

Ministry of Labour

Ministry Transition Binder

October 2024

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MINISTRY PROFILE

Ministry: 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:

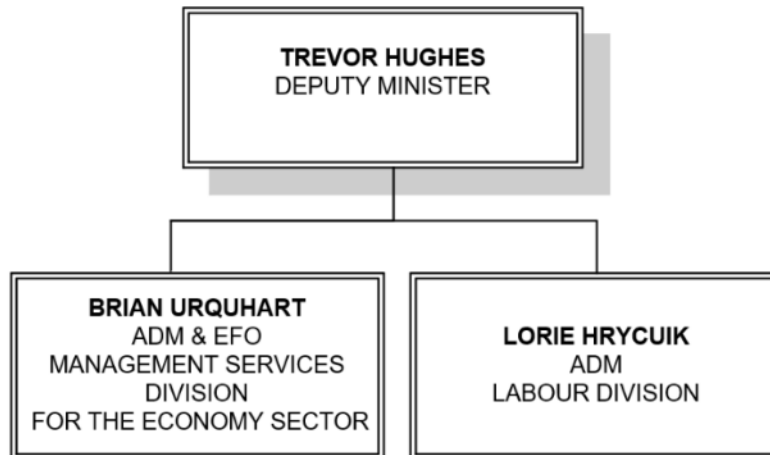
The Ministry has overall responsibility for British Columbia’s labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, the *Workers Compensation Act* and the *Temporary Foreign Worker Protection Act* – and for the effective administration and enforcement 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 (BTR) is part of a suite of forestry industry supports announced by the Province in November 2021 to support forestry workers and communities impacted by old growth deferral decisions, fibre shortages and pauses in BC Timber sales across the province. BTR, in its third and final year of funding, provides support to B.C. forestry mill workers, forestry-dependent contractors and their employees 55 years old and older, to transition to retirement, creating opportunities for junior workers.

Full Time Equivalents (FTEs): As of June 30, 2024, the Ministry’s average FTE count was 406.29.

Executive Organizational Chart:



Budget:
Financial Summary

(\$000s)	2023/24	2024/25	2025/26	2026/27
	Restated Estimates	Estimates	Plan	Plan
Operating Expenses				
Labour Programs	19,618	23,322	23,322	23,322
Executive and Support Services	1,871	2,085	2,085	2,085
Total	21,489	25,407	25,407	25,407
Capital Expenditures				
Labour Programs	3	3	3	3
Total	3	3	3	3

EXECUTIVE MEMBER BIOGRAPHY



Name: Trevor Hughes

Title: Deputy Minister

Ministry: Ministry of Labour

Biography:

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



Name: Lorie Hrycuik
Title: Assistant Deputy Minister
Ministry: Ministry of Labour

Biography:

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 been in the public service for 17 years. Before joining the Ministry of Labour, Lorie was the Executive Lead in the Ministry of Forests in 2021. In 2019, she was the Executive Lead of Population and Public Health in the Ministry of Health. Prior to this, Lorie has advanced policy, legislation and program development and supported operations implementation in the ministries of Agriculture and in Health.

EXECUTIVE MEMBER BIOGRAPHY



Name: Brian Urquhart

Title: Assistant Deputy Minister and Executive Financial Officer

Ministries: Ministry of Jobs, Economic Development and Innovation
Ministry of Labour

Biography:

Brian Urquhart was appointed Assistant Deputy Minister and Executive Financial Officer for the Ministry of Jobs, Economic Development and Innovation and for the Ministry of Labour in 2023. In his role, Brian provides strategic leadership and oversees the provision of financial, strategic human resources, information management, and planning, performance and communications services.

Brian joined government in 2007, and has since held senior roles in several organizations. Prior to his current role, Brian served as Chief Financial Officer for the Ministry of Jobs, Economic Development and Innovation and the Ministry of Labour for nearly four years, led the financial services team at the Legislative Assembly of BC for five years, and was a Manager of Financial Audit at the Office of the Auditor General of BC. Brian is a Chartered Professional Accountant who has been designated since 2009. Prior to this, he obtained a Bachelor of Business Administration – Accounting Major degree from Camosun College.

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

DM Responsible: Trevor Hughes

Overview of Core Business / Program Area:

The Labour Policy and Legislation Branch (the Branch) provides labour relations and employment law-related information, research, analysis, advice and expertise to the Minister, ministry executive, senior officials and associated boards and agencies. The Branch is responsible for developing legislation and regulations, as well as producing a wide variety of briefing and decision 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 in cross-government initiatives, federal-provincial as well as non-government stakeholder consultations, and monitoring relevant trends, data and legal developments.

In delivering its core services, the Branch:

- Strives to ensure that B.C.'s labour laws and policies reflect the realities of the modern workplace 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: \$2.058M

Full Time Equivalents (FTEs): 9.0 FTEs as of June 30

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

Overview of Core Business / Program Area:

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 FTEs

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
MANAGEMENT SERVICES DIVISION**

ADM Responsible: Brian Urquhart (Ministry of Jobs, Economic Development and Innovation (JEDI) and Ministry of Labour); Kim Horn (Ministry of Tourism, Arts, Culture and Sport (TACS) and Ministry of Municipal Affairs (MUNI))

Overview of Core Business / Program Area:

The Management Services Division provides advice and administers the internal infrastructure, corporate services and systems that supports effective service delivery for the four Economy Sector ministries: MUNI, JEDI; TACS; and Labour. Key areas of responsibility:

- Financial services:
 - Budget management and oversight
 - Financial management/operations
 - Financial reporting
 - Procurement
- Corporate Planning and reporting:
 - Corporate planning and reporting
 - Legislative development and coordination, including coordinating Board appointments
 - Business continuity planning
 - Risk management
 - Records management and Freedom of Information
 - Correspondence for JEDI, TACS and Labour
- Information Technology:
 - IT support and advice
 - Information security and privacy
 - Service Desk/Helpdesk
 - Systems and network infrastructure planning and development
- Strategic Human Resources:
 - HR operations
 - Strategic HR advice/support
 - Workforce and succession planning
 - Organizational design and development
 - Internal communications
 - Facilities

Budget:

Core Business Area	2023/24 Restated Estimates¹	2024/25 Estimates²	2025/26 Planned	2026/27 Planned
Management Services	15,328	16,445	16,445	16,445

¹ For comparative purposes, amounts shown for 2023/24 have been restated to be consistent with the presentation of the 2024/25 Estimates.

² The fiscal 2024/25 Estimates includes \$8.249M from MUNI, \$6.589 from JEDI, \$0.759M from LBR and \$0.848M from TACS.

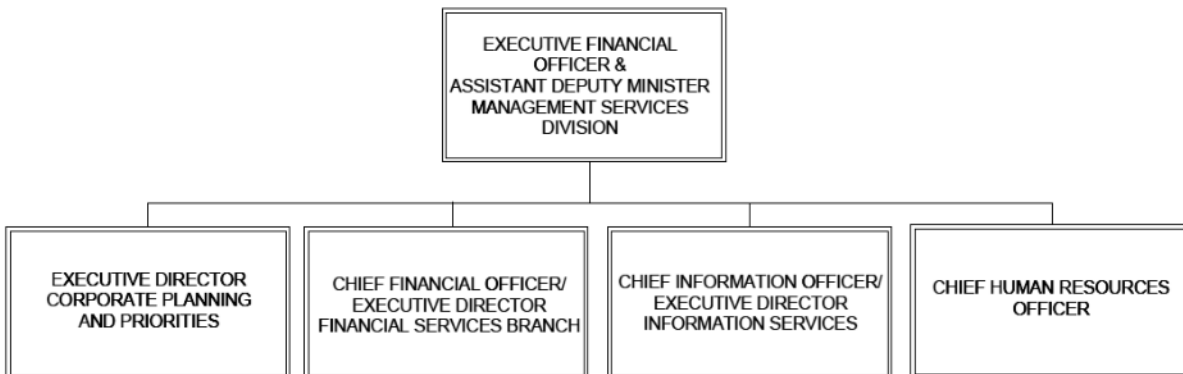
Full Time Equivalents (FTEs):

In this shared services model, FTEs are distributed between JEDI, MUNI and TACS pay-lists. However, staff provide support to program areas in all four Economy Sector Ministries. The below table summarizes JEDI, MUNI and TACS FTEs for FY 2024/25:

Average FTEs as of 30 June 2024 (2024/25 Q1)	
MUNI	81
JEDI	52
TACS	2
Total Economy Sector FTEs	135

Related Legislation: N/A

Organizational Chart:



CORE BUSINESS – BRIDGING TO RETIREMENT PROGRAM

ADM Responsible: Lorie Hrycuik

Overview of Core Business / Program Area:

The Bridging to Retirement Program (BTR) is part of a suite of forestry industry supports announced by the Province in November 2021 to support forestry workers and communities impacted by old growth deferral decisions, fibre shortages and pauses in BC Timber sales across the province.

BTR offers financial assistance to retiring forestry workers and forest dependent contractors in BC that are 55 years and older 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 interested in voluntary retirement require employer approval with the employer agreeing to create a new position for a junior worker. Eligible workers are entitled to receive up to a maximum of \$75,000 in bridging benefits depending upon their age, years of experience, and employer contribution.

BTR is in its third and final year of funding. ^{Advice/Recommendations}
~~Advice/Recommendations~~

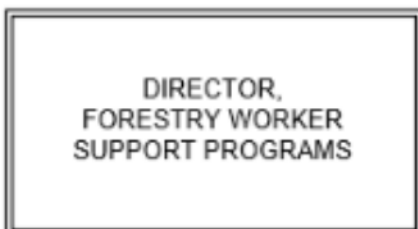
- Advice/Recommendations
- Advice/Recommendations
- BTR anticipates that based on the incoming applications and ongoing interest, ^{Advice/Recommendations}
Advice/Recommendations; Cabinet Confidences

Budget: Contingencies: ^{Cabinet}
~~Confidence~~ This is the last year of funding for this temporary program

Full Time Equivalents (FTEs): 6.10 FTEs as of June 30

Related Legislation: NA

Organizational Chart:



CORE BUSINESS / PROGRAM AREAS / BUSINESS PROCESSES EMPLOYMENT STANDARDS BRANCH

DM Responsible: Trevor Hughes

Overview of Core Business / Program Area:

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 TFWs and facilitates voluntary compliance of the complaints or issues decisions and levies mandatory penalties for contraventions under the ESA (or discretionary penalties under the 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: \$21.263M

Full Time Equivalent (FTEs): 183.51 FTEs as of June 30

Related Legislation:

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

Organizational Chart:



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

ADM Responsible: Lorie Hrycuik

Overview of Core Business / Program Area:

The Employers' Advisers Office (EAO) is established under section 350 of the *Workers Compensation Act (Act)*. The EAO's mandate is to assist employers on matters before WorkSafeBC or the Workers' Compensation Appeal Tribunal (WCAT) 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 expert advice, assistance, representation and education to employers, potential employers, independent operators, sole proprietors, partnerships and employer associations with respect to all aspects of claims, assessments, and occupational health and safety matters.
- Liaises with all levels of WorkSafeBC and the WCAT to identify process or procedural inefficiencies affecting employer files.
- Represents defunct or deregistered employers at the request of the Review Division or WCAT. In these cases, the EAO's role is to assist the decision maker by providing employer perspectives, even if the employer is no longer able to provide submissions on its own behalf. EAO's representation in these instances provides an additional level of integrity in the review/appeal process.
- Engages with WorkSafeBC's Policy, Research and Regulation Division (PRRD) and provides written submissions on proposed changes to policy or regulation highlighting how the proposed changes may impact employers and/or the compensation system overall.

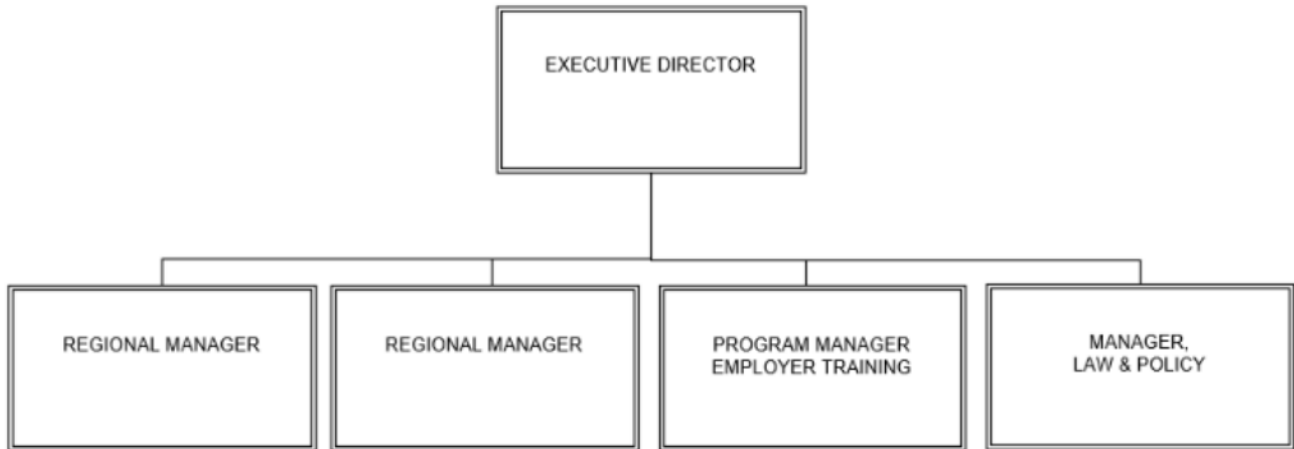
Budget: \$6.429M - fully recoverable. Net \$0 budget.

Full Time Equivalents (FTEs): 39.67 FTEs as of June 30

Related Legislation:

- *Workers Compensation Act*

Organizational Chart:



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

ADM Responsible: Lorie Hrycuik

Overview of Core Business / Program Area:

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 and their dependants on matters before WorkSafeBC or the Workers' Compensation Appeal Tribunal, and to advise them 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 free advice, assistance and, when merit is found, 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.

