory holiday, it only applies to federally regulated workplaces (e.g., banks, airlines, the post office). Roughly 10% of BC workers are employed in these workplaces and are currently entitled to observe this day as a statutory holiday.

This day is currently not a public holiday in BC, nor it is not designated as a “statutory holiday” under the *Employment Standards Act*. While BC employers may decide to observe the National Day for Truth and Reconciliation in their workplace, and provide their employees with a paid day off, there is no legal obligation to do so.

However, in 2021, the Province advised public sector employers to observe this day in accordance with the obligations set out in most collective agreements that allow employees to observe federal statutory holidays (e.g., as provided for in collective agreements applicable to the BC Public Service, the K to 12 school system, and many post-secondary institutions). As such, employers bound by these agreements have recognized the day as a paid holiday since 2021. This means that only a portion of British Columbians observed September 30th as a paid holiday in 2021 and 2022.

Issue/Opportunity: Government has not yet made a decision regarding whether to establish the National Day for Truth and Reconciliation as a statutory holiday, pending the results of engagement undertaken by the Ministry of Indigenous Relations and Reconciliation (MIRR) and the Ministry of Labour (LBR).

In April and May 2022, MIRR engaged in consultations with residential school survivors, Indigenous partners, and communities regarding how the National Day for Truth and Reconciliation should be observed in British Columbia. This public engagement found strong support amongst Indigenous leaders for designating September 30th as a provincial statutory holiday in BC. Specifically, there was support for designating this day as a holiday to honour the resilience, dignity, and strength of survivors and

intergenerational survivors and remember the children that never came home. This includes using this day as an opportunity to engage and educate British Columbians about BC's colonial history and the ways in which the residential school system has impacted Indigenous communities, while fostering deeper reflection and public dialogue on the relationship between Indigenous and non-Indigenous peoples.

Following MIRR's consultations, LBR undertook public engagement through the EngageBC website during August and September 2022 on the question of whether September 30th should be established as a provincial statutory holiday starting in 2023. This engagement took the form of a survey for employers and employees in provincially regulated workplaces. Participation was high, with 7301 completed surveys from eligible participants. The results demonstrate that approximately 75% of all respondents support making the National Day for Truth and Reconciliation a statutory holiday. When support was broken down by employer and employee status, while over 90% of employees were in support of this change, only 53% of employers supported it, with the greatest opposition voiced by small employers and the private sector. Overall, 42% of employers reported that a new holiday would have a difficult impact on their workplace.

Advice/Recommendations; Intergovernmental Communications

Next Steps Cabinet Confidences; Advice/Recommendations; Intergovernmental Communications

Cabinet Confidences; Advice/Recommendations; Intergovernmental Communications

Cabinet Confidences: Advice/Recommendations: Government Financial Information

Issue	Status/Key Milestones/Next Steps
60 Days	

Cabinet Confidences; Advice/Recommendations; Government Financial Information

Fair Wages Commission – After receipt of the third and final report, the Ministry will release the recommendations relating to closing the gap between minimum wage and a living wage (without committing to taking action on specific recommendations).	This work arises from a 2017 Mandate Letter Commitment for the Minister of Labour and aligns with a 2020 commitment on minimum wage. The Fair Wages Commission engaged in a public engagement process to support preparation of a report and recommendations (not yet received). Cabinet Confidences; Advice/Recommendations; Government Financial Information Cabinet Confidences; Advice/Recommendations;
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90 Days	
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Cabinet Confidences; Advice/Recommendations; Intergovernmental Communications

Cabinet Confidences; Advice/Recommendations

Cabinet Confidences; Advice/Recommendations; Government Financial Information

Advice/Recommendations

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour
Date: October 4, 2022
Minister Responsible: Harry Bains

Minimum wage

ADVICE AND RECOMMENDED RESPONSE:

- Having a fair minimum wage is a key step in our effort to lift people out of poverty, make life more affordable and build a strong economic recovery for B.C.
- B.C. has the highest minimum wage of any province in Canada.
- Effective June 1, 2022, the general minimum wage increased to \$15.65 an hour.
- This was a 2.8% increase, which was B.C.'s average annual inflation rate in 2021.
- The past years have shown us that, even during a pandemic, increasing the minimum wage does not lead to fewer workers being hired.
- We have made incremental increases that provide certainty for workers and predictability for businesses - as recommended by the Fair Wages Commission in 2018.

If asked: will future increases continue to be tied to inflation?

- Our commitment was that, once the minimum wage reached \$15.20/hour on June 1st last year, we would provide predictability for employers and workers by tying future minimum wage increases to the rate of inflation.

Advice/Recommendations

-

If asked: will you raise the minimum wage to a living wage?

- We know that the living wage differs significantly from one community to another, so a province-wide model would not be feasible.

- That's why we have asked the Fair Wages Commission to examine the issue and identify strategies to address the gap between minimum wage and living wages.
- Meanwhile, our government has been committed to bringing down costs for families in many ways, such as eliminating MSP and road tolls, reducing ICBC rates, cutting childcare costs, freezing rent increases and building homes people can afford.

If asked: why did you raise the minimum wage again in 2022 when businesses are still struggling to respond to COVID-19?

- We absolutely recognize the challenges businesses are facing right now and we continue to support them during the pandemic.
- We continue to support struggling businesses with grant programs when they are impacted by public health orders.
- Many businesses, including small businesses, are already paying above minimum wage – this step protects our most vulnerable workers.
- Many workers are also facing challenges related to the pandemic as well as from changes in the cost of living.
- Increasing the minimum wage is a key part of B.C.'s Poverty Reduction Strategy, which aims to help people break the cycle of poverty and access better opportunities and better services.
- Now, as much as ever, B.C.'s lowest-paid workers need our support.

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BACKGROUND:

On June 1, 2022, B.C.'s minimum wage increased to \$15.65 – the highest of any province, and third in Canada behind Nunavut's \$16 and Yukon's \$15.70. As per government's commitment to tie future increases to the rate of inflation, this year's increase was 2.8%, which was B.C.'s average annual inflation rate in 2021.