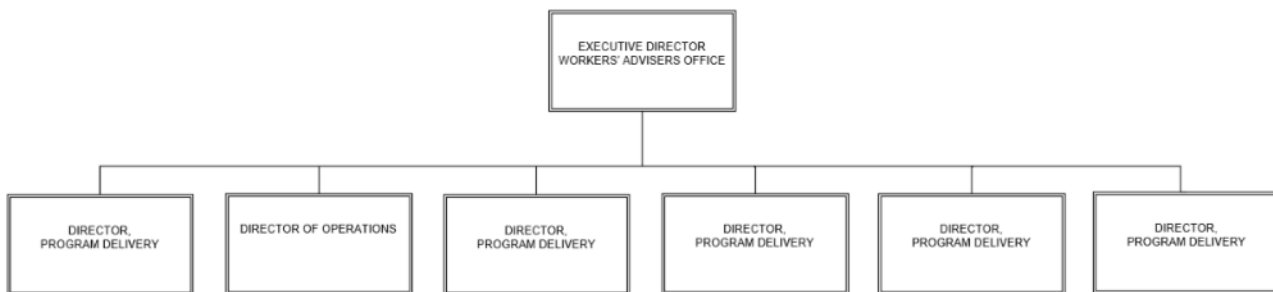
Budget: Fully recoverable \$10.160M. Net \$0.

Full Time Equivalent (FTEs): 59.60 FTEs as of June 30

Related Legislation:

- *Workers Compensation Act*

Organizational Chart:



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

DM Responsible: Trevor Hughes

Overview of Core Business / Program Area:

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). WorkSafeBC reimburses government fully for the costs to administer and operate WCAT.

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: \$19.650M, \$19.649 is recoverable. Net \$1k budget.

Full Time Equivalents (FTEs): 98.43 FTEs as of June 30, 2024

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.

CROWN AGENCY PROFILE

Name: WorkSafeBC [Independent Regulator]

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, mental disorders and deaths. WorkSafeBC partners with employers and workers in B.C. to do the following:

- Promote the prevention of work-related injury, illness, mental disorder 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	Leave of Absence - Chair/Public Interest Representative	Order in Council	30-Jun-23	June 30, 2026
Laurie	Andrea Michelle	Worker Representative	Order in Council	01-Dec-19	December 1, 2025
Morton	Cindy	Acting Chair/Public Interest Representative	Order in Council	01-Dec-22	December 1, 2025
Smith	Don	Actuary Representative	Order in Council	31-Dec-18	December 31, 2024
Cronk	Laird	Public Interest Representative	Order in Council	05-Feb-24	December 31, 2025
Packer	Rebecca	Health Care and Rehab Representative	Order in Council	18-Feb-20	December 1, 2025
Singh	Anil	Law/Law Enforcement Representative	Order in Council	05-Feb-24	December 31, 2025
Pawluk	Lorna	Employer Representative	Order in Council	05-Feb-21	December 31, 2027
Village	Judy	Occupational Health/Safety Representative	Order in Council	01-Oct-21	September 30, 2025

Appointments required:

- Actuary Representative (Donald Smith’s term expires December 31).
- Possible Chair Appointment post-election (Baltej Singh is on a leave of absence).

Issue(s):

WorkSafeBC is overseeing the implementation and enforcement of three amendments to the Occupational Health and Safety Regulation that recently came into effect:

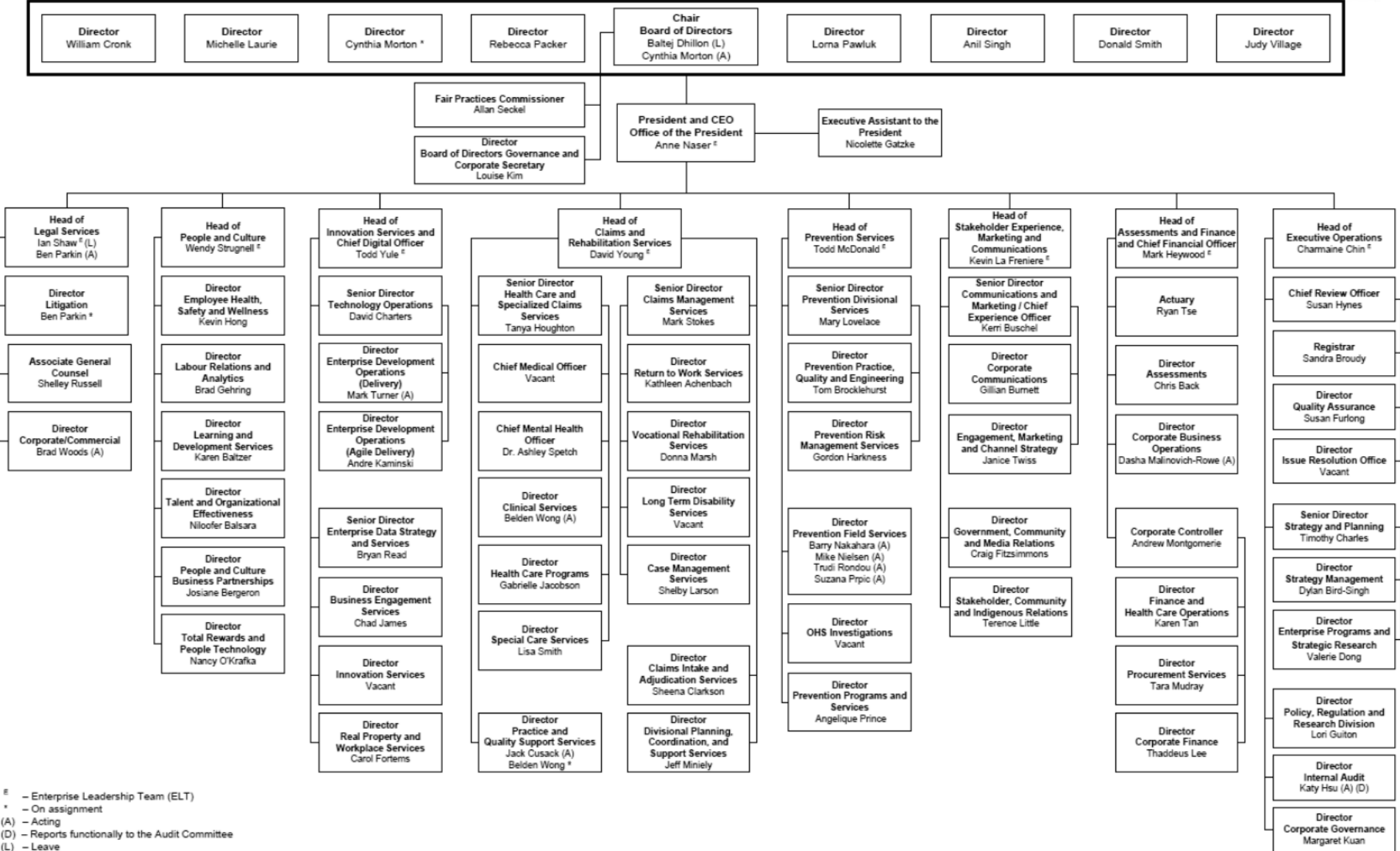
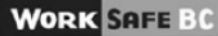
- A new requirement for flush toilets on construction sites with 25 or more workers that came into effect on October 1, 2024
- A new requirement for a Notice of Project–Tower Cranes that also came into effect on October 1, 2024
- Amendments for Occupational First Aid that came into effect on Nov. 1, 2024

WorkSafeBC is also overseeing the implementation and enforcement of an amendment to the Workers Compensation Act, which came into effect on September 3, 2024, that extends workers' compensation coverage and occupational health and safety protections to online platform workers who perform ride-hail and delivery services work, whether they are employees or independent contractors.

Organizational Chart:

Continued on next page

WorkSafeBC Overview
September 26, 2024



[‡] - Enterprise Leadership Team (ELT)
^{*} - On assignment
 (A) - Acting
 (D) - Reports functionally to the Audit Committee
 (L) - Leave



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 eight) 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 sixteen), 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.

Ministry of Labour

2024/25 – 2026/27 Service Plan

February 2024



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 2024/25 – 2026/27 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 black ink, which appears to read "H. Bains". The signature is written in a cursive style and is positioned above a horizontal line.

Honourable Harry Bains
Minister of Labour
February 9, 2024

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Strategic Direction

In 2024/25, the Government of British Columbia will remain focused on providing the services and infrastructure that people depend on to build a good life. Government will continue delivering results that matter to British Columbians including helping people with costs, attainable and affordable housing, strengthened health care, safer communities, and a secure, clean and fair economy. Government will continue working collaboratively with Indigenous Peoples as it implements the Action Plan for the Declaration on the Rights of Indigenous Peoples Act and delivers initiatives that advance reconciliation in ways that make a difference in communities throughout the province.

This 2024/25 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 December 2022 Minister's [Mandate Letter](#) .

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 manage 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.

Operating Environment

The Ministry of Labour operates in a changing environment shaped by shifting economic conditions and demographics, an increasingly diversified labour market and ever-evolving workplace norms and expectations. The work of the Ministry is also impacted by other factors such as the ongoing effects of the COVID-19 pandemic, labour shortages, changing demands for foreign workers, and rising inflationary pressures. These challenges have had significant implications for the economy and for employer/employee relations and are expected to have continuing impacts on the Ministry in this reporting cycle.

The goals and objectives in the Ministry 2024/25 Service Plan outline key priorities and deliverables, including measures used to track and assess performance over time in key program areas.

Economic Statement

B.C.'s economy posted modest growth last year as interest rate increases weighed on the economy, and employment continued to expand, supported by immigration. Inflation in the province continued to ease and the Bank of Canada has not raised its policy interest rate since July 2023. The impact of higher rates on borrowing costs and elevated household debt led to lower consumer spending and reduced home sales. Lumber, natural gas and coal prices declined in 2023, reducing the value of the province's goods exports. Meanwhile, there was a record number of housing starts in the province in 2023. There is uncertainty over the transmission of high interest rates to the residential construction sector and the duration of slower growth for the rest of the economy in B.C. and among our trading partners. The Economic Forecast Council (EFC) estimates that B.C. real GDP expanded by 0.9 per cent in 2023 and expects growth of 0.5 per cent in 2024 and 2.1 per cent in 2025. Meanwhile for Canada, the EFC estimates growth of 1.1 per cent in 2023 and projects national real GDP growth of 0.5 per cent in 2024 and 1.9 per cent in 2025. As such, B.C.'s economic growth is expected to be broadly in line with the national average in the coming years. The risks to B.C.'s economic outlook continue to center around interest rates and inflation, including the risk of price increases stemming from geopolitical conflicts, the potential for interest rates remaining higher for longer, and uncertainty around the depth and timing of the impact on housing markets. Further risks include ongoing uncertainty regarding global trade policies, lower commodity prices, climate change impacts and the volatility of immigration levels.

Performance Planning

Goal 1: Strong and fair labour laws and standards

Objective 1.1: Update and modernize B.C. labour laws to ensure they are responsive to the needs of the modern workplace.

Key Strategies

- Continue to develop and implement a precarious work strategy that reflects modern workplaces' diverse needs and unique situations, including the development of specific measures to address the rise of the gig economy.¹
- Continue working with WorkSafeBC, partner organizations, and representatives of workers and employers in the implementation of amendments to the *Workers' Compensation Act* (Bill 41, 2022), the implementation of asbestos certification and licensing requirements, and ensuring the necessary legal changes are made to require flush toilets on any construction site in British Columbia where the construction project has 25 or more workers.
- Appoint a committee of special advisors to review the *Labour Relations Code* in accordance with the statutory requirement for mandatory reviews at least every 5 years.
- Protect and ensure fairness for workers and employers in the application of labour laws through the timely resolution of complaints involving non-compliance with the provincial labour and employment law.
- 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*.

Discussion

Labour laws require periodic updating to be relevant and responsive to the modern workplace and to support an inclusive, sustainable and innovative economy. Robust labour laws also promote fairness, protect vulnerable workers and support world-class worker health and safety outcomes. The Ministry continues its work towards this goal through these key strategies, which target priority areas for improvement and provide opportunities for collaboration with affected stakeholders, including workers, employers and Indigenous Peoples.

In 2024/25, the Ministry will continue initiatives underway to improve B.C.'s labour and employment laws. This work will build on several recent legislative changes made to increase fairness in B.C.'s workers' compensation system, to protect vulnerable workers, to improve

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.

access to collective bargaining and to establish improved minimum standards for employees across the province.

Performance Measure

Performance Measure	2022/23 Actual	2023/24 Forecast	2024/25 Target	2025/26 Target	2026/27 Target
1. Percentage of Employment Standards Branch complaints resolved within 180 days	20%	36%	80%	85%	85%

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

Discussion

This is a long-established Performance Measure for tracking the percentage of complaints to the Employment Standards Branch resolved within 180 days. It supports the goal of strong and fair labour laws and standards that protect vulnerable workers and provides for the fair and timely resolution of complaints involving non-compliance with the law.

The Branch has experienced a significant increase in demand for its services in recent years, the result of several factors and improvements. In 2019, the Ministry removed the Self-Help Kit, which was a barrier to access to justice for workers, making it easier to submit complaints. A new investigation model was implemented, and the statutory recovery period was doubled from six months to one year. The *Temporary Foreign Worker Protection Act* and the associated Temporary Foreign Worker Registry was also launched. Pandemic response actions – including temporary layoff variances, vaccination leave, and illness and injury leave – also resulted in new work for the Branch. These changes have led to higher complaint volumes, and, in turn, a longer period of time required to assign, investigate and resolve cases. This is reflected in the reduced forecasts for the number of complaints resolved within 180 days.

In 2023/24, the Branch received a three-year funding lift for additional FTE’s. Work is also being undertaken to increase the timely resolution of complaints. For example, the Ministry has developed new, streamlined intake and triage processes to provide better outcomes for workers. Technological improvements have also been made as part of the overall digital transformation strategy, along with enhancements to information gathering to support faster complaint processing. These are both intended to improve the forecasted targets in future years. The Ministry remains committed to resolving complaints in a timely manner.

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 workers, employers and service providers in the workers' compensation system, including enhanced Indigenous client outreach as well as the continued use of multi-language service delivery.
- Continue the redesign of the public-interface and case management system used by the Workers' Advisers Office to better serve the public.
- Continue implementation and streamlining of new practices to support injured workers in achieving a successful outcome in their appeal.
- Maintain a proactive enforcement unit within the Employment Standards Branch for targeted initiatives.
- Prioritize the processing of complaint files to improve service delivery for workers and employers.

Discussion

These key strategies support the goal of effectively communicating and enforcing labour laws by developing, implementing and monitoring new and updated processes to ensure the effective delivery of services provided by the Employment Standards Branch, Employers' Advisers Office, and Workers' Advisers Office.

In 2023/24, the Employers' Advisers Office successfully implemented the new Learning Management System, that now allows clients improved access to virtual and in-person educational sessions. The Employers' Advisers Office continues to work on refinements to the Learning Management System, in order to provide greater support to their clients. The Employers' Advisers Office also continues to make enhancements to their internal case tracking system to improve the ability to identify and track underlying issues and trends for improvements.

Important operational changes, including a new case management system, are underway for the Workers' Advisers Office to improve access to services for workers. The Workers' Advisers Office also continues to see an increase in access to the existing worker portal which provides workers convenient access to its services.

Additionally, to fulfill their obligations under section 351 of the *Workers Compensation Act*, Workers' Advisers often request and obtain expert evidence. Altogether, go-forward operational changes aim to increase access to services and remove significant financial barriers previously paid out-of-pocket by the worker.

Together, these key strategies and outcomes provide for the ongoing improvement of Ministry processes to ensure that services are responsive to the needs of workers and employers.

Performance Measures

Performance Measures	2020/21 Baseline	2022/23 Actual	2023/24 Forecast	2024/25 Target	2025/26 Target	2026/27 Target
2.1a Number of community outreach sessions conducted annually by the Workers’ Advisers Office ¹	10	18	12	Maintain or improve over baseline	Maintain or improve over baseline	Maintain or improve over baseline
2.1b Number of educational outreach sessions conducted annually by the Employers’ Advisers Office ²	100	147	175	Maintain or improve over baseline	Maintain or improve over baseline	Maintain or improve over baseline

Data source:

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

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

Discussion

To be effective, labour laws must be communicated and enforced through accessible, client-centered programs. Performance Measures 2.1a and 2.1b track outreach sessions conducted annually by the Workers’ Advisers Office and Employers’ Advisers Office. These Performance Measures reflect efforts and capacity to promote awareness and education among employers and workers about the workers’ compensation system.

The Workers’ Advisers Office provides regional community outreach sessions to foster education and awareness and directly assist workers by providing information on the workers’ compensation system and claims issues. The Workers’ Advisers Office also provides outreach and training to local workers’ representatives and advocates throughout the province.

The Employers’ Advisers Office delivers educational outreach to promote awareness and understanding among employers of their responsibilities under B.C.’s workers’ compensation system and occupational health and safety requirements.

Objective 2.2: Maintain an effective B.C. temporary foreign worker protection regime.

Key Strategies

- Maintain and enforce the recruiter licensing system.

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

Discussion

Administered by the Employment Standards Branch, the *Temporary Foreign Worker Protection Act* protects vulnerable temporary foreign workers from harmful hiring practices. It requires recruiters of temporary foreign workers to be licensed and employers of certain temporary foreign workers to be registered and provides for enforcement of legislative requirements.

The provincial employer registry under the *Temporary Foreign Worker Protection Act* is the initial level of screening and tracking of BC employers who intend to hire Temporary Foreign Workers (TFWs). The process verifies an employer’s compliance with applicable labour legislation. To avoid any delay in the overall recruitment process, employers are encouraged to apply for their Certificate of Registration well in advance and ensure that their application is complete.

Starting in September 2022, the Province has experienced a surge in applications, leading to increased processing times.

The Employment Standards Branch (ESB), which administers the provincial employer registry, has worked with Employment and Social Development Canada to better coordinate service delivery to meet the demand and employer needs. The ESB has also devoted increased resources to processing applications.

The key strategies support the effective maintenance and enforcement of B.C.’s temporary foreign worker protection program that serves the needs of workers, employers and recruiters. These strategies also include public education measures to ensure that workers, employers and recruiters have accurate and accessible information to know their rights and obligations under the legislation.

Performance Measure	2022/23 Actual	2023/24 Forecast	2024/25 Target	2025/26 Target	2026/27 Target
2.2 Number of proactive investigations undertaken under the Temporary Foreign Worker Protection Program	20	26	Maintain or improve	Maintain or improve	Maintain or improve

Data source: Employment Standards Branch data.

Discussion

Proactive investigations of employers that hire foreign workers and of agencies that recruit foreign workers are a key feature of ensuring that the *Temporary Foreign Worker Protection Act* 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.

This performance measure reflects an important aspect of the Ministry's priority described above in objective 2.2.

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

Objective 3: Support forest workers impacted by old growth harvesting deferrals through the Bridging to Retirement program.

Key Strategies

- Administer the Bridging to Retirement Program to transition older workers to retirement to help manage the transitional impacts resulting in employment loss and forestry contract reductions.
- Collaborate with other ministries to facilitate forest workers' transition to retirement while providing workers for industry and B.C. communities.
- Provide bridging program support and information to forestry workers, employers, labour organizations, associations, communities, and indigenous nations about the benefits of the program and any other forestry support programs available that may assist or complement the workers' transitional circumstances.

The Bridging to Retirement Program (the Program) is part of a suite of provincial supports for the forest sector, including for forest workers impacted by old growth deferral decisions across B.C. The Program works with workers, employers, communities, labour organizations and partner ministries to help eligible forestry workers 55 years and older transition to retirement and create job vacancies for junior forestry workers to fill, while minimizing the overall impacts on employer operations. The Program is funded through 2024/25.

The partner, Ministry of Post-Secondary Education and Future Skills, provides key workforce grant funding for junior forestry workers to receive training to increase their on-the-job skills through the Employer Grant Skills Training Program and the Community Workforce Response Grant Program.

Performance Measures

Performance Measures	2022/23 Actuals	2023/24 Forecast	2024/25 Target	2025/26 Target	2026/27 Target
3a Number of workers receiving bridging benefit funding offers	364	400	200	N/A	N/A
3b Number of forestry jobs opened for impacted workers	329	200	TBD	N/A	N/A

Data source: Ministry of Labour, Bridging to Retirement Program internal data. Current year forecast and future year targets are based on estimates of potential impacts for the industry.

Discussion

Performance Measure 3a is the number of total workers expected to receive funding offers for each year of the Program. Older workers receiving the benefits are either directly or indirectly impacted by the old growth harvesting deferrals and fiber supply shortages that lead to mill closures, indefinite curtailments, and shift reductions.

Performance Measure 3b sets the target number of jobs opened when a senior worker voluntarily retires. Forestry worker jobs are opened when an older worker chooses to voluntarily retire, thereby opening a new job for an impacted junior worker or for one at risk of job loss. During the first year of the Program, 329 jobs were opened and filled by workers who were at risk of losing their job due to lower seniority. If a forestry worker wants to voluntarily participate in the Program and is working in an operating mill, their employer must agree to replace them with a more junior worker.

In fiscal 2022/23, some employers chose not to support Program related voluntary retirements, citing constraints in hiring skilled workers due to labour market conditions and the training challenges of upskilling workers. To resolve the constraints, the Program endeavours to customize workforce transition solutions where possible to support a worker's desire to voluntarily retire, minimize job losses and address operational training needs for workers in partnership with unions, employers, communities, the Ministry of Post-Secondary Education and Future Skills, the Ministry of Jobs, Economic Development and Innovation and the Ministry of Social Development and Poverty Reduction.

The Program continues to evaluate the forestry worker support needs while the sector transitions to more sustainable forest management and as additional information is available.

Targets for Performance Measures 3a and 3b are not applicable for 2025/26 and 2026/27 since the Program is not funded beyond 2024/25.

Financial Summary

(\$000s)	2023/24 Restated Estimates	2024/25 Estimates	2025/26 Plan	2026/27 Plan
Operating Expenses				
Labour Programs	19,618	23,322	23,322	23,322
Executive and Support Services	1,871	2,085	2,085	2,085
Total	21,489	25,407	25,407	25,407
Capital Expenditures				
Labour Programs	3	3	3	3
Total	3	3	3	3

¹ For comparative purposes, amounts shown for 2023/24 have been restated to be consistent with the presentation of the 2024/25 *Estimates*.

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

Appendix A: Public Sector Organizations

As of February 9, 2024, the Minister of Labour is responsible and accountable for the following organizations:

WorkSafeBC

WorkSafeBC is an agency established under the *Workers Compensation Act* with the mandate to oversee a no-fault insurance system for workplace injuries, illnesses and fatalities. WorkSafeBC partners with employers and workers in B.C. to: promote the prevention of workplace injury and illness; 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 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. The Tribunal is established under the *Workers Compensation Act*.

The Labour Relations Board

The Labour Relations Board is an independent, administrative tribunal established under the *Labour Relations Code* with the mandate to mediate and adjudicate employment and labour relations matters related to unionization and 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*.

**MINISTRY OF LABOUR
KEY STAKEHOLDERS**

* These unions are not members of the BC Federation of Labour.

Contact	Description	Key Issues
<p>BC Federation of Labour</p> <p>Sussanne Skidmore, President 604-430-1421 president@bcfed.ca</p>	<p>Organized Labour</p>	<ul style="list-style-type: none"> Economic recovery supports, employment standards, worker safety, workers' compensation review, migrant worker support, forestry successorship.
<p>BC Nurses' Union*</p> <p>Adriane Gear - President 604-433-7945 adrianegear@bcnu.org</p>	<p>Organized Labour</p>	<ul style="list-style-type: none"> Economic recovery supports, employment standards, workers' compensation review, worker safety.
<p>Unifor*</p> <p>Gavin McGarrigle, Western Regional Director 250-384-4423 gavin.mcgarrigle@unifor.org</p>	<p>Organized Labour</p>	<ul style="list-style-type: none"> Economic recovery supports, worker safety, workers' compensation review, forest worker support programs.
<p>Labour Relations Board</p> <p>Jennifer Glougie, Chair 604-660-1300 Jennifer.Glougie@lrb.bc.ca</p>	<p>Tribunal</p>	<ul style="list-style-type: none"> Labour Relations Code amendments and capacity challenges. Future regulatory amendments.

Contact	Description	Key Issues
<p>Business Council of British Columbia</p> <p>Laura Jones, President & CEO 604-684-3384 laura.jones@bccbc.com</p>	<p>Employers' Organization</p>	<ul style="list-style-type: none"> • Economic recovery supports, workers' compensation review, TFWPA Implementation, forestry successorship.
<p>Greater Vancouver Board of Trade</p> <p>Bridgitte Anderson, CEO 604-681-2111 ceo@boardoftrade.com</p>	<p>Employers' organization</p>	<ul style="list-style-type: none"> • Economic recovery supports, workers' compensation review, TFWPA Implementation.
<p>Surrey Board of Trade</p> <p>Indra Bhan, Interim CEO 604-581-7130 indra@businessinsurrey.com</p>	<p>Employers' Organization</p>	<ul style="list-style-type: none"> • Economic recovery supports, workers' compensation review, TFWPA Implementation.
<p>Employment Standards Tribunal</p> <p>Jennifer Glougie, Chair 604-660-1300 Jennifer.Glougie@lrb.bc.ca</p> <p>Marcella Gordon, Registrar 604-623-6581 Marcella.Gordon@bcest.bc.ca</p>	<p>Tribunal</p>	<ul style="list-style-type: none"> • Amendments to Employment Standards Act, TFWPA Implementation and capacity challenges.

Contact	Description	Key Issues
<p>BC Employment Standards Coalition</p> <p>David Fairey, Co-Chair 604-430-6036 david@labourconsultingservices.com</p>	<p>Worker Advocacy Organization</p>	<ul style="list-style-type: none"> Economic recovery supports, accessibility of Employment Standards services, worker safety, migrant worker support, child employment.
<p>First Call: BC Child and Youth Advocacy Coalition</p> <p>Adrienne Montani, Provincial Coordinator 604-877-4932 adrienne@firstcallbc.org</p>	<p>Child and Youth Advocacy Organization</p>	<ul style="list-style-type: none"> Employment standards, child employment, worker safety.
<p>BC Agriculture Council</p> <p>Danielle Synotte, Executive Director, BC Agriculture Council 604-854-4454 dsynotte@bcac.ca</p>	<p>Industry Association</p>	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation, TFWPA Implementation, child employment.
<p>Migrant Worker Centre</p> <p>Natalie Drolet, Staff Lawyer/Executive Director 604-669-4482 natalie@mwcbc.ca</p>	<p>Worker Advocacy Organization</p>	<ul style="list-style-type: none"> Economic recovery supports, accessibility of Employment Standards services, migrant worker support and worker safety.

Contact	Description	Key Issues
<p>WorkSafeBC</p> <p>Anne Naser, President and CEO 604-247-5545 Anne.Naser@worksafebc.com</p>	<p>Regulator</p>	<ul style="list-style-type: none"> Board vacancies, pandemic support initiatives, occupational health and safety improvements including safety headgear, Bill 23 implementation, workers' compensation review, Accident Fund status.
<p>United Steelworkers (USW)</p> <p>Jeff Bromley, Wood Council Chair 604-205-1110 jbromley@usw.ca</p> <p>Scott Lunny, Director District 3 604-683-1117 slunny@usw.ca</p>	<p>Organized Labour</p>	<ul style="list-style-type: none"> Economic recovery supports, workers' compensation review, occupational health and safety, forestry successorship.
<p>Public and Private Workers of Canada*</p> <p>Geoff Dawe, President 604-731-1909 nationalpresident@ppwc.ca</p>	<p>Organized Labour</p>	<ul style="list-style-type: none"> Economic recovery supports, worker safety, forestry successorship, workers' compensation review, forest worker support programs.

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Advice/Recommendations ; Government Financial Information

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Advice/Recommendations ; Government Financial Information ; Intergovernmental Communications

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Advice/Recommendations ; Government Financial Information

MAJOR CORPORATE ISSUE NOTE BRIDGING TO RETIREMENT PROGRAM

Ministry/Ministries:

- Ministry of Labour

Issue:

Advice/Recommendations; Cabinet Confidences; Government Financial Information

Background:

- BTR is part of a suite of forestry industry supports announced by the Province in November 2021 to support forestry workers and communities impacted by old growth deferral decisions, fibre shortages and pauses in BC Timber sales across the province. See Appendix A for an overview of government-wide supports.
- Cabinet Confidences; Government Financial Information

Program Overview:

- BTR is open for impacted and voluntary full-time workers at least 55 years old – who are B.C. forestry mill workers, forestry-dependent contractors and their employees – to transition to retirement. See Appendix B for eligibility criteria.
- Forestry workers could be eligible for up to \$75,000 in retirement bridging funding, depending on individual factors including years of experience, age at retirement and employer contribution.
- BTR has a rolling application process where either impacted or voluntary workers are able to apply at any time.
- BTR has existing employer agreements for the voluntary application stream that were negotiated since the first year's funding where the employer will, on a case-by-case basis, support a senior worker to retire and agree to preserve a junior worker position.
- Since 2021, BTR has committed \$40 million in funding to support 971 eligible workers to retire, and saved 676 junior worker positions. The majority of applicants have retired voluntarily, with only 295 impacted workers receiving benefits to date.