The increase is the latest of the incremental minimum wage raises that were announced in February 2018 to help address the growing numbers of "working poor" in B.C., following extensive consultations that were undertaken by the government-appointed Fair Wages Commission. In April 2018, government announced plans to gradually eliminate B.C.'s minimum liquor-server wage to ensure that the wages of liquor servers will be equal to the general minimum wage by 2021.

Also, in April 2018, the ministry announced a schedule of 2.8% increases to the minimum day rate for live-in camp leaders, as well as the monthly rates for resident caretakers. In addition, increases to the minimum piecework rates for hand harvesters of certain fruits and vegetables were implemented in January 2019.

Since 2018, the minimum wage increases have been:

- Pre-July 2017: \$10.85
- Sept. 1, 2017: \$11.35
- June 1, 2018: \$12.65 (\$1.30 increase – 11.45%)
- June 1, 2019: \$13.85 (\$1.20 increase – 9.5%)
- June 1, 2020: \$14.60 (\$0.75 increase – 5.4%)
- June 1, 2021: \$15.20 (\$0.60 increase – 4.1%)
- June 1, 2022: \$15.65 (\$0.45 increase – 2.8%)

Overall, the minimum wage has increased by 38% since May 2018.

These improved minimum wage initiatives have strong support from worker-focused organizations including the BC Federation of Labour, which campaigned extensively for a \$15/hour minimum wage. The 2016 B.C. Child Poverty Report Card also advocated for a \$15/hr minimum wage, indexed annually to the cost of living.

The Canadian Federation of Independent Businesses, Fraser Institute and other employer-focused organizations claim the increases are too much, too soon and will lead to job losses.

Since introducing the annual incremental increases, criticism from the business community has been measured, even when the third increase took effect in June 2020 during the first wave of COVID-19.

On October 11, 2021 the Nobel Memorial Prize in Economics was awarded to Canadian economist Dr. David Card, whose early-1990s research concluded that increasing a country's minimum wage does not lead to reduced hiring; and that immigration does not harm the employment prospects of native-born workers.

Media Interest: There's been sustained media interest, by major and regional outlets, on minimum wage impacts for workers and businesses. One theme to the inquiries has been regarding the cumulative effect or cost on businesses. However, those stories have taken a backseat to the much larger impact of the pandemic on the economy.

General Minimum Wages in Canada, highest to lowest. (as of October 4, 2022):

Jurisdiction	Rate (\$/hr)	Effective Date	Notes
Nunavut	\$16.00	April 1, 2020	Previous rate was \$13 effective March 2, 2016. Increases tied to mandatory review by minister.
Yukon	\$15.70	April 1, 2022	Rate increases on April 1 of each year based on CPI, comparison with other regions and economic impact.
British Columbia	\$15.65	June 1, 2022	Rate increases on June 1 of each year. Government has committed to tying future increases to inflation.
FEDERAL	\$15.55	April 1, 2022	Minimum wage federal employees receive this wage regardless of which province or territory they work in.
Ontario	\$15.50	Oct 1, 2022	Tied to Ontario consumer price index.
Northwest Territories	\$15.20	Sept. 1, 2021	Independent body gives advice every 2 years. Previous minimum wage was \$12.50 effective April 1, 2015.
Alberta	\$15.00	Oct 1, 2018	Increased from \$10.20 per hour to \$15 over three years, 2015-2018.
Quebec	\$14.25	May 1, 2022	Increase in 2020 met government's promise to bring Quebec's minimum wage to 50% of the average wage by 2020.
New Brunswick	\$13.75	Oct 1, 2022	Minimum wage has increased every year for the last decade, based on advice from independent body, Indexed to New Brunswick's CPI and rounded to the nearest five cents.
Prince Edward Island	\$13.70	April 1, 2022	To be increased to \$14.50 on January 1, 2023 and to \$15.00 on October 1, 2023. Minimum wage has increased every year for the last decade, based on advice from independent body.
Newfoundland and Labrador	\$13.70	Oct 1, 2022	To be increased to \$14.50 on April 1, 2023 and to \$15.00 on October 1, 2023. Future annual increases based on CPI and advice from independent body.
Nova Scotia	\$13.60	Oct 1, 2022	To be increased to \$14.30 on April 1, 2023, \$14.65 on October 1, 2023, and \$15.00 on April 1, 2024. Minimum wage has increased every year for the last decade, based on advice from independent body.
Manitoba	\$13.50	Oct 1, 2022	To be increased to \$14.15 on April 1, 2023 and to \$15.00 on October 1, 2023. Yearly increases indexed to provincial CPI.
Saskatchewan	\$13.00	Oct 1, 2022	To be increased to \$14.00 on Oct. 1, 2023; and to \$15.00 on Oct. 1, 2024. Rate indexed to a combination of average hourly wage changes and Consumer Price Index (CPI) changes, increased to \$11.32 on Oct. 1, 2019.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: September 26, 2022

Minister Responsible: Harry Bains

ESB complaints backlog

ADVICE AND RECOMMENDED RESPONSE:

- **When workers and employers need advice and support, the Employment Standards Branch is available to help.**
- **I am committed to ensuring that workers and employers have access to the Employment Standards Branch when they need it.**
- **In 2019, we began modernizing the Employment Standards Branch to make it easier for people to access the branch's services, because over the previous 16 years the system was difficult to use.**
- **We've helped by removing barriers, hiring more staff and establishing a multi-lingual service for our information line.**
- **These changes have made a remarkable difference:**
 - **In 2016 the ESB provided advice to approximately 85,700 people.**
 - **By 2021, that number grew to 122,000 people.**
 - **And the Branch's capacity continues to increase.**
- **We hired 27 temporary staff in the spring of 2022 to improve the time it takes to complete files, and we are continuing to recruit more staff.**
- **We know it is vital to workers to have their complaints resolved in a timely manner and it is important to provide certainty for employers.**
- **Despite the challenging climate for recruitment and retention, staffing at the Branch increased from 96 positions in 2017, to 169 as of April 2022.**