Funding Status:

Advice/Recommendations; Cabinet Confidences; Government Financial Information

Advice/Recommendations; Cabinet Confidences; Government Financial Information

Implications / Considerations / Opportunities:

Advice/Recommendations; Government Financial Information

Business Information; Government Financial Information

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Advice/Recommendations ; Business Information ; Cabinet Confidences ; Government Financial Information

Appendix A: Forest Workers and Community Supports

Program and Ministry Lead	Description
Worker Supports	
Bridging to Retirement (Ministry of Labour)	Retirement benefits for forestry workers, including contractors, who are 55 years or older to transition to retirement if they are directly impacted by job loss or for workers who want to voluntarily retire to preserve junior worker positions.
Forest Employment Program (Ministry of Jobs Economic Development and Innovation (JEDI))	Offers short-term employment opportunities for forest contractors and their employees.
Skills Training (Ministry of Post-Secondary and Future Skills)	Provides workers, communities and employers with training and educational opportunities to transition to new careers in forestry and new industries.
Industry and Small Business Supports	
Rural Business and Community Recovery Initiative (JEDI)	Funds advisory services that support rural businesses and communities in economic recovery.
BC Manufacturing Jobs Fund (JEDI)	Funds industrial and manufacturing projects to stabilize and diversify workforce opportunities.
Community Supports	
Rural Economic Diversification and Infrastructure Program (JEDI)	Supports projects that promote economic diversification, resilience, and infrastructure development.
Community Transition Services (JEDI)	Expands and enhances on-the-ground economic development and community transition services
Advice/Recommendations	

Appendix B: Bridging to Retirement Program Eligibility

Full time worker employed at an open or impacted B.C. mill or forestry dependent contractor on or after Nov 2, 2021, due to an old growth decision, fiber supply shortages or pause in BC Timber Sales, resulting in a permanent or indefinite closure, or a curtailment of at least four months.

- Must be at least 55 years old at time of application.
- Has worked for the last 2 consecutive years in the mill or business.
- Employer is required to cost share the benefit amount in either stream.

If the worker accepts the benefits:

- Must agree not to work for 18 months in the forestry sector only.
- Must permanently vacate position and relinquish their seniority with employer.
- Can start their own business in any sector except the forestry sector.

IMPACTED WORKER

Permanent job loss at impacted mill or forest contractor due to closure or indefinite curtailment for more than 4 months.

Employer support is not required to participate.
Record of Employment is the retirement date.

No job vacancies opened.

VOLUNTARY WORKER

Worker is currently employed at an open mill or forestry contracting business and wants to voluntarily retire.

Employer support required to participate.
Worker and employer must mutually agree to a retirement date to not create operational risk.

Job vacancy opens for an impacted junior worker.

**MINISTRY OF LABOUR
30-60-90-Day Issues**

Issue / Decision / Activity	Brief Description
30 Days	
<p>Report and Recommendations from the <i>Labour Relations Code</i> Review.</p> <p>Advice/Recommendations; Government Financial Information</p>	<p>A committee of special advisors has completed its review of the <i>Labour Relations Code</i> (Code), which included engagement with workers, unions, employers, Indigenous partners and others, and delivered to the Ministry of Labour a report with recommendations on August 31, 2024.</p> <p>Advice/Recommendations; Government Financial Information</p>
60 Days	
<p>Order in Council – Appointment(s) to the WorkSafeBC Board of Directors</p>	<p>The Lieutenant Governor in Council (LGIC) appoints the nine voting directors on WorkSafeBC’s Board of Directors. The LGIC must appoint a director who is an actuary by December 31, 2024, when the term of the existing director in that position expires. As well, the incumbent chair has taken a leave to run in the provincial election. If he wins, a new Chair will be required.</p>
<p>Bridging to Retirement (BTR) Program – Cabinet</p> <p>Cabinet Confidences; Government Financial Information</p>	<p>Cabinet Confidences; Government Financial Information</p> <p>Cabinet BTR supports full time mill workers, forestry-dependent contractors and their employees aged 55 and older who are impacted by the old growth deferral decisions, fibre shortages and pauses in BC Timber sales across the province, transition to retirement and potentially save junior worker positions.</p> <p>Advice/Recommendations; Government Financial Information</p> <p>Advice/Recommendations; Given the continued contraction of the forestry sector, applications continue to be submitted regularly. Advice/Recommendations; Cabinet Confidences; Advice/Recommendations; Cabinet Confidences; Government Financial Information</p> <p>Advice/Recommendations; Cabinet Confidences; Workers, employers and labour organizations continue to seek information on the funding and when applications will be processed. Advice/Recommendations; Cabinet Confidences; Government Financial Information</p> <p>Advice/Recommendations; Cabinet Confidences; Government Financial Information</p>

Issue / Decision / Activity	Brief Description
Advice/Recommendations; Cabinet Confidences	
90 Days	
<p>Advice/Recommendations; – WorkSafeBC’s Investigation Report – Kelowna Crane Collapse (July 12, 2021).</p> <p>Advice/Recommendations; Cabinet Confidences</p>	<p>On February 20, 2024, the RCMP submitted its investigation report to the BC Prosecution Service (BCPS) for charge assessment for criminal negligence causing death. WorkSafeBC has concluded its own investigation but is holding its report pending the BCPS’s charge assessment decision. WorkSafeBC’s report could thus be released at any time. Advice/Recommendations; Advice/Recommendations; Cabinet Confidences; Legal Information</p>

MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder

TOPIC: Labour Relations
ISSUE: Overview of the labour relations framework in British Columbia (BC)

Overview of the *Labour Relations Code (Code)*: The Code provides the legal framework for unionization and collective bargaining for provincially-regulated employers, employees, and trade unions. This includes guaranteeing every employee the right to join a union and setting out the process for certifying a union to represent a group of employees. It also establishes rules for collective bargaining and dispute resolution, sets out the rights, duties, and obligations of employees, unions, and employers, and regulates strikes, lockouts, and picketing.

Labour Relations Board: The Labour Relations Board (Board) administers the Code and is responsible for mediating and adjudicating disputes between employers and unions, and in some cases between unions and employees, arising under the Code. The Board is a quasi-judicial administrative tribunal with a chair and vice chairs appointed by the Lieutenant Governor in Council through a merit-based process.

Collective Agreement Arbitration Bureau/Joint Advisory Committee: Where the employer and the union (the parties) are unable to resolve a dispute through the collective agreement grievance procedure, either party can refer the grievance to arbitration to resolve the dispute. Most often, the arbitrator is agreed to by the parties and is appointed under the arbitration provision in the collective agreement. However, the parties can also apply to the Director of the Collective Agreement Arbitration Bureau (CAAB) to have an arbitrator appointed in certain circumstances. CAAB is an administrative body established under the Code and the Director is a Board employee.

The Director administers the CAAB with advice from a Joint Advisory Committee (JAC). The role of the JAC is to advise the Director on:

- the training and education of arbitrators and settlement officers;
- research and publication of information concerning labour arbitration; and
- the establishment and maintenance of a register of arbitrators.

The members of the JAC consist of two representatives from unions, two representatives from employers, and two arbitrator representatives. The CAAB Director is the Chair of the JAC and all JAC members are appointed by the Minister of Labour (Minister) for specified terms. These appointments do not require an Order-in-Council approved by Cabinet.

Collective Agreement Dispute Resolution: As collective agreements expire in the private and public sectors, there is a risk of work stoppages (e.g., strikes, lockouts) that may require the involvement of the Ministry of Labour (Ministry). The Ministry is neutral with respect to collective bargaining, as it takes no position in collective bargaining or in any dispute other than to protect the public interest. The Ministry’s objective is to try to assist parties to achieve a voluntary end to their collective bargaining

dispute while minimizing the negative impact of a work stoppage on the public.

Where the parties are unable to resolve their disputes during collective bargaining, they may directly seek the services of the Mediation Division of the Board. These services can be accessed by either party making an application to the Board. In some cases, the parties will agree to mediation provided by private mediators (i.e., separate from the Board's mediation services).

However, the Ministry monitors all disputes that could have an impact on the public interest and Ministry staff advise the Minister about when and how government may need to intervene to protect the public interest. The Ministry may get involved informally or formally to assist the parties to facilitate collective bargaining. For example, the Code provides formal mechanisms for the Minister to assist in disputes if requested by the parties, or if the Minister determines it to be necessary and in the public interest (e.g., requesting that the Mediation Division of the Board appoint a mediator or directly appointing a special mediator or an Industrial Inquiry Commission with specific terms of reference).

At times, there may be public or media pressure for the Minister to direct the parties in a collective bargaining dispute to proceed to binding arbitration; however, there is no mechanism for the Minister to do that, including under the Code, except in police and fire fighter collective bargaining, due to the specific provisions of the *Fire and Police Services Collective Bargaining Act*.

Essential Services: Where the parties (i.e., the employer and union) disagree about whether a labour dispute would pose a threat to the health, safety, or welfare of British Columbians, either party can apply to the Chair asking the Board to investigate the issue.

The Chair will then make a written request to the Minister of Labour to direct the Board to designate as essential the facilities, productions and services necessary to prevent immediate and serious danger to the health, safety or welfare of the residents of British Columbia. The response to the Board is routine and, as such requests occur weekly and are non-controversial, have been for years delegated by the Minister to the Deputy Minister for written response back to the Board. Once the Board completes the designation (by mediation and/or adjudication), the employer and union must provide the services designated as essential if there is a strike or lockout.

Forestry Successorship: Under the Code, "successorship" provisions ensure that the collective bargaining rights of employees are protected when a business or part of it is sold, leased, transferred or otherwise disposed of. This means when a unionized business is sold, or transferred, to a new owner, the successor employer is bound by the previous collective agreement and the union in place continues to represent the employees. The Code also contains similar provisions which protect union rights in the context of the retendering of contracts for certain services (e.g., bus transportation, building cleaning, non-clinical health services).

In 2021, Government appointed Vince Ready and Amanda Rodgers as an Industrial Inquiry Commission (IIC) to recommend ways to protect workers when contract tendering, and the transfer of cutting and timber-harvesting rights, fall outside of successorship provisions the Code.

The IIC report was released in Summer 2022 and made several recommendations, including the recommendation to expand the Code’s successorship provisions so that they apply when Government initiates a transfer of harvesting rights to First Nations.

Following the release of the report, the Ministry engaged with BC First Nations and with labour organizations and employers in the forest sector by inviting them to make submissions regarding the IIC report and their recommendations. In Fall 2022, the Ministry held five information sessions for interested First Nations, the Minister met directly with the First Nations Leadership Council, and Ministry staff engaged with the Alliance of BC Modern Treaty Nations.

Advice/Recommendations; Intergovernmental Communications

Legislation Governing Collective Bargaining in Specific Sectors

The Code governs labour relations for all sectors in BC; however, certain aspects of collective bargaining in some specific sectors are subject to additional rules provided by other acts. For example, the Ministry of Labour is responsible for the *Fire and Police Services Collective Bargaining Act* and the *Fishing Collective Bargaining Act*. These Acts are designed to address collective bargaining issues specific to these sectors. For example, the *Fire and Police Services Collective Bargaining Act* effectively establishes an arbitration model to settle collective bargaining disputes in light of the high degree of essential services provided in those sectors.

Specific aspects of public sector collective bargaining are governed by a number of acts, some of which are under the responsibility of other Ministries. For example, the *Public Education Labour Relations Act*, which governs collective bargaining the public school system, is the responsibility of the Ministry of Finance, while the Ministry of Labour has responsibility for the *Community Services Labour Relations Act*. The *Health Authorities Act* (Ministry of Health), the *Public Sector Employers Act* (Ministry of Finance), and the *Public Service Labour Relations Act* (Ministry of Finance) are examples of other acts governing collective bargaining and labour relations in the public sector.

NEXT STEPS:

Ministry staff can provide further detail – and further briefings – on the labour relations framework in BC. Notably, the Ministry can provide more detail on the role of the Ministry of Labour as the regulator of labour relations (and as a neutral party) versus that of line ministries and the BC Public Service Agency which have direct roles as employers.

MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder

TOPIC: Workers' Compensation System
ISSUE: Overview of the <i>Workers Compensation Act (WCA)</i> and WorkSafeBC.

Overview of the WCA and WorkSafeBC:

The workers' compensation system in British Columbia and the Workers' Compensation Board (WorkSafeBC) were established in 1917 and born out of a compromise, where workers gave up the right to sue their employers or fellow workers for injuries on the job in return for a no-fault insurance program fully paid for by employers.

The WCA provides the legal framework for BC's workers' compensation system, which includes preventing work-related injuries, diseases, mental disorders and deaths; rehabilitating injured or sick workers; and compensating workers or their surviving dependents for the loss of wages arising from a work-related injury, illness, mental disorder or death.

The WCA authorizes WorkSafeBC to administer and enforce the WCA and its regulations. This includes preventing injuries by establishing regulations and guidelines for occupational health and safety.

The WCA establishes the Accident Fund, which is funded by employer payroll premiums levied by WorkSafeBC as well as returns from the investment of those premiums. WorkSafeBC does not receive any funding from the provincial government. The Accident Fund is used to pay for all compensation benefits and programs, including rehabilitation and prevention programs. WorkSafeBC is solely responsible for managing the Accident Fund and must act in the best interests of the workers' compensation system.

The WCA also establishes the following, which are funded through the Accident Fund:

- The Review Division, which is part of WorkSafeBC and is the first level for workers and employers to appeal a WorkSafeBC decision.
- The Workers' Compensation Appeal Tribunal (WCAT), which is an independent tribunal and the second and final level of appeal of WorkSafeBC decisions.
- The Workers' Advisers Office (WAO) and the Employers' Advisers Office (EAO), which are part of the Ministry of Labour and provide advice and assistance to workers and employers, respectively, including assistance with claims or other matters before WorkSafeBC or WCAT.

Mental Health:

There has been a growing recognition of mental health issues in the workplace, including mental health injuries that arise from employment duties, over the last number of years. This section summarizes the current provisions of the WCA as they apply to mental health and mental disorders.

Compensation for Mental Disorders

The WCA authorizes WorkSafeBC to provide compensation and rehabilitation services to any worker who develops a work-related mental disorder that is a reaction to one or more traumatic work-related events; or a significant work-related stressor; or a cumulative series of significant work-related stressors. To be eligible for compensation, the worker must be diagnosed with a recognized mental disorder by a psychologist or psychiatrist. WorkSafeBC may also accept a psychological condition on claims where the psychological injury develops as a consequence of a work-related physical injury.

Mental Health Presumption

The WCA provides that if a worker in an eligible occupation is exposed to trauma at work and is diagnosed with the recognized mental disorder, the disorder is presumed to have been caused by their work, rather than this having to be proven. This facilitates the worker's access to workers' compensation benefits and other supports like health care and rehabilitation. Like other presumptions under the Act, the mental disorder presumption is rebuttable if there is evidence that the cause of the disorder was not the worker's employment.

The presumption applies to all mental disorders recognized as arising from trauma, including Post-Traumatic Stress Disorder (PTSD), and requires a diagnosis by a psychiatrist or psychologist. The occupations eligible for the presumption are paramedics, police, fire fighters, sheriffs, correctional officers, nurses, emergency dispatchers, publicly funded health-care assistants, community-integration specialists, coroners, harm-reduction workers, parole officers, probation officers, respiratory therapists, shelter workers, social workers, transition house workers, victim service workers and withdrawal-management workers.

The WCA provides authority for Cabinet to add other eligible occupations by regulation. The Ministry of Labour has in place two criteria for considering requests to extend the mental-health presumption to other occupations: workers in the proposed occupation must be exposed to traumatic events because of the nature of their work in that occupation; and the occupation can be clearly defined to designate the workers who are exposed to traumatic events due to the nature of their work.

There are outstanding requests, for the Minister's and Cabinet's consideration, from worker stakeholders to add other occupations. Further requests are expected, as the presumptions are seen as providing a valuable support to workers who face trauma in their job.

Prevention

WorkSafeBC has a *Mental Health Strategy* that outlines WorkSafeBC's overall approach to workplace psychological health and safety. WorkSafeBC notes that while many factors outside the workplace can affect mental health, it is an employer's responsibility to address the factors that are within the control, responsibility, or influence of the workplace. WorkSafeBC notes that the three principles that help to

create, support, promote, and maintain a psychologically healthy and safe workplace are to show leadership commitment; develop supportive managers and supervisors; and ensure worker participation. To support this initiative, WorkSafeBC has developed a publication: *Psychological health and safety: A framework for success*.

Funding the Workers' Compensation System:

How the System is Funded: As indicated above, the workers' compensation system in British Columbia is funded by employer premiums, as well as investment returns from those premiums. The system does not receive any funding from the provincial government. The WCA requires WorkSafeBC to set premium rates annually for employers to sufficiently fund the workers' compensation system. There is no legal authority for the Minister or the Ministry of Labour to influence these decisions. Premiums, and investment returns, fund the costs for health care, wage loss compensation and rehabilitation services associated with work-related injuries, diseases, mental disorders and death. Premiums also fund WorkSafeBC's occupational health and safety programs and administration costs, along with the costs to operate WCAT, WAO and EAO.

Setting Premium Rates:

WorkSafeBC sets premiums as a percentage of an employer's payroll costs (e.g., 2% of payroll), with employers in the same industry grouped together for premium purposes. The base premium rate is the percentage of payroll that is charged for an industry, ensuring that employers pay the costs of injuries, diseases and related prevention activities for their industry. Increases and decreases in the base premium rate are driven by provincial injury rates, return-to-work performance and the resulting claim costs, and investment returns. Industries with higher-trending claims costs move to higher-risk rate groups and pay higher rates. Those with lower-trending claim costs move to lower-risk rate groups and pay lower rates. Each year, the costs in some industries go up, some go down and others stay the same.

In July 2024, WorkSafeBC announced that the preliminary average base premium rate for 2025 will remain unchanged at 1.55 percent of employers' assessable payroll. The average base premium rate is the average rate across all industries in the province. Subject to final approvals by WorkSafeBC's Board of Directors, this will be the eighth year in a row that the average base rate has remained at this level.

While the base premium rate is set using the historical costs of injuries for each industry, individual employers have the opportunity to earn a discount – or face a surcharge – for their own business based on how their claim costs compare to similar-sized firms in industries that share the same risk. This discount or surcharge is called an experience rating adjustment.

WorkSafeBC held rate information sessions with employers in July 2024 (as is commonly done each year). These sessions were an opportunity for WorkSafeBC to provide an update on the financial state of the workers' compensation system, rate and classification changes, and information for employers on how they can influence their rate through improved health and safety practices.

WorkSafeBC's strong financial position in recent years has allowed the average base premium rate to be kept below the average cost of claims, with the difference funded from surplus funds. Between 2019 and 2025, WorkSafeBC projects that \$2.5 billion of surplus funds will have been used to keep the rates paid by employers below the cost of claims. Advice/Recommendations; Government Financial Information

NEXT STEPS:

Ministry staff will provide further briefing materials on the Workers Compensation Act, the workers' compensation system and other related issues as requested.

MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder

TOPIC: Workers' Compensation – Ongoing Reform
ISSUE: <ul style="list-style-type: none">• The Workers Compensation Act (WCA) sets the legal framework for BC's workers' compensation system, which includes preventing work-related injuries, diseases, mental disorders and deaths; rehabilitating injured or sick workers; and compensating workers or their surviving dependants financially for the loss of wages arising from a work-related injury, illness, mental disorder or death.• This note sets out the key changes to the Workers Compensation Act (WCA) and the workers' compensation system since 2017, along with considerations for amendments going forward.

Workers' Compensation Reform since 2017:

Since 2017, the workers' compensation system has been reformed through administrative, legislative and policy changes. The previous government's goal was to make the system more worker centric while also supporting the needs of employers. Key changes are summarized here.

Administrative Changes

The previous government appointed a number of new individuals to the WorkSafeBC board of directors, including in the chair position, to provide fresh perspectives and experience.

The previous Minister encouraged the WorkSafeBC board of directors to implement a culture change within WorkSafeBC to improve services, with a focus on injured workers who need care, compassion and respect while they recover.

The Minister also directed the WorkSafeBC board of directors to remind employers of their responsibilities and accountability to reduce workplace injuries and death under the WCA and the Occupational Health and Safety Regulation.

Legislative Changes

In 2018, an amendment to the WCA added a presumption for workers in five first responder occupations who experience trauma as a result of their work and which results in a diagnosed mental health disorder. Such mental disorders are presumed to have been caused by their work, rather than a work-related cause having to be proven, facilitating their access to workers' compensation benefits and supports. The amendment includes authority to add other eligible occupations by regulation. Since 2018, 14 other eligible occupations have been added to the mental disorder presumption, including nurses, emergency dispatchers, coroners and social workers.

In 2019, amendments to the WCA extended the three workers' compensation presumptions that were available to local government firefighters to also include wildfire fighters and firefighters working for Indigenous organizations – that is, the presumptions for certain cancers, for heart disease and heart

injury, and for mental health disorders. Again, these presumptions mean that such injuries and illnesses are presumed to have been caused by their work.

WCA amendments made in 2020 ensured that more workers receive benefits reflecting the loss of earnings resulting from their work-related injury or disability. They also enhanced WorkSafeBC's occupational health and safety investigation framework to support the health and safety of British Columbia workers, as recommended in an expert report related to the 2012 sawmill explosions in BC. Other changes improved the overall operational effectiveness of the workers' compensation system.

In 2022, the WCA was amended to require that asbestos abatement contractors be licensed to operate in British Columbia, and that workers and employers who perform this work complete mandatory safety training and obtain certificates. These changes came into effect on January 1, 2024.

In 2022, significant amendments were also passed to improve the fairness for workers injured on the job and to have better worker and employer support for the system.

These changes came into effect over 2023 and 2024 and included:

- Establishing a WorkSafeBC Fair Practices Commissioner to review worker and employer complaints of alleged unfairness at WorkSafeBC
- Establishing a clear employer duty to re-employ injured workers and to accommodate returning workers short of undue hardship.
- Requiring employers and workers to co-operate with each other and with WorkSafeBC to support the return of the worker to their pre-injury employment or, where this is not possible, to other suitable work.
- Expanding worker access to Independent Health Professionals during the appeals process.
- Requiring interest to be paid on compensation benefits that are determined by a WorkSafeBC review officer or WCAT to be owing to a person for 180 or more days.
- Prohibiting employers from dissuading workers from filing a claim for compensation.
- Indexing workers' compensation benefits to the full rate of annual percentage changes in the Canadian Consumer Price Index (CPI).

Effective September 3, 2024, online platform workers providing ride-hail and delivery services are covered under the compensation and occupational health and safety provisions of the WCA, whether they are an employee or an independent contractor.

WorkSafeBC Policy Changes

The previous Minister directed the WorkSafeBC board of directors to review its Rehabilitation and Claims Services policies to determine if there were policies that could be amended to ensure a worker-centred approach. WorkSafeBC has implemented multiple recommendations which came out of that review.

Worker Issues and Perspectives on Further Changes:

Workers and worker stakeholders, including the BC Federation of Labour, call for further changes to the workers' compensation system, including:

- providing the mental health presumption to all occupations;
- increasing workers' compensation payments, such as providing disability payments for life and not just until age 65;

- implementing workers' compensation coverage for online platform workers beyond ride-hail and delivery services workers;
- extending workers' compensation coverage to players in the Canadian Football League and other professional athletes (a long-standing WorkSafeBC order currently excludes them);
- preventing workplace harassment, violence and psychological injuries;
- improving worker safety including improved first aid in remote areas and improved tower crane safety;
- establishing greater independence for the Fair Practices Commissioner; and
- improving the experience for injured workers and surviving dependents as they work through the system's decision-making process, including reducing delays.

Employer Issues and Perspectives on Further Changes:

The primary issue of concern to employers is the cost of the workers' compensation system and, specifically, the impact of changes on their premium rates. Some employers also want to see the WorkSafeBC Accident Fund excess surplus returned to them through direct rebates. Under the WCA, WorkSafeBC, and not government, is legally responsible for managing the Accident Fund, including decisions on the excess surplus.

Opportunities and Challenges for Further Reform:

There is an ongoing opportunity to continue reviewing and improving BC's workers' compensation system, taking into account worker and employer interests. Specific improvements can be identified and assessed through consultation with employer and worker stakeholders and/or the appointment of expert reviewers.

Advice/Recommendations; Government Financial Information

NEXT STEPS:

Ministry staff can provide further detail – and further briefings – on the amendments and other changes that have been undertaken in recent years, and on any proposals for further reforms.

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Advice/Recommendations; Cabinet Confidences

MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder

TOPIC: Occupational Health and Safety (OHS)
ISSUE: <ul style="list-style-type: none"> • This note provides an overview of BC’s legal framework for occupational health and safety set out in the <i>Workers Compensation Act</i> and the <i>Occupational Health and Safety Regulation</i>. • It also presents three recent initiatives to support the health and safety of BC workers.

Overview of the relevant *Workers Compensation Act (WCA)* provisions:

Part 2 of the WCA addresses occupational health and safety provisions. This section states that the purpose of the OHS provisions is to benefit all citizens of British Columbia by promoting occupational health and safety and protecting workers and other persons present at workplaces from work-related risks to their health and safety.

Other purposes of the OHS provisions include promoting a culture of commitment on the part of employers and workers to a high standard of occupational health and safety; preventing work-related accidents, injuries and illnesses; and fostering cooperative and consultative relationships between employers, workers and others regarding OHS.

Specific OHS provisions in part 2 include: the duties of employers, workers and others; requirements for joint health and safety committees; employer accident reporting and investigations; WorkSafeBC inspections, investigations and enforcement; and WorkSafeBC penalties issued for OHS contraventions.

The WCA also provides WorkSafeBC with the direct responsibility and jurisdiction to establish and amend the *Occupational Health and Safety Regulation (OHSR)* and to develop policies to put the OHSR into practice.

Overview of the *Occupational Health and Safety Regulation (OHSR)*:

The purpose of the OHSR is to promote occupational health and safety and to protect workers and other persons present at workplaces from work-related risks to their health, safety, and well-being. Compliance with the requirements provides the basis on which workers and employers can solve workplace health and safety problems.

The OHSR contains legal requirements that must be met by all workplaces under the jurisdiction of WorkSafeBC. This includes most workplaces in B.C., except mines (worker health and safety is overseen by the Ministry responsible for the *Mines Act*) and federally regulated workplaces such as banks, interprovincial and international transportation, telephone systems, and radio, television, and cable services. Many sections of the OHSR have associated guidelines and policies, which are used to help interpret and apply the OHSR. The OHSR is organized into the following sections: definitions; how the regulation is applied; rights and responsibilities; general conditions for workplace safety; specific hazards; matters concerning specific industries; and other matters.

WorkSafeBC regularly revises the requirements of the OHSR based on regulatory experience and changes in knowledge, technology, and work practices. All interested parties are invited to forward suggestions for improvement to WorkSafeBC. OHSR amendments generally follow a well-established consultation process undertaken by WorkSafeBC.

Recent or Ongoing OSHR Related Initiatives of Note:

Crane Safety Initiative:

There are approximately 350 tower cranes currently operating in B.C. While tower cranes typically operate safely and without incident, they have the potential to create catastrophic risk to workers and the public. There have been numerous crane accidents in British Columbia over the last number of years. WorkSafeBC has determined that the risks associated with cranes in B.C. are increasing as more cranes are in operation than ever before, and work is taking place on increasingly complex, multi-employer worksites.

Following a comprehensive review of crane safety in early 2024 — and informed by stakeholder input and feedback — WorkSafeBC developed a new [Crane and Rigging Risk-Reduction Strategy](#) with recommendations to improve crane safety in B.C.

New OSHR came into effect Oct. 1, 2024 that aim to improve the safety of tower cranes in British Columbia. The regulations require employers to submit a Notice of Project (NOP) for tower crane erection, climbing, repositioning, and dismantling. While NOPs are already required by WorkSafeBC for many types of work activities, this is a new requirement specifically for tower crane operations.

Ongoing discussions with the B.C. Ministry of Labour, SkilledTradesBC and industry stakeholders — including labour groups, employers and the BC Association for Crane Safety — will continue to inform WorkSafeBC’s strategy to enhance crane safety.

Personal Protective Equipment (PPE) for Women/Diverse Body Types:

PPE is vital for keeping workers safe in many jobs. Under the OHSR, employers are required to provide appropriate PPE to workers to address workplace occupational health and safety risks. This includes eye and face protection, high-visibility clothing, respirators, hearing protection, eye protection, and harnesses when working at heights.

An increasing number of women are entering industries traditionally dominated by men, such as construction, mining, and firefighting where properly fitted PPE is critical to workplace health and safety. It is critical that PPE fits properly and provides maximum protection. Ill-fitting PPE can compromise worker safety.

In November 2022, WorkSafeBC introduced new guidelines to help employers understand their obligation to ensure PPE fits all workers. It outlines the requirements for the design, selection, and use of PPE that is appropriate for all workers and how to measure and fit PPE to a wide range of body types.

Work is occurring across provinces and territories to identify if more can be done collaboratively to address PPE for diverse body types.

Flush Toilets:

The BC Building Trades (BCBT) has, for several years, advocated for the improvement of washroom facilities in the construction industry, which has often relied on “porta-potties” that can create unsanitary and unhealthy conditions for workers.