- **We have made progress and are actively working to process all outstanding complaints.**

Increased volume messaging:

- **We are delivering services people need, and when we made access to the Branch easier, it also meant our incoming volume of cases increased.**
- **Uncertainty about worker rights and employer obligations during the pandemic created an additional surge in new files.**
- **We know it is vital to provide advice in a timely manner.**
- **We completed a business modernization project to improve accessibility, streamline services and better support workers and employers.**
- **In 2021, the Employment Standards Branch provided advice to more than 122,000 workers and employers in multiple languages and successfully resolved thousands of complaints.**
- **In 2021, the Branch received 6,215 complaints, compared to 4,260 complaints in 2016.**
- **We are supporting people faster by triaging simpler cases so they can be resolved quickly.**

ADVICE TO MINISTER

KEY FACTS:

Since 2019, the Employment Standards Branch has seen a rise in the number of complaints coming in from workers who feel their employers have infringed upon their rights under B.C.'s labour laws.

The COVID-19 pandemic has created a heightened level of uncertainty about worker rights and employer obligations, resulting in a further increase in complaints.

Starting February 8, 2021, the Branch's dedicated backlog team began contacting workers who have a file in the backlog to obtain information to get each file ready to be processed as soon as an officer is available. A file that is ready and complete for an officer will significantly speed processing times from that point and will notify workers that we are working on processing their overdue files. All workers with a complaint in the backlog at that time have now been contacted.

Changes to the Branch's complaint-handling process initiated in 2019 eliminated barriers to accessing the complaint process and led to an increase in the volume of complaints filed with the Branch. These changes included:

- Eliminating the requirement for workers to use a "self-help kit" before filing a complaint about an issue with their employer.
- Increasing the time that unpaid wages that can be recovered from six to 12 months.
- An increase in complaints as a result of these policy changes was anticipated. To improve the accessibility of branch services, government increased funding to the Employment Standards Branch in Budget 2019 by \$14 million over three years.
- As part of this work, the Branch retained a process design expert to review the complaints model and recommend efficiencies.
- About three dozen additional staff were hired to handle complaints and investigations and the Branch adopted new intake and triage processes to better manage complaints.

Government Financial Information

Government Financial Information There are a number of job postings in progress which will help add to these numbers.

On April 13, 2022, the BC Employment Standards Coalition issued a report – Justice Denied: The Systemic Failure to Enforce BC Employment Standards – critical of the complaints process and the length of time it takes for a complaint to be processed.

In calendar year 2021, the Employment Standards Branch received 6,215 complaints and closed 6,169 complaints. For the 2021/2022 fiscal year, ESB forecasted resolving 51% of complaints within 180 days (final numbers are not available yet). As well, the Branch provided advice to more than 90,000 workers and employers in more than 140 languages.

The Employment Standards Branch processes and adjudicates complaints involving unpaid wages, unpaid overtime, statutory holiday pay, unjust layoffs and terminations, and a range of other workplace concerns that fall under the Employment Standards Act.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: October 19, 2022

Minister Responsible: Harry Bains

Gig Workers/ Precarious Work

ADVICE AND RECOMMENDED RESPONSE:

- **B.C.'s employment laws should reflect the needs of modern workplaces, both for workers and businesses.**
- **The economy and workforce have changed dramatically over the past few decades, and we've seen the growth of the gig economy.**
- **The misclassification of workers has become a challenge for new types of work arrangements.**
- **While some workers may be true independent contractors not covered by the Employment Standards Act, others are wrongly denied minimum employment standards by their employer when in fact they are legally entitled to them.**
- **Parliamentary Secretary Adam Walker is launching an engagement to inform the development of a strategy to address challenges of precarious work arrangements.**
- **The engagement will hear perspectives from ride hail and food delivery workers, companies, industry experts and academics, First Nations and Indigenous partners.**
 - **The engagement begins this October with meetings with employers and industry experts, First Nations and Indigenous partners, followed by in-person roundtable meetings with workers in early November.**
 - **There will also be an opportunity for workers to provide their input through an online survey in the coming weeks.**
 - **The goal is to gather information and worker experiences to inform potential changes to employment standards for app-based ride-hail and food delivery workers.**

Additional messaging:

- Gig work includes flexible and/or temporary jobs that can be an innovative option for workers who value the supplemental income, and independence, but they can also bring some challenges.
- Here in B.C., most workers are eligible for the employment benefits and protections established by the Employment Standards Act, such as minimum wage, overtime pay, statutory holidays and vacation.
- The final strategy will propose employment standards targeted for food delivery and ride hailing workers to address precarious work arrangements. PS Walker is also mandated to explore the feasibility of benefit and pension plans for workers who do not otherwise have coverage.

If asked: Is B.C. considering adapting the ABC test for worker classification?

- We are currently gathering input from relevant workers and organizations to help us evaluate potential changes like how to classify app-based food delivery and ride hail drivers with these workers as the first priority.
- Currently, workers with questions around how the Employment Standards Act applies to them or their employment can contact the Employment Standards Branch.
- Calling a person an independent contractor, even if the worker agrees, does not decide the issue. The Employment Standards Branch makes the determination based on the requirements of the Act.
- Individuals who work in the gig economy and employers who hire these individuals can also contact WorkSafeBC's Employer Service Centre if they have questions or concerns about their workplace status in the context of the workers' compensation system.

If asked: What actions has government taken in recent years to protect workers in the gig economy?

- B.C. government has taken a number of regulatory steps that benefit precarious and gig workers, now and beyond the pandemic.

ADVICE TO MINISTER

- **These include:**
 - **Placing a cap on fees charged to restaurants from food delivery companies to 15%, with the requirement that these companies must not reduce the compensation for their delivery couriers.**
 - **The appointment of the Fair Wages Commission and resulting minimum wage increases, including eliminating the discriminatory lower liquor server wage on June 1, 2021.**
 - **The creation and implementation of the Temporary Foreign Worker Protection Act, which includes a registry for both recruiters and employers of these vulnerable workers.**
 - **Changes to the Labour Relations Code to reintroduce single-step certification, which makes collective bargaining more accessible and protects workers who want more say about workplace safety, compensation and benefits.**

If asked: Are you trying to drive Uber and other ride-hailing companies out of this market?

- **Our government brought ride hailing to B.C. in 2019. We welcome the services and employment opportunities that companies like Uber, Lyft and others provide to British Columbians.**
- **With that said, it is my intention that BC's employment laws are properly applied to all workers in the province – especially those who engage in work in the gig economy.**
- **As a government, we also believe in the rights of all workers to unionize if they so choose to, and this is lawful under the Labour Relations Code.**
- **I'm aware that UFCW's national organization and Uber Canada have reached a deal to provide workers with dispute representation resources, but this is not formal unionization.**

KEY FACTS:

In recent years, due to the changing economy, increasing prevalence of independent contractors and legislation that has not kept up with these changes, calls for government to strengthen the protections available to workers under B.C.'s Employment Standards Act have been growing louder.

As part of the Minister's mandate, Parliamentary Secretary for the New Economy Adam Walker will develop a precarious work strategy.

In May 2020, a Statistics Canada report estimated about 1 in 10 Canadians in the work force (1.7 million people) are gig workers. About half of those workers do gig work to supplement wages from other work.

In B.C., workers who are employees according to the definitions contained in the Act are eligible for the benefits and protections offered by the Act, such as overtime pay, statutory holidays, mandatory meal breaks, vacations and vacation pay and job-protected leaves. However, there are many independent workers – sometimes referred to as “gig” workers – who are considered contractors and therefore not eligible for the benefits and protections offered by the Act.

The application of the Act to workers depends on their circumstances and whether the workers meet the definition of employee under the Act. The Employment Standards Branch is the decision-making body if there is a question or dispute about a worker's employment status.

With the approval of licences for ride-hailing companies such as Uber and Lyft, worker classification (contractor or employee) and benefits for ride-hailing drivers have received the most public attention over the past year. However, gig workers exist in many economic sectors, for example: administrative and support services, cleaners, tour operators, retail trade, cooks, domestic workers and caregivers.

In general, organized labour representatives (like the BC Federation of Labour) support strengthening the Employment Standards Act to improve conditions for gig workers. However, some business owners are opposed to providing employment benefits, as this would increase their operating costs.

In March 2022, the Ontario government announced new rules to force gig economy companies, including ride-hailing firms like Uber, to provide workers with a \$15-an-hour minimum wage and disclose more about how the apps they use operate. The move entitles "digital platform workers" to the province's \$15/hour minimum wage but only for "active" time, not for periods that workers spend waiting for apps to dispatch them. The new rules also prohibit companies from withholding tips from employees. It received Royal Assent on Monday April 11, 2022.

In December 2021, the European Commission announced a new proposal that would give gig workers in the EU the status and rights of employees, rather than being considered self-employed. All platform workers would be considered employees if two of these five criteria are met:

- The platform determines the pay.
- The platform requires workers to follow rules regarding appearance, conduct toward clients or performance of the work.
- The platform uses electronic means to supervise and assess job performance.
- The platform restricts work times or the freedom to turn the app off.
- The platform requires exclusivity or noncompetition.

If reclassified as employees, EU gig workers would gain the right to a minimum wage (where it exists), safety protections, paid leave, and unemployment benefits. Companies can challenge this reclassification, but the legal burden of proving that there is no employment relationship rests on them. The proposal would also allow all platform workers to collectively negotiate their salaries and other terms.

Ride Hailing:

The established taxi industry generally supports extending ESA protections to ride-hailing services, which would otherwise have a competitive business advantage, while the ride-hailing industry generally

ADVICE TO MINISTER

wants to continue treating its drivers as contractors. If drivers are considered employees, the companies would need to pay the employer portion of the Canada Pension Plan and employment insurance premiums, among other benefits. The determination depends in part on how the taxi or ride-hailing company in question is structured.

On Jan. 27, 2022, UFCW and Uber Canada announced a deal that will provide representation to Canadian drivers and couriers, but does not unionize workers. The partnership allows UFCW Canada to provide representation to about 100,000 Canadian drivers and couriers, if requested by the workers, when they are facing account deactivations and other disputes with Uber. Workers will not be charged for the representation, which will be jointly covered by Uber and UFCW Canada. As part of UFCW Canada's agreement with Uber, both groups will work to encourage provinces to mandate policies providing gig workers with new benefits and other rights. Uber and UFCW also agreed to press the provincial government to give workers more benefits, a major development as "gig workers" fight for companies such as Uber to recognize them as employees entitled to benefits.

Several legal actions have been undertaken in other jurisdictions to determine whether drivers are employees or not, with mixed outcomes. The Employment Standards Branch issued a decision in March 2018 involving three drivers of a taxi company and whether they were employees or independent contractors. In that case, the Branch found that they were employees. That decision was appealed by the taxi company, based on the complex corporate structure behind how taxis are operated and owned. The Employment Standards Tribunal ruled against the taxi company.

There was a class action suit in Ontario where holding an employer accountable is made more difficult because they're located out-of-country (Netherlands), and in situations like the U.S. where drivers are struggling to unionize. Several similar lawsuits have been launched in other jurisdictions. In the 2020 U.S. election, California voters approved Proposition 22, which allows gig economy companies to continue to treat drivers as independent contractors and provides for the extension to gig workers of some but not all the protections available to full-time employees. However, courts in California have recently thrown out Proposition 22 as having violated the state's constitution. As well, on Oct. 11, 2022, the Biden administration proposed a new labour rule that will require workers to be considered employees, entitled to more legal protections, when they are "economically dependent" on a company.