After a formal request from the Minister of Labour to consider changes to the OHSR, WorkSafeBC held public hearings in January and July 2024, and consulted with employers, construction-sector associations, unions, workers and workers’ advocates.

Effective October 1, 2024, changes to the OHSR make it mandatory for employers at construction sites with 25 workers or more to provide flush toilets, hand-washing facilities and clean washrooms. WorkSafeBC is working with construction companies over the coming few months to ensure they are informed of the changes and understand what is required to comply prior to taking any enforcement action. This approach allows time for employers to source the required facilities.

WorkSafeBC’s guidelines allow for flexibility if flush toilets are not practicable. However, the onus is on the employer to provide a rationale and evidence for being unable to provide flush facilities.

NEXT STEPS:

WorkSafeBC is leading the work on these initiatives under its legal authority to develop, enact and enforce OHS regulations and programs in BC. Ministry staff can provide further details or arrange a briefing with WorkSafeBC on these issues if the minister is interested in such.

MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder

TOPIC: Employment Standards Legislation and Regulations
ISSUE: This note provides an overview of the <i>Employment Standards Act</i> (ESA) and Employment Standards Regulation (ESR), including minimum wage, and the <i>Temporary Foreign Worker Protection Act</i> (TFWPA).

Overview of the ESA and ESR

BC’s ESA sets minimum standards for terms of employment and working conditions for employees under provincial jurisdiction. Its purposes include promoting fair treatment, encouraging open communication, and establishing basic standards of compensation and conditions of employment between employers and employees. The ESA includes standards governing minimum wage, hours of work, overtime, annual vacations, statutory holidays, paid and unpaid job-protected leaves, employment records, termination, and compensation for length of service.

While the Minister of Labour has oversight responsibility of the ESA, interpretation, administration, and enforcement are the responsibility of the Director of Employment Standards (Director) and the Employment Standards Branch (ESB). If employees consider that their employer has not complied with the ESA, non-union workers may file complaints with the ESB, while unionized workers follow the grievance process set out in their particular collective agreement. ESB investigates complaints and issues written decisions, called determinations. The Employment Standards Tribunal, also established under the ESA, conducts appeals of ESB determinations.

Unions may negotiate alternative provisions in their collective agreements for certain named areas in the ESA (such as hours of work, overtime, and annual vacation), provided that the alternative provisions, when considered together, “meet or exceed” the provisions set out in the ESA. This means that if a union's collective agreement meets or exceeds the requirements of the ESA by improving conditions for employees in one of those areas, then the ESA does not apply to that area -- instead, the collective agreement applies. If a collective agreement does not cover one of those named areas, or if it does not meet or exceed the standards provided for in the ESA, then the provisions of the ESA apply.

The ESR sets out those classes of workers who are wholly or partly excluded from coverage under the ESA; it also provides alternate standards, as appropriate, such as those related to the employment of children. In addition, the ESR specifies certain standards established under the ESA, including amounts for minimum wages, interest and penalties, and the length of paid illness or injury leave.

ESA Exclusions and Alternate Standards

Cabinet has authority to exclude by regulation:

- classes of persons from the ESA in its entirety. For example, certain professions where individuals are licensed by legislation or that are self-governing by legislation (including physicians, chartered professional accountants, and lawyers) are excluded from the ESA; and,
- classes of persons from only certain provisions of the ESA. For example, high technology professionals are excluded from hours of work, overtime, and statutory holidays provisions.

Cabinet also has authority to set by regulation alternate standards from the ESA that apply to classes of persons.

The ESA does not contain any provisions detailing the criteria for excluding or setting alternate standards for a particular class of persons. Instead, Cabinets of various governments have, over the years, exercised this authority on a case-by-case basis. For example, in spring 2024, app-based ride-hailing and delivery services workers became subject to several alternate standards, including an alternate minimum wage and a minimum per-kilometer vehicle allowance.

In its 2018 final report on reform of the ESA, the British Columbia Law Institute recommended that:

- principles be developed to govern future applications for exclusion from all or part of the ESA; and,
- the existing exclusions undergo a systematic review by government to determine whether they continue to be justified.

Advice/Recommendations

Minimum Wage

In spring 2024, the ESA was amended to require all minimum wage rates to increase by the previous calendar year's average change to BC's Consumer Price Index (CPI). The amendments apply to both the general minimum hourly wage and to the alternate minimum wages specified in the ESR (such as those for resident caretakers, live-in home support workers, and workers hand-harvesting specified crops).

Annual adjustments take effect each June 1, with the exception of the annual adjustment to minimum piece rates, which is effective every December 31 to align with the harvest season.

The amendments provide some flexibility in setting rates for the alternate minimum wages: while any alternate rate will automatically receive the annual CPI increase, Cabinet is able to provide additional changes if needed for other policy reasons -- such as removing an alternate minimum wage rate if it is determined that the general hourly should apply, or by adding additional alternate rates to respond to changes in the BC economy.

The amendments to the ESA replace BC's former approach by which Cabinet, through Order-in-Council,

set the amount and timing of minimum wage changes on an ad hoc basis. With no statutory automatic increase in the minimum wage, there were long periods with no increases; when increases did occur, they were often substantial, which was challenging for some businesses.

Overview of the TFWPA

While foreign workers are covered by the ESA, they also have additional protections under the TFWPA.

Passed in November 2018, the TFWPA contains compliance provisions and prohibitions on foreign worker recruiters and employers from engaging in certain practices, including taking possession of a foreign worker's passport. Authority for administering the TFWPA lies with the Director.

In October 2019, the requirement for individual recruiters to be licensed by the Director -- even if their business or main operations are located outside BC -- came into effect. This includes a requirement for a \$20,000 bond against future unpaid penalties or other monies owing.

As of December 2020, certain employers must hold a valid Certificate of Registration from the province before employing foreign workers in BC: employers who are required to provide the Federal Government with a Labour Market Impact Assessment (such as employers wishing to hire foreign workers under the federal Temporary Foreign Worker Program or Seasonal Agriculture Worker Program), and employers wishing to hire foreign workers under new, enhanced federal caregiver pilot programs announced in June 2024 (and which replace the earlier Home Child Care Provider and Home Support Worker Pilot Programs). Employers who hire other foreign workers, including through the Provincial Nominee Program or federal International Mobility Program, are not required to hold a Certificate of Registration from the province.

Names of both licensed recruiters and registered employers are listed on public registries maintained by the ESB. When violations occur, the TFWPA provides for enforcement, including monetary penalties and cancellation of recruiter licences and employer registration certificates.

NEXT STEPS

Ministry staff will provide further briefing materials on the ESA, ESR, and TFWPA, or on specific provisions, as requested.

**MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder**

TOPIC: Employment Standards – Ongoing Reform
ISSUE: <ul style="list-style-type: none">• The <i>Employment Standards Act</i> (ESA) and <i>Employment Standards Regulation</i> (ESR) provide minimum standards and protections for BC employees.• The ministry monitors the ESA and ESR to ensure they meet the needs of modern workplaces.• This note sets out the key changes to the ESA and ESR since 2017, along with issues that could be considered for amendment going forward.

EMPLOYMENT STANDARDS REFORM SINCE 2017:

Key amendments to the ESA and ESR since 2017 include the following:

- Created new, or expanded, job-protected leaves by:
 - adding five paid and three unpaid days for illness or injury leave (“sick days”),
 - adding five days of paid domestic or sexual violence leave, and additional unpaid leave,
 - adding leave to care for a critically ill or injured family member,
 - adding leave for parents on the death or crime-related disappearance of their child,
 - increasing the length of compassionate care leave,
 - allowing maternity leave to start earlier, and
 - increasing the length of parental leave.
- Supported the employment of young people in age-appropriate and safe work by:
 - raising the general minimum age of employment to 16,
 - specifying "light work" that is appropriate for 14- and 15-year-olds to perform, and
 - prohibiting those under 16 or 18 from performing work identified as too hazardous for young workers.
- Created a new statutory holiday for the National Day for Truth and Reconciliation on September 30 of every year.
- Added new protections for online ride-hail and delivery services workers by:
 - establishing that online platform workers performing certain work are subject to minimum employment standards, whether or not they are employees or independent contractors under any law, and
 - establishing appropriate minimum standards for these workers.
- Provided certainty and predictability on minimum wage for workers and employers by legislating an automatic annual increase to the minimum wage rates based on the average change in BC’s Consumer Price Index for the previous calendar year.
- Additional changes have included:

- restoring the ESA as the floor for new and renewed collective agreements,
- explicitly prohibiting employers from keeping tips and gratuities intended for workers,
- extending the Employment Standards Branch's (ESB) ability to recover an employee's wages going back 12 months rather than just six months.
- eliminating the Self-Help Kit that required employees to try to resolve an issue directly with their employer before filing a complaint with ESB, and
- requiring temporary help agencies to be licensed [not yet in force].

ITEMS TO CONSIDER FOR POTENTIAL AMENDMENT TO THE ESA AND/OR ESR:

In addition to mandate letter commitments and other priorities that the minister directs, the following issues are on the ministry's radar to consider for possible future amendments to the ESA and ESR.

Review the Regulations for Ride-Hail and Delivery Services Workers:

As noted above, online platform workers performing ride-hail and delivery services work are subject to minimum employment standards, which came into effect September 3, 2024.

The employment standards for these workers include a minimum wage that applies only to the time spent on assignments, a minimum transportation expense allowance, fair processes for suspensions and terminations, and exclusions from the general ESA standards for vacation pay, statutory holiday pay and paid sick leave.

Advice/Recommendations

Advice/Recommendations; Intergovernmental Communications

Protected Leave for Cancer Treatment

In late 2021 the Canadian Cancer Society requested that the ESA be amended to extend the length of unpaid, job-protected leave for workers undergoing cancer treatment to at least 26 weeks, to align with the federal EI sickness benefit. Quebec has this protection (26 weeks within 12 months) and some other Canadian jurisdictions offer between 12 and 17 weeks per year. Currently in BC, the maximum amount of job-protected leave for a person suffering illness or injury is eight days (five paid and three unpaid). While British Columbians who leave work due to a serious illness or injury (such as cancer) may be

eligible for financial support through federal Employment Insurance (EI) sickness benefits, the Act does not contain any specific job-protected leave entitlements for these workers, beyond the eight days of illness or injury leave.

Advice/Recommendations

Advice/Recommendations The Ministry is working with other provinces to understand current and planned provisions related to this issue across Canada.

Penalties for Non-Compliance with ESA:

If an employer has not followed the ESA or ESR requirements and has been ordered to pay wages owing to a worker, they must also pay an administrative penalty of \$500, which increases to \$2,500 and \$10,000 if the same requirement is not followed within a three-year period.

A 2019 amendment to the ESA provides authority for the Director of Employment Standards to waive the administrative penalty in certain circumstances (e.g., the contravention was not deliberate or due to negligence, or the person paid all wages owed to employees as determined by the Director). This authority has yet to be brought into force. An Order-in-Council (OIC) is required to do so.

Advice/Recommendations

Licensing of Temporary Help Agencies:

In May 2019, amendments to the ESA enabled the licensing and regulation of temporary help agencies, which supply workers to employers on a temporary basis.

Advice/Recommendations

Advice/Recommendations Bringing the amendments into force requires an OIC.

Advice/Recommendations

Review of Exclusions and Alternate Standards:

Through the ESR, employees in particular occupations or sectors are excluded from some or all of the employment standards that generally apply to employers and employees in the province. Other occupations and sectors have alternate standards from the general standards set out in the ESA (e.g., an alternate formula for calculating overtime pay). While exclusions and alternate standards are intended to address the unique needs of an industry sector, many of them are long-standing and have not been reviewed in recent years to assess whether they remain appropriate.

In its 2018 final report on reform of the ESA, the British Columbia Law Institute recommended that:

- principles be developed to govern future applications for exclusion from all or part of the ESA; and,
- the existing exclusions undergo a systematic review by government to determine whether they continue to be justified.

Advice/Recommendations

Advice/Recommendations

Minimum piece rates: One key alternate standard for potential review is the minimum piece rates, which apply to the hand-harvesting of 15 specific crops, including blueberries, apples, peaches and daffodils.

Historically, governments have often, but not always, increased the minimum piece rates by the same proportion as the general minimum wage increases. Since 2022, they have received increases tied to inflation, along with the other minimum wages. Following recent amendments to the ESA, going forward the minimum piece rates will receive automatic increases each December 31 based on the previous year's inflation. However, there continue to be calls from workers and their advocates to consider larger, one-time increases to the rates to make up for times when the piece rates were frozen while the general hourly minimum wage increased. There are also calls to consider removing some or all of the minimum piece rates and letting the hourly minimum wage apply as a backstop to the piece work.

Advice/Recommendations; Intergovernmental Communications

Pension/Benefit Funds for Workers Without Such Plans:

In the Ministry's 2020 and 2022 mandate letters from the Premier, the Parliamentary Secretary was tasked to "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."

Advice/Recommendations

Updates to Align with the Modern Economy:

In addition to the review of exclusions and alternate standards discussed above, Advice/Recommendation
Advice/Recommendations

OPPORTUNITIES AND CHALLENGES FOR FURTHER REFORM:

- Ongoing monitoring of the ESA and ESR, including issues raised by stakeholders, enables the ministry to propose changes to the standards that better support the needs of workers and employers in the modern economy.

Advice/Recommendations

- Employers and workers generally agree that employment standards are necessary to protect workers but often disagree on what standards are appropriate. Consultation is important to consider all interests and implications before making changes.
- ESA and ESR amendments can impact ESB operations, including its caseload backlog, and the timeliness of its services to workers and employers. Advice/Recommendations
Advice/Recommendations

NEXT STEPS:

- Ministry staff can provide more detailed briefing materials on these issues, or others matters identified for potential employment standards reform.
Advice/Recommendations

MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder

TOPIC: Employment Standards Branch (ESB)

ISSUE: Expanded legislative mandate and increasing complaint volumes/demand for services continue to pose service delivery challenges within ESB.

ESB Complaints Backlog:

Despite budget increases over recent years, ESB’s budget and resourcing capacity has not kept pace with its dramatic increase in demand, resulting in an immediate and substantial growth in the complaints backlog, which remains to this date.

Over the last number of years, the ESB has seen an increase in complaints volumes. In 2018, the Branch received 4,937 complaints while in 2019 that number rose to 7,617, in 2020 to 7,403, in 2021 to 6,215, in 2022 to 7723 and in 2023 to 8771. The ESB also experienced a significant increase in demand for advisory services, going from 74,800 calls and emails from workers and employers in 2020, to 122,792 in 2021, 139,684 in 2022 and 127,005 in 2023. In addition, in 2019, the Ministry removed the Self-Help Kit, doubled the statutory recovery period from 6 months to one year and launched the *Temporary Foreign Worker Protection Act* (TFWPA). Pandemic response actions including temporary layoff variances, vaccination leave, and temporary and permanent illness and injury leave, which also resulted in new work for the Branch. All these factors and improvements made the ESB more accessible and increased demand for its services.