Media Interest: There has been significant major media interest in ride hailing, including employment standards and protections for drivers. Alex Nguyen with The Tyee wrote about gig workers in 2021. There has been significant major media interest in ride hailing, including employment standards and protections for drivers. There was significant coverage in Jan. 2022 of the agreement struck between Uber Canada and UFCW from Global, CTV, Financial Post and others.

ADVICE TO MINISTER

**CONFIDENTIAL
ISSUES NOTE**

Ministry: Labour
Date: Oct. 20, 2022
Minister Responsible: Harry Bains

Workers' Compensation System Improvements

ADVICE AND RECOMMENDED RESPONSE:

- Our workers deserve safe workplaces and a fair workers' compensation system, and I'm determined to make this happen.
- We are making further changes to the Workers Compensation Act to improve the workers' compensation system and make it more worker-centric.
- A worker-centric system means workers are treated fairly through the difficult process of injury recovery. Workers deserve to be restored to their previous employment status after suffering a workplace injury.
- People rely on the system during difficult times and these changes will give workers who become injured on the job better supports when they need it most.

If asked: You stated in December 2021 that you planned to make further amendments to the *Workers Compensation Act*. What is the status of those changes, including the remaining recommendations from Janet Patterson's report?

- The Patterson report included over 100 recommendations. Many of the recommendations have already been implemented and ministry staff and WorkSafeBC are actively reviewing the remaining recommendations to determine how they can be addressed.
- Government and WorkSafeBC continue to examine further opportunities to improve the workers' compensation system. That work is progressing.
- I look forward to sharing more information on that in the near future.

If asked: What previous improvements have you made to the workers compensation system?

- We have been making improvements to the system since 2018, to enhance programs and services for injured workers.
- Significant changes have been made to the workers' compensation system in recent years to improve programs and services for injured workers in B.C.
- In 2020, we passed Bill 23 which made significant improvements to the Workers Compensation Act. As a result, services to workers are faster, more equitable and easier to access.
- The legislation strengthened worker safety and improved support for injured workers and their families while keeping the premiums paid by employers stable.
- The changes were informed by several expert reports commissioned by government and WorkSafeBC.
 - Their recommendations helped guide a series of actions taken since 2018 to expand protections for workers, increase penalties for non-compliant employers, and encourage employers to invest in safety.
- People rely on the workers' compensation system during difficult times and these changes give workers who become injured on the job better supports when they need it most.

If asked: How is WorkSafeBC protecting workers?

- To better protect workers from risks on the job, it's crucial that employers that do not comply with health and safety requirements face serious consequences.
- WorkSafeBC has hired more prevention and investigations officers, and is stepping up inspections and issuing more citations, fines and penalties to increase compliance.
- WorkSafeBC's sustained focus on compliance is increasing pressure on non-compliant employers and promoting a workplace culture across the province that values the safety and health of workers over profit.

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KEY FACTS:

On Nov. 3, 2022, the ministry will announce further amendments to the Workers Compensation Act to make it more worker-centric. Including:

- Establish an effective Fair Practices Commissioner (FPC) within WorkSafeBC.
- Add a legal duty for employers to accommodate and re-employ injured workers when they are ready to return.
- Expand access to independent health professionals to assist in deciding an appeal.
- Require WorkSafeBC to pay interest on delayed benefit payments owed to the worker as a result of a review or appeal decision.
- Establish explicit provisions to prohibit employers from suppressing workers' compensation claims.
- Improve the annual indexing of workers' compensation benefits for inflation eliminating the automatic one percent reduction from CPI that has been in place since 2002.
- Permit WorkSafeBC to increase the maximum compensation for non-traumatic hearing loss.

In August 2020, government passed Bill 23 which made amendments to the Workers' Compensation Act. The last comprehensive review of the workers' compensation system was in 2002, with substantive changes to the Act subsequently being made.

The changes in Bill 23 were designed to better support to injured workers and their families and enhance WorkSafeBC's ability to investigate workplace incidents, while also keeping premiums low.

The changes focused on improving supports for injured workers, while also advancing worker safety. Some of the changes include:

- Raising the maximum annual salary amount that workers' compensation benefits are based on.
- Authorizing WorkSafeBC to provide preventative medical treatment before a claim is accepted.
- Giving powers to the court to issue WorkSafeBC search and seizure warrants appropriate for investigating workplace safety infractions.
- Giving people a voice in serious workplace prosecutions and trials using victim impact statements.

The amendments are informed by three expert reviews completed during 2018 and 2019 by Lisa Jean Helps, Paul Petrie and Terry Bogyo. Industry expert Jeff Parr then conducted consultations on potential amendments identified in these three reviews and made recommendations. Parr's recommendations, and subsequently these legislative changes, also considered workers' compensation systems in other Canadian jurisdictions and possible effects on future employer premium rates.

In April 2019, the Ministry of Labour launched a review of the workers' compensation system, led by retired labour lawyer Janet Patterson. The focus of the review was to increase the confidence of workers and employers by assessing how the system can be improved to be more worker-centred, with a focus on modernizing WorkSafeBC's delivery model, return-to-work practices and case management processes. It also analyzed WorkSafeBC's policies and practices through a gender- and diversity-based lens.

On Aug. 26, 2020, the Ministry of Labour publicly released Janet Patterson's report, *New Directions: Report of the Workers' Compensation Board Review, 2019*. The report was submitted

to the Ministry on Oct. 31, 2019, and includes an addendum provided by Ms. Patterson in August 2020.

The report includes 102 recommendations and took a broad view of its mandate by arguing that significant system-wide and structural changes are required to drive the cultural changes that are required to accomplish worker-centric service delivery – one of the review objectives set out in the Terms of Reference.

Of the 102 recommendations, about 60 are for operational and process changes within WorkSafeBC and about 40 of the recommendations would require amendments to the Workers Compensation Act.

Media interest: Significant media coverage, much of it related to the withdrawal of the business coalition from the process. On June 6, 2022, the Tyee published an article: BC's Stalled Action for Injured Workers, in which Janet Patterson says she's "dismayed that the provincial government has failed to do more to improve the system". On Oct. 21, 2021, Business in Vancouver published a column by Business Council of BC economists about WorkSafeBC. Authored by Jock Finlayson and Ken Peacock, the article discusses the Patterson review, arguing that, if implemented, it could have significant cost implications for B.C. employers and upend the balance that exists in the system. There has been some media interest in the report's release including Les Leyne, Victoria Times Colonist and Andrew MacLeod, the Tyee.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: August 31, 2022

Minister Responsible: Harry Bains

Forest Industry Successorship

Advice and Recommended Response:

- Our government is committed to supporting B.C.'s economic recovery and ensuring the long-term stability of jobs in the forest sector.
- Here in B.C., timber harvesting rights can be transferred from one entity to another. In some cases, this can result in workers losing years of earned job seniority, wages and benefits.
- Changes to the Labour Relations Code were made in 2019 to ensure jobs are protected when contracts for certain services are re-tendered.
 - However, the same protections do not exist when timber harvesting rights are transferred, unless there is a sale or transfer of an actual business.
- In November 2021, Minister Bains asked appointed Vince Ready and Amanda Rogers as an independent to form an Industry Inquiry Commission under the Labour Relations Code to look into ways to strengthen successorship protections for the forest sector.
- We have received their report. At this point, government has not made any decisions on implementing the report's recommendations. Decisions will be guided by engagements with parties that could potentially be impacted. This work is underway.

KEY FACTS:

On July 28, the Province released the report and recommendations from the Industrial Inquiry Commission (IIC) on Forest Industry Successorship, lead by Vince Ready and Amanda Rogers. It was accompanied by an information bulletin explaining the report's findings and government's objectives for successorship. The ministry is engaging directly with First Nations that are involved in forestry, and are seeking input from unions and employers in the forest sector. This feedback will help government decide next steps.

In Nov. 2021, government appointed an IIC under the Labour Relations Code to recommend ways to protect workers' bargaining rights when contract tendering/re-tendering and the transfer of timber harvesting rights fall outside of Section 35 of the *Labour Relations Code*. Section 35 ensures that the collective bargaining rights of employees are protected when a business or part of it is sold, leased, transferred, or otherwise disposed of.

Minister Bains appointed Vince Ready and Amanda Rogers to form the commission. Ready has nearly 40 years' experience in arbitration and mediation in numerous sectors. Rogers is an arbitrator, mediator and lawyer specializing in workplace conflict resolution. Both were appointed as special mediators in the coastal forestry labour dispute between Western Forest Products (WFP) and United Steelworkers (USW) Local 1-1937 in 2020.

In February 2018, Minister Bains appointed a panel of special advisors – Michael Fleming, Sandra Banister and Barry Dong – to review the *Labour Relations Code* to ensure B.C.'s unionized workplaces are supported by fair laws for workers and businesses that are consistent with the labour rights and protections enjoyed by other Canadians.

The panel held public and stakeholder consultations around the province and undertook extensive research. The panel submitted their final report – *Recommendations for Amendments to the Labour Relations Code* – on Aug. 31, 2018.

Among the many issues examined, the panel heard concerns that forestry has become a precarious industry where contracts are often re-tendered, resulting in workers losing years of earned job seniority, wages and benefits.

The panel identified this successorship issue and recommended that further consultation, study and analysis in the sector – specifically with forest companies and experts – is needed. The panel recommended that an IIC be appointed to review the forest industry.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development's intentions paper: *Modernizing Forest Policy in B.C.: Setting the Intention and Leading the Forest Sector* also set forth the important goal of protecting good jobs in a sector that has been hit hard over the past several years.

Media Interest: One recent inquiry from CBC.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Labour

Date: Oct 20, 2022

Minister Responsible: Harry Bains

WorkSafeBC Rates 2023 – Increase for Restaurants & Bars

Note: the 2023 preliminary rates will be made final Oct. 26

Advice and Recommended Response:

- **British Columbians made sacrifices to comply with public health orders during the pandemic, and this includes the difficult adjustments made by restaurants and bars.**
- **I recognize that restaurants and bars are currently dealing with inflation and labour shortages, and that the increase to their WorkSafeBC rates for 2023 is not a change employers asked for.**
- **We understand the challenges, but at the same time, WorkSafeBC needs to ensure that rate changes reflect changes in the claims costs.**
 - **This provides an opportunity for employers to look into why their claims have increased and figure out how to lower their rates for next year.**
 - **Declining claim costs result in a lower base rate, whereas higher claim costs will see an increase in their rate.**
 - **WorkSafeBC recently noted the prevalence of injuries from slips, trips and falls in restaurants, bars and pubs, which accounted for one-quarter of all injuries in recent years.**
- **While the 2023 average base rate for B.C. employers remained the same as in 2022, each year the costs in some industries go up, some go down and others stay the same.**
- **In the classification units representing restaurants and bars, we have seen increasing claim costs, resulting in a higher base rate for 2023.**
- **It is important to note that restaurants and bars have been paying base rates that are lower than the actual claim costs for over a decade. This has been possible because WorkSafeBC has been using its surplus funds to discount rates for employers.**

If asked: What exactly is the increase restaurants and bars will be seeing in 2023?

- They will be seeing a 20% increase in their base rate premiums, which is directly related to the increase in claims costs in these workplaces.
- For example – the annual premium increase for a small restaurant with 10 minimum-wage workers, would be an additional \$520 in 2023. Employers can choose to pay their premium annually or quarterly.

If asked: The CFIB and other advocacy groups like Restaurants Canada are pushing governments to return excess funds to businesses. Why won't Government direct WorkSafeBC to use the surplus to reduce base rates or provide rebates to help employers?