The ESB also pivoted from a mediation/adjudication model to a full compliance investigation model. While the new investigation model provides greater access and opportunity to participate in the complaint process for workers, as well as enhanced education, resolution and compliance service delivery, these benefits significantly require more time, training and skills, and resources by ESB Investigators.

Advice/Recommendations

ESB Transformation:

In 2018, the ESB began a formal transformation initiative to operationalize the Minister's vision: "An effective, modernized and accessible system where employers and workers have a strong awareness and understanding of the Employment Standards system and that BC's standards are evenly, meaningfully and proactively enforced".

The transformation initiative included work to:

- Increase accessibility of information and services, helping to remove barriers for workers to be able to access their statutory entitlements and better inform both workers and employers of their rights and responsibilities.
- Modernize ESB's processes and tools for staff and clients, including implementation of a new case management system, enhanced web tools and improved online content.
- Adapt to the legislative changes of Bill 8, 2019 (*Employment Standards Amendment Act*), such as changes to the complaint resolution model used in ESB, and moving from a mediation/adjudication model to an investigative model and bifurcated decision-making process.¹
- Improve collections outcomes for workers and increase proactive compliance and enforcement
- Implement the new TFWPA, creating a registry of licensed foreign worker recruiters and a registry of employers seeking to hire temporary foreign workers (TFWs) to better protect vulnerable foreign workers.
- Respond to the new requirements brought on by the pandemic and shifts in government priorities, including new legislative requirements and changes to branch directives.

By approximately 2021/22, the ESB had accomplished its primary transformation objectives, however the ambitious pace and scale of these service changes contributed to caseload and budgetary pressures. Thus, ESB's primary focus shifted to addressing the significant increase in demand which resulted from its program expansion, most notably the complaints backlog.

ESB Budget:

The ESB's budget for 2024/2025 is \$21.263 million, an increase of \$3.561M million from the prior year's budget of \$17.702 million. Approximately \$3 million of this budget increase is to support the branch's

¹ In a bifurcated decision-making model, one investigator gathers the evidence and a separate investigator reviews the evidence and issues a formal decision on the merits of the compliant.

sustainable complaints management strategy and the remainder is attributed to increases under the Shared Recovery Mandate. Over the last two years, ESB's budget has increased by over \$7 million cumulatively, with most of the increases dedicated to hiring additional staff to assist resolving disputes between workers and employers, provide guidance on employment standards, and process employer registrations for temporary foreign workers. Hiring for the additional positions is now complete.

Interpretation Services:

The ESB has recently received requests from stakeholders to provide full interpretation/translation services throughout the lifecycle of an employment standards complaint, which are often unique and complex in nature requiring dispute resolution and investigation.

The ESB is not funded to provide this service and as a result does not currently provide interpretation or translation services, aside from a few Factsheets and the ServiceBC Multilingual line (which cannot be used by ESB staff and the public for ongoing ESB investigative/complaint work). The inability to provide interpretation services continues to draw stakeholder criticism. Some work is occurring across government to assess the interpretation services provided in other ministries and/or demanded by stakeholders to access other government services.

TFWPA Registry Queue:

Effective December 15, 2020, employers in BC who intend to hire TFWs under the federal TFW Program, or Home Child-Care Provider or Home Support Worker Pilot Programs, must hold a Certificate of Registration. The provincial employer registry is the initial level of screening and tracking for these employers. Prior to issuing a Certificate of Registration, the ESB verifies an employer's compliance with the applicable labour legislation. Once registered, an employer can apply to the applicable federal program through Employment and Social Development Canada (ESDC) for a Labour Market Impact Assessment, which allows a TFW to apply for a permit to work in Canada.

Due to the labour shortage, many employers have recently turned to TFWs, causing an unprecedented application surge for TFW registration, resulting in longer processing times at the ESB. Since the registry was created, incoming employer application volumes have been variable. During the 15 months prior to October 2022, about 250 employer applications were received by the ESB each month with processing times typically of between one to four weeks.

In just the last 4 months of 2022, the ESB received over 10,000 employer applications, as compared to 2,955 applications for all of 2021. ESB has since seen a stabilization in employer applications at approximately 1,400 per month.

The ESB worked with the Federal Government to better coordinate service delivery to meet this increased demand, increased the size of the team responsible for processing employer applications for

registration, and prioritized employer applications related to the agriculture industry, in light of possible impacts on the food supply.

As of October 1, 2024, the current TFW Employer registration queue is at 1,900 with an average wait time for assignment of 7.5 weeks.

NEXT STEPS:

- The ESB continues to implement its sustainable complaints management strategy to meet incoming complaint demand, improve service delivery and explore business solutions, within its current budget constraints, to improve the efficiency and effectiveness of its service delivery to workers, employers and businesses in B.C.
- Ministry staff can provide further briefing materials on ESB operations as requested.

**MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder**

TOPIC: Legislation Administered by the Ministry of Labour

MINISTER OF LABOUR	
ACT	Exceptions*
Community Services Labour Relations	
Emergency Intervention Disclosure	
Employment Standards	The Act except Part 12.
Family Day	
Fire and Police Services Collective Bargaining	
Fire Department	
Fishing Collective Bargaining	
Labour Relations Code	The Act except sections 115 – 122, 125, 127, 129, 132 and 157.
Ministry of Labour	
National Day for Truth and Reconciliation	
Temporary Foreign Worker Protection	
Workers Compensation	

* The exceptions for the Employment Standards Act and the Labour Relations Code are provisions that relate to the administration of the Employment Standards Tribunal and the Labour Relations Board, respectively. These provisions are the responsibility of the Ministry of Attorney General, which has responsibility for the budget and administration of all tribunals in the province that are funded by government [note – this does not include the Workers’ Compensation Appeal Tribunal, which is funded by employer premiums through WorkSafeBC].

NEXT STEPS:

Ministry staff can provide further information and briefing materials on this legislation, as requested.

**MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder**

TOPIC: Authority of the Minister of Labour

ISSUE: Summary of the Minister of Labour’s powers under BC’s labour statutes.

In general, provincial labour legislation assigns the powers to administer and enforce the provisions in an Act, and the regulations under an Act, to a designated official (e.g., the Director of Employment Standards), an independent agency (e.g., the Workers’ Compensation Board or “WorkSafeBC”) or an independent tribunal (e.g., the Labour Relations Board). While the Minister of Labour may have overall responsibility for an Act and for leading amendments to the Act, the Minister cannot exercise the powers assigned to an official, agency or tribunal, or interfere with when and how they exercise their assigned powers.

The Minister of Labour, however, can exercise the powers specifically assigned to the minister under an Act. This document sets out the powers specifically assigned to the Minister of Labour under British Columbia’s labour laws including:

- The *Ministry of Labour Act*
- The *Employment Standards Act*
- The *Temporary Foreign Worker Protection Act*
- The *Workers Compensation Act*
- Labour relation legislation, including the *Labour Relations Code* and various other labour relations statutes

Minister’s Powers re: the *Ministry of Labour Act*

This Act requires a ministry of the public service of British Columbia called the Ministry of Labour. The minister is required to preside over this ministry, and to manage and direct it. The ministry itself is given the power to administer the laws of BC affecting labour. Pursuant to this Act, the Minister of Labour has the power to obtain information, including right of entry, on matters related to carrying out this Act. The minister may compel witnesses and order disclosure, and apply to the court in this regard.

Minister’s Powers re: the *Employment Standards Act*

The Director of Employment Standards and the director’s delegates, collectively known as the Employment Standards Branch, are assigned the power to administer and enforce most provisions of the *Employment Standards Act*, while the Employment Standards Tribunal administers the appeal provisions.

The Minister of Labour has one specific power. If an employer gives notice of termination to 50 or more employees, the minister may require the employer to establish a committee to develop an adjustment program to reduce the impact of the group termination.

Minister’s Powers re: the *Temporary Foreign Worker Protection Act*

The Employment Standards Branch is also assigned the power to administer and enforce the *Temporary Foreign Worker Protection Act*, and the Employment Standards Tribunal the appeal provisions. The Minister of Labour is not afforded any direct powers under this Act.

Minister's Powers re: the *Workers Compensation Act*

WorkSafeBC administers and enforces most provisions of the Workers Compensation Act (WCA) and the Workers' Compensation Appeal Tribunal (WCAT) the appeal provisions.

Under the *Workers Compensation Act* (WCA), the Minister of Labour may:

- Appoint a committee to review the Occupational Health and Safety provisions.
- Require WorkSafeBC to inquire into occupational health and safety matters.
- Direct WorkSafeBC to consider making, repealing or amending its regulations.
- Advise the Lieutenant Governor in Council on the appointment and termination of members to WCAT.
- Set requirements for the annual reports filed by the WCAT and WorkSafeBC.
- Request that WorkSafeBC extend the application of the WCA to people enrolled in certain vocational or training programs.
- Request that WorkSafeBC's board of directors make payments to the Minister of Finance to fund the WCAT, the Workers' Advisers Office and the Employers' Advisers Office.

For a complete list and description of minister's powers under the WCA, see Appendix A.

Minister's Powers re: Labour Relations Legislation

The Labour Relations Board administers the *Labour Relations Code* and most labour relations matters in other provincial statutes.

With respect to labour relations matters, the statutory powers of the Minister of Labour include powers to:

- Appoint mediators, special mediators, industrial inquiry commissions, industrial inquiry councils, fact finders, and special officers to help settle collective bargaining disputes or address other labour relations matters.
- Order a vote on the employer's or union's last offer in a collective bargaining dispute.
- Direct the Labour Relations Board to establish essential services orders governing collective bargaining disputes.
- Direct the Labour Relations Board to consider whether in a particular case a council of trade unions would be an appropriate bargaining agent for a unit.
- Order arbitration to settle the collective agreement negotiations for police officers and firefighters.
- Order the Labour Relations Board to consider discontinuing a health sector bargaining certification, or order the board to add a bargaining unit or consolidate bargaining units in the health sector.

- Appoint a committee of special advisors to undertake continuing review of the Code and labour management relations.
- Establish regulations respecting the timelines for the Labour Relations Board to issue its final decisions on complaints and applications.

For a complete list and description of minister's powers under the *Labour Relations Code*, the *Fire and Police Services Collective Bargaining Act*, the *Community Service Labour Relations Act*, the *Railway and Ferries Bargaining Assistance Act*, and the *Health Authorities Act*, see Appendix B.

Appendix A

Powers under the *Workers' Compensation Act*

Occupational health and safety (OHS)

Section 15 – Review of OHS provisions and regulations

The minister may appoint a committee to conduct a review of all or part of the Occupational Health and Safety provisions and the regulations and report to the minister with recommendations.

Section 17 – Board mandate under OHS provisions

Section 17(2)(m) provides that the minister may require WorkSafeBC to inquire into and report to the minister on any matter referred to it by the minister, within the timeframe specified by the minister. Section 17(2)(o) provides that WorkSafeBC must do any other things in relation to occupational health and safety that the minister or LGIC may direct.

Section 116 – Minister may direct Board to consider changes to its regulations

The minister may direct WorkSafeBC to consider whether it should make, repeal or amend its regulations in accordance with the recommendations of the minister. If WorkSafeBC chooses not to accept the minister's recommendation, then the LGIC may make, repeal, or amend the regulation in accordance with the minister's recommendation.

Workers' Compensation Appeal Tribunal (WCAT)

Section 278 – Appeal tribunal and membership

This section provides for a chair of the Workers' Compensation Appeal Tribunal (WCAT) to be appointed by the LGIC. By practice, the Minister of Labour recommends an appointee to the LGIC. This section also provides that the chair may appoint vice chairs and extraordinary members to WCAT after consultation with the minister.

Section 279 – End of appointment to appeal tribunal

The chair may, after consultation with the minister, terminate the appointment of a member of the WCAT for cause.

Section 284 – Finances for appeal tribunal administration and operation

All money required for the administration and operation of the WCAT must be paid by the government, but on request of the minister the Board must pay the amount requested to the Minister of Finance out of the accident fund.

[**Note:** In practice, this is how the WCAT is funded.]

Section 286 – Annual report to the minister

On or before March 25 of each year, the WCAT chair must make a report to the minister respecting the WCAT's operations for the preceding calendar year. The minister may require the annual report referred to in subsection (1) to address specified matters and to be in a specified form.

Workers' Compensation Board (WorkSafeBC)

Section 316 – Workers' Compensation Board and its board of directors

WorkSafeBC's board of directors (the Board) consists of 9 voting directors appointed by the LGIC. By practice, the Minister of Labour recommends appointees to the LGIC. The Board also includes a president appointed by the board of directors, who is a non-voting director.

Section 326 – Annual report to minister

On or before April 30 of each year, the Board must make to the minister a report of the Board's transactions during the last preceding calendar year, and the report must include any information the minister specifies.

Other powers under the WCA

Section 6 – Extending application: vocational or training programs

This section applies if the Minister of Labour and either the minister responsible for the *School Act* or the minister responsible for the *College and Institute Act*, as applicable, approve a vocational or training program and a place where the program is to be provided.

At the request of the Minister of Labour (or another minister listed above, e.g. the Minister of Education and Child Care or the Minister of Post-Secondary Education and Future Skills), the Board may deem a person or class of persons enrolled in an approved program to be a worker or workers of the Crown in right of British Columbia.

Section 350 – Workers' advisers and employers' advisers

The minister may request that the Board reimburse the government for all amounts paid by the government for the reasonable expenses properly incurred by the government in administering workers' and employers' advisers programs. On receiving such a request, the Board must pay the amount requested to the Minister of Finance.

[**Note:** In practice, this is how the Workers' Advisers Office and the Employers' Advisers Office are funded.]

Appendix B

Powers Related to Labour Relations Legislation

Collective Bargaining/Dispute Resolution Powers

Section 41 – Certification of councils of trade unions

The Minister of Labour may direct the Labour Relations Board to consider whether in a particular case a council of trade unions would be an appropriate bargaining agent for a unit.

Section 72 – Essential services

If the Minister of Labour considers that a dispute poses a threat to the health, safety or welfare of the residents of British Columbia, the minister may direct the Labour Relations Board to designate essential services.

Section 74 – Mediation officer and services

The Minister of Labour may appoint a mediator (at any time during the course of collective bargaining between an employer and a union) to confer with the parties when the minister considers that the appointment will likely facilitate the making of a collective agreement.