- WorkSafeBC has been returning surplus funds to employers by discounting its base premium rate below the cost of claims for many years now:
 - Between 2019 and 2023, WorkSafeBC projects that 1.6 billion dollars of surplus will have been used to discount rates for employers.
 - This discount is possible because of WorkSafeBC's strong financial position.
- Decisions about the surplus are the responsibility of WorkSafeBC's Board of Directors in accordance with the *Workers Compensation Act*.
- WorkSafeBC's average base rate for 2023 has been approved by the Board of Directors as 1.55% of employers' assessable payroll, the same rate since 2018.

Advice/Recommendations

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- While WorkSafeBC has acquired a surplus in recent years due to high investment returns, it cautions it cannot assume investment returns will exceed their required minimum returns every year.

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KEY FACTS:

Restaurants and bars will likely see an 20% increase in their base rate WorkSafeBC premiums in 2023. The rates will be voted on at the Board of Directors meeting on October 26th. The new rates will take effect Jan. 1, 2023.

Restaurants Canada's annual report was covered by the CBC and Daily Hive on Sept.15, 2022. The report notes that restaurants are struggling with debts incurred by pandemic closures (85% of restaurants took on new debt), labour shortages, high food costs (and other inflationary pressures) and low profitability.

An August 2022 news release from WorkSafeBC recently reminded employers in restaurants, bars and pubs about the prevalence of slips, trips and falls. In a news release, WorkSafeBC stated that slips, trips, and falls accounted for approximately 25 percent of all injury claims in restaurants, bars, and pubs. In addition, in restaurants, bars, and pubs, slips, trips, and falls are the costliest workplace incidents. Pain and suffering, disability, stress, and even a loss or change of employment can result.

Injuries from slips, trips, and falls can be financially distressing for restaurants, bars and pubs. Between 2017 and 2021, these injuries cost the industry more than \$20 million in workers' compensation claim costs. Direct costs can include claim payments, increased insurance premiums and fines.

Currently, WorkSafeBC's excess surplus at the end of 2021 was approximately \$3.5 billion, and a funding level of 155%. Even with volatile markets (due to the COVID-19 pandemic etc.), the funded position has consistently had a surplus exceeding WorkSafeBC's target funding level of no less than 130%. In 2021, for example, WorkSafeBC's portfolio return was 12.7% (net of fees), exceeding WorkSafeBC's target minimum rate of return of 7.1%.

The preliminary average base rate for 2023 will remain unchanged at 1.55% of employers' assessable payroll.

Advice/Recommendations

Advice/Recommendations

Premium rate changes are driven by injury rates, return-to-work performance, the resulting cost of claims, and investment performance relative to required rates of return.

Base rates and surplus (Updated data coming in early 2023):

2018	2019	2020	2021	2022
Average base premium rate: 1.55%	Average base premium rate: 1.55%	Average base premium rate: 1.55%	Average base premium rate: 1.55%	Average base premium rate: 1.55%
Average cost rate: 1.67%	Average cost rate: 1.68%	Average cost rate: 1.67% (projected)	Average cost rate: 1.84% (projected)	Average cost rate: 1.76% (projected)
26% of employers had an increase	46% of employers had an increase	45% of employers had an increase	43% of employers had an increase	23% of employers to see an increase
Surplus at \$2.9B (as of Dec. 31, 2018)	Surplus at \$3.0B (as of Dec. 31, 2019)	Surplus at \$3.0B (as of Dec. 31, 2020)	Surplus at \$3.5B (as of Dec. 31, 2021)	TBD
Assets over liabilities (smooth basis): 155% (target is 130%)	Assets over liabilities (smooth basis): 152% (target is 130%)	Assets over liabilities (smooth basis): 153%	Estimated at 155% (target is 130%)	TBD
Claims costs: \$1.9B	Claims costs: \$2.7B (includes \$486M adjustment due to discount rate change)	Claim costs: \$2.2B	Claim costs: \$3.2B (due to a combination of increased payments and changes in liability valuations)	TBD
Injury rate: 2.19 per 100 workers	Injury rate: 2.19 per 100 workers	Injury rate: 2.14 per 100 workers	Injury rate (preliminary): 2.21 per 100 workers	TBD

Media Interest: no coverage of the 2023 rates for restaurants and bars yet

**CONFIDENTIAL
ISSUES NOTE**

Ministry of Labour

Date: October 18, 2022

Minister Responsible: Harry Bains

Living Wage Report – 2022

Advice and Recommended Response:

- **B.C. has the highest minimum wage of any province, and we're going to keep building an economy that works for everyone.**
- **Our commitment was to bring the minimum wage up to \$15 and then tie future minimum wage increases to the rate of inflation.**
- **Since 2017, the minimum wage has risen from \$11.35 to \$15.65 – an increase of over 37 per cent.**
- **The living wage varies from community to community, whereas the minimum wage is a standard for the entire province.**
- **There are many factors that contribute to a living wage and affordability in each community – such as housing and child care.**
- **We certainly want to close the gap between the minimum wage and a living wage.**

Additional messaging:

- **We also know that many employers have voluntarily moved to paying a living wage as part of a plan to attract and retain talent and that is great news.**
 - **Living Wage for Families BC certifies employers that pay a living wage to their staff and contractors.**
 - **They currently list about 300 living wage-employers in the province.**
 - **As well, the agency advocates for complementary**

government policies that help families make ends meet.

If asked: Do you support the minimum wage being the same as the living wage?

- **We know that the living wage differs significantly from one community to another, so a province-wide model would not be feasible.**
- **Gradual, incremental minimum wage increases ensure that businesses don't have to take on large, unmanageable increases – better supporting their economic recovery.**

If asked: What about the Fair Wages Commission report? Where is that at?

- **The Fair Wages Commission is working on the third and final part of its mandate — to examine the gap between living wages and the minimum wage in B.C. We expect to receive it shortly.**
- **Rapid increases to the cost of living have changed the formula for the living wage and may have presented new challenges for the Fair Wages Commission.**
- **This review is an important step in making life more affordable for people struggling to make ends meet.**

KEY FACTS:

Each year, **Living Wage for Families BC** calculates the living wage for several communities across B.C. and releases a report. The 2022 report is expected to be released in early November 2022.

A living wage is defined as the hourly rate at which a household can meet its basic needs based on the actual costs of living in a specific community. A living wage is different than a minimum wage, which is the legislated minimum set by the provincial government.

In their most recent (2021) report:

Living Wage examples for 2021	Previous Living Wage examples
<ul style="list-style-type: none">• \$20.52 in Vancouver• \$20.46 in Victoria• \$18.49 in Kelowna• \$16.33 in Nanaimo	<ul style="list-style-type: none">• 2017 Vancouver \$20.62• 2018 Vancouver \$20.91• 2019 Vancouver \$19.50• 2021 Vancouver \$20.52

FAIR WAGES COMMISSION

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

The Fair Wages Commission is currently reviewing the gap between living wages and the minimum wage in B.C. communities, with the final report expected in the Fall 2022. This will fulfil the third phase of its mandate.

This is the first time government has done a comprehensive review of living wages in B.C.

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<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Labour Date: Sept. 13, 2022 Minister Responsible: Harry Bains</p>	<h1>Asbestos Regulations</h1>
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Advice and Recommended Response:

- Since the year 2000, more workers have died from asbestos-related occupational diseases in B.C. than any other workplace injury or illness.
- Our top priority is ensuring our province's workers are safe on the job, including doing more to keep people and our environment safe from the deadly consequences of exposure to asbestos.
- To improve workplace health and safety, we have passed amendments to the Workers Compensation Act that:
 - Establish a licensing requirement for asbestos abatement contractors, and
 - Bring about a requirement that asbestos abatement workers complete mandatory asbestos safety training.
- WorkSafeBC is working with stakeholders and industry to design the details of the programs.
- WorkSafe will ensure this transition is as smooth as possible for contractors and workers, while ensuring they meet the important standards that will save lives.
- When combined with WorkSafeBC's existing regulations and programs, this legislation will ensure that work is performed safely and in accordance with the law.
- While other provinces have taken steps to improve the safe handling of asbestos, B.C. is the first jurisdiction in Canada to implement a licensing requirement.

LATEST UPDATE:

On July 26, 2022, WorkSafeBC notified stakeholders they had begun work on developing certification and licensing standards, framework, and governance. As an initial step in their process, WorkSafeBC conducted a series of job analysis sessions in April and May 2022, which were attended by workers, employers, consultants, and trainers who have occupational experience with asbestos abatement. These sessions were moderated by an independent, expert facilitator and were intended to help develop, describe, and validate the knowledge, skills, and abilities required by workers to safely perform asbestos abatement work.

Worker and employer representatives from the asbestos abatement industry continue to provide feedback on the knowledge and skills required for asbestos abatement workers. We are currently compiling a report on the job analysis feedback and will verify the findings with participants from the job analysis sessions. As part of standard business practices, the stream of work for regulation development is targeted to begin by Fall 2022.

Advice/Recommendations

KEY FACTS:

The Cross-Ministry Asbestos Working Group has developed an Action Plan that lays out strategies and initiatives the British Columbia government and its agencies could undertake to further protect people and the environment from the dangers of asbestos.

To support the action plan, on Feb. 16, 2022, the ministry introduced amendments to the Workers Compensation Act (Bill 5 - Workers Compensation Amendment Act, 2022) that establish a licensing requirement for asbestos abatement contractors, along with a requirement that asbestos abatement workers and others complete mandatory asbestos safety training. The legislation received Royal Assent on March 10, 2022.

Between January 11 and February 11, 2022, workers, employers, contractors and other British Columbian were invited through the EngageBC website to provide input on the new licensing and safety training requirements proposed by this legislation. Respondents indicated overwhelming support for both licensing and certified training – close to 95% of the respondents supported both.

Concerns that were raised included how certification should apply for people who are already trained and experienced in safe asbestos abatement work, the impact of these new programs on employers' WorkSafeBC premiums, and protections for homeowners who are not covered by the proposed legislation.

WorkSafeBC and asbestos:

Diseases caused by exposure to asbestos remain the top cause of workplace death in B.C. More than half of all work-related fatalities are from occupational diseases, of which the majority are from exposure to asbestos. Of the 151 work-related deaths in 2020, 88 deaths were related to occupational disease. Asbestos exposure was the contributing factor in 51 work-related deaths in 2020, accounting for 57% of all occupational disease deaths and 34% of all accepted death claims in the year.

In 2020, WorkSafeBC prevention officers conducted 2,940 initiating inspections of residential and commercial sites with a focus on asbestos. Of those, 902 inspections resulted in asbestos-related orders, and 2,038 inspections involved discussing asbestos-related issues with the employer. Prevention officers issued 1,492 asbestos-related orders and imposed 85 asbestos related penalties. In 2020, WorkSafeBC prevention officers participated in a residential demolition and abatement inspection initiative of older

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wood-framed residential houses and apartments to ensure that asbestos regulations were being followed. This initiative has resulted in 1,287 inspections, 1,656 orders, and 227 stop-work orders related to improper asbestos handling and removal.

Since 2016, WorkSafeBC has run awareness campaigns for homeowners and contractors on the importance of keeping workers safe from asbestos exposure and the regulatory requirements for contractors to handle and dispose of asbestos. The website thinkasbestos.com offers information to homeowners and others engaged in home renovation/demolition of a pre-1990's home. WorkSafeBC launched its 2019 awareness campaign on Sept. 25.

Media Interest: Relatively light. Most recently, Vic News ran a piece on Sept 23, 2021 about asbestos remediation at a home demolition site and the inherent risks of asbestos exposure. It noted that WorkSafeBC had inspected the site and issued orders to the property owners. Past media coverage includes the Vancouver Sun/Province, Surrey Now Leader, and reporter Alex McKeen with the StarMetro. Journal of Commerce, construction and Occupational Health and Safety publications also have covered. WorkSafeBC continues to receive the occasional media inquiry as well.

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