Section 76 – Special mediator

The Minister of Labour may appoint a special mediator, and may specify terms of reference, to assist parties having difficulties in negotiating a collective agreement. The minister may also terminate the appointment of a special mediator.

Section 78 – Last offer vote

During a strike or lockout, the Minister of Labour may require that a last offer vote be conducted if the minister considers the vote to be in the public interest. If a majority of the bargaining unit members or employers' organization members, as applicable, vote in favour of accepting the last offer, an agreement is thereby constituted between the parties.

Section 79 – Industrial Inquiry Commission

The Minister of Labour may appoint a commission of inquiry into labour relations matters or a collective bargaining dispute if the minister considers it necessary to maintain or secure labour relations stability and promote conditions favourable to settlement of disputes.

Section 80 – Industry councils

On application by an employer, trade union or the Board, or on the minister's own motion, the minister may direct the Board to assist the parties to establish an industry council. An industry council may recommend measures to achieve more effective collective bargaining and procedures for settling disputes. A council may also identify needs and challenges for the industry, develop labour market information and marketing initiatives, and make recommendations to advance the industry.

Section 50 – Collective agreement for less than one year

The Minister of Labour can give consent to the termination of a collective agreement before its one-year anniversary date should the parties wish to do so.

Unless explicitly stated otherwise in the collective agreement, if a collective agreement is for a term of more than one year, either party may at any time after the agreement has been in operation for 8 months apply to the minister for leave to notify the other party that the agreement will be terminated on its next anniversary date.

Section 52 – Extra provincial companies

Where an extra provincial company becomes certified for a bargaining unit of employees in British Columbia, and does not, within 5 days of the certification, appoint a person resident in BC with authority to bargain collectively, the minister may make such an appointment.

Section 146 – Information confidential

The Minister of Labour may receive and hold in confidence a proposal made by a party for settlement of a dispute or difference. If the information relates to the business or affairs of any person, and the minister believes the disclosure would be prejudicial to the person, the minister may direct that the information not be made public or that it be made public in the manner the minister directs.

Powers Related to Grievance Arbitration

Section 85 – Unworkable provision

If in the minister's opinion a part of the arbitration provision in a collective agreement, including the method of appointing the arbitration board, is inadequate, the Minister of Labour may, at the request of either party, modify the provision.

Section 91 – Delay by arbitration board

If a difference has been submitted to arbitration and a party to the arbitration complains to the minister that the arbitration board has failed to render a decision in a reasonable time, the minister may issue an order to ensure a decision will be rendered without further undue delay.

Section 106 – Special officer

If during the term of a collective agreement there is or is a likelihood of a dispute or difference arising out of or relating to the agreement, the minister may in the interest of industrial peace appoint a special officer to investigate the dispute or difference.

Other *Labour Relations Code* Powers

Section 3 – Continuing review of the Code

The Minister of Labour may appoint a committee of special advisors to undertake continuing review of the Code and labour management relations.

The minister may make regulations respecting the receipt and dissemination of submissions and recommendations associated with the committee of special advisors.

The minister must appoint a committee of special advisors to undertake a review of the Code and make recommendations to the minister at least every five years.

Section 126 – Practice and procedure

Subject to the minister’s approval, the Board may make rules governing its practice and procedure and the exercise of its powers and establish forms it considers advisable.

Section 144 – Powers of minister

For the purpose of obtaining information to which the minister is entitled under the Code, the minister or a person designated by the minister has the powers, privileges and protection of a commission under sections 22 (1), 23 (a), (b) and (d) and 32 of the Public Inquiry Act.

Section 145 – Power to enter and inspect

The minister or a person designated by the minister may, for the purposes of the Code, enter during regular working hours any land, ship, vessel, vehicle, aircraft or other means of conveyance or transport, factory, workshop or place of any kind where

- (a) work is or has been done or commenced by employees,
- (b) an employer carries on business, or
- (c) anything is taking place or has taken place concerning a matter referred to the minister under the Code,

and may inspect any work, material, appliance, machinery, equipment or thing in it, or interrogate any person in relation to it.

Section 147 – Payment of tribunal members

A person appointed by the minister or the chair as a member of an industrial inquiry commission, committee of special advisors or other tribunal established under the Code, or as a special officer, special mediator or fact finder may be paid remuneration the minister determines for each day’s attendance in carrying out the person’s duties under the Code.

Section 159.1 – Minister’s Power to make regulations

The Minister of Labour has the authority to establish regulations respecting the decision timelines for cases before the Labour Relations Board.

Fire and Police Services Collective Bargaining Act

Section 3 – Settlement of dispute by arbitration

If a fire fighters' union or a police officers' union and an employer have bargained collectively and have failed to conclude a collective agreement or a renewal or revision of a collective agreement, the trade union or the employer may apply to the minister for a direction that the dispute be resolved by arbitration.

The minister may direct that the dispute be resolved by arbitration if certain conditions set out in the Act are met, and may specify terms of reference for arbitration under the Act.

Community Service Labour Relations Act

Section 5 – Vote for one union

If the minister determines that

- (a) the delivery of community social services generally, or the flexibility of delivery, would be improved,
- (b) the cost effectiveness of service delivery in the community social services sector would be better served, or
- (c) the public interest would be better served

if there were only one union representing employees in the bargaining units established under the Act, the minister may direct the Labour Relations Board to conduct a vote to determine which union will represent all of the employees in the respective bargaining units.

Section 7 – Labour relations matters

The minister may withhold or reduce certain funds payable to an agency or authority delivering services on contract with the government if the operating expenses of the agency or the authority have been reduced during a strike or lockout.

The minister may direct an audit of an agency or authority to determine the amount of the reduction in operating expenses as a result of a strike or lockout.

Railway and Ferries Bargaining Assistance Act

Part 1 – Special Commissions

The minister may, with the approval of the Lieutenant-Governor in Council, appoint Special Commissions to inquire into all matters pertaining to the relationships between an employer (i.e., BC Ferries Inc/BC Rail Ltd.) and its employees or their trade-unions and the disputes or differences arising between them, with a view to securing and maintaining industrial peace and furthering harmonious relations between them.

The Minister may require the Special Commission to produce and publish reports and may approve the appointment and payment of individuals to assist with the work of the Special Commission.

Section 9 – Board of Arbitration

Where the employer (i.e., BC Ferries Inc/BC Rail Ltd.) and any trade-union are unable to conclude a new or revised collective agreement, the minister may appoint one or more persons as a Board of Arbitration.

The Board of Arbitration shall conclude the inquiry and give its decision within 30 days after the commencement of the inquiry; but the minister may extend the inquiry for such period as the minister considers necessary or advisable.

Section 17 – Special Mediator

Where the Lieutenant-Governor in Council has made an order under section 16 (prohibiting strike or lock-out for a “cooling off period” of up to 90 days), the minister shall appoint a special mediator to confer with the parties to assist them in settling the terms of a collective agreement, and where the minister appoints more than one special mediator, the minister shall designate a chairperson.

Section 18 – Fact-finding

Where the special mediator recommends that fact-finding should be the procedure to be followed to achieve a collective agreement, the minister may appoint a person as the fact-finder.

The fact-finder shall submit a report to the parties within 20 days following the date of their appointment, or within such longer period of time as the minister directs. The minister may publish and distribute the report in any manner the minister considers advisable.

Health Authorities Act

Section 19.5 – Review of appropriate bargaining units

The Minister of Labour, on application or on the minister’s own motion, and after the investigation considered necessary or advisable, may direct the Labour Relations Board to add a bargaining unit in the health sector, or to consolidate two or more bargaining units.

Section 19.6 – Review of certifications

The Minister of Labour can order the Labour Relations Board to consider whether continuation of a certification to a trade union in the health sector is appropriate.

MINISTRY OF LABOUR ISSUE NOTE
2024 Ministry Transition Binder

TOPIC: Key Ministry of Labour Changes Since 2017

ISSUE:

- Since 2017, the Ministry of Labour has led changes to provincial labour laws and programs intended to improve worker health and safety, support fairness in the workplace and provide meaningful protections for vulnerable workers.
- This note summarizes the key changes.

EMPLOYMENT STANDARDS

- **Minimum wage increases:** On June 1, 2024, the general minimum wage increased from \$16.75 to \$17.40 an hour. <https://news.gov.bc.ca/releases/2024LBR0007-000600>. This followed increases every year beginning in 2018:
 - 2023: from \$15.65/hr to \$16.75/hr
 - 2022: from \$15.20/hr to \$15.65/hr
 - 2021: from \$14.60/hr to \$15.20/hr
 - 2020: from \$13.85/hr to \$14.60/hr
 - 2019: from \$12.65/hr to \$13.85/hr
 - 2018: from \$11.35/hr to \$12.65/hr
 - *Minimum wage increases tied to inflation:* Once the minimum wage reached \$15.20/hour, which occurred on June 1, 2021, government tied subsequent minimum wage increases to the rate of inflation. This was done for the 2022 and 2023 increases, by Order in Council. In February 2024, government amended the Employment Standards Act (ESA) so that future increases to the minimum wage rates happen automatically, based on the previous year's average inflation rate for B.C. This provides certainty and predictability for workers and employers.
- **Employment standards and workers' compensation for the app-based ride-hail and delivery services sector:** Government established minimum standards and workers' compensation coverage for app-based ride-hail and delivery services workers. <https://news.gov.bc.ca/releases/2024LBR0011-000900>
 - Effective September 3, 2024, employment standards and other protections for these workers include:
 - Minimum earnings standard of minimum wage plus 20% while completing assignments ("engaged time") (currently \$20.88/hour);
 - Minimum vehicle expense allowance for all kilometers travelled to complete assignments;
 - Workers' compensation coverage from WorkSafeBC and occupational health and safety protections;
 - Tip protection so workers keep 100% of their tips;

- A fair process for suspensions and terminations from an app; and
 - Transparency on payment, and pick-up and delivery locations, before accepting an assignment.
- **Employment standards for youth:** To ensure that a job is age-appropriate and safe for young people:
 - In 2021, changes came into force to:
 - raise the general working age from 12 to 16,
 - require a permit from the Employment Standards Director for a child under 16 to work; and
 - define “light work” that is appropriate for a 14- or 15-year-old to do without a Director’s permit <https://news.gov.bc.ca/releases/2022LBR0013-001503>
 - In 2022, a new regulation set out specific jobs that are too hazardous and unsuitable for young workers, and established a minimum age of 16 or 18, depending on the job. <https://news.gov.bc.ca/releases/2022LBR0068-001912>
- **Paid and unpaid sick leave:** On January 1, 2022, B.C. became the first province in Canada to implement a minimum standard of five days of **paid** sick leave every year, to protect workers and businesses. This was added to the minimum standard of three days of **unpaid** sick leave per year introduced in 2020. <https://news.gov.bc.ca/releases/2021LBR0078-002458>
- **Domestic/sexual violence leave:** Starting in 2020, up to five days per year of **paid** leave was made available for employees who face domestic or sexual violence or are parents of a child impacted by this kind of violence. This supplements the **unpaid** leave of up to five days for domestic and sexual violence, and the additional **unpaid** leave of up to 15 weeks, established in 2019. <https://news.gov.bc.ca/releases/2020LBR0011-000363>
- **Other job-protected leaves:** In 2018 government provided longer, more flexible job-protected pregnancy and parental leaves, along with leaves for people caring for a terminally ill family member or coping with the death or disappearance of a child. <https://news.gov.bc.ca/releases/2018LBR0007-000602>
- **Self-help kit:** In 2019, the ministry made it easier for workers to get help when their employment standards rights have been violated by eliminating the self-help kit, which required workers to try to resolve an issue directly with their employer before filing a complaint with the Employment Standards Branch (ESB). The self-help kit was identified as a significant barrier to accessing assistance from the ESB. <https://news.gov.bc.ca/releases/2019LBR0023-001663>
- **COVID-19 response:** During the pandemic, government supported workers and employers with the following employment standards initiatives:
 - **Unpaid job-protected leave for COVID-19:** In 2020, government added **unpaid** job-protected leave for people who are unable to work due to circumstances related to COVID-19.
 - **Temporary layoff variances:** During the pandemic, government protected jobs and kept laid-off workers connected to their employers with an online variance application that simplified the process to extend temporary layoffs. Overall, 750 variances protected nearly 12,000 jobs in 11 sectors and kept workers tied to their employer for a longer

period without the need to pay severance. These variances extend an existing requirement to permanently layoff workers after 13 weeks of temporary layoff if there is no job to which to return.

- **COVID-19 vaccination leave:** Starting in April 2021, workers could take **unpaid** job-protected leave to get themselves or their dependants vaccinated. This was followed shortly by changes to allow employees up to three hours of **paid** leave for vaccinations. <https://news.gov.bc.ca/releases/2021LBR0018-000739>
- **Three days paid sick leave for COVID-19:** In May of 2021, government passed legislation to give workers up to three days of **paid** sick leave for circumstances related to COVID-19, with the Province reimbursing employers up to \$200 a day per employee, until Dec. 31, 2021. More than 10,000 applications for reimbursement covering 30,000 employees were made, totalling about \$13.2 million. <https://news.gov.bc.ca/releases/2021LBR0025-001178>
- **National Day for Truth and Reconciliation (NDTR):** Beginning in 2023, the Province enshrined the NDTR as a statutory holiday so that every September 30th workers will be able to honour the strength and resilience of residential school survivors and remember the children who never came home. <https://news.gov.bc.ca/releases/2023IRR0006-000152>
- **Employment Standards Branch funding:** In Budget 2023 and Budget 2024, ESB's operating budget was increased by over \$17 million over four years, providing for as many as 40 full-time additional employees to be hired to meet the growing demand for ESB's services. <https://news.gov.bc.ca/releases/2023LBR0012-000226>
- **Fair Wages Commission (FWC):** The FWC has fulfilled its mandate. It was appointed in late 2017 to look at three areas. <https://news.gov.bc.ca/releases/2017LBR0004-001688>
 - Laying out a path to increase the minimum wage to at least \$15/hr – the Commission's report was received early 2018 and was acted upon by government.
 - Examining other minimum wage rates under the ESA, such as liquor servers, live-in home support workers, resident caretakers, live-in camp leaders, and piece rates for hand-harvested crops.
 - This review led to the elimination of lower discriminatory liquor server wage rates.
 - Examining the gap between the minimum wage and a living wage. The commission's report was submitted to government in April 2023 and released in August 2023.

TEMPORARY FOREIGN WORKERS

To protect foreign workers, government enacted the *Temporary Foreign Worker Protection Act*, which lays the groundwork for recruiter licensing and employer registration.

<https://news.gov.bc.ca/releases/2020LBR0031-001805>

- **Temporary Foreign Worker (TFW) recruiter licensing:** Recruiters must be licensed by the ESB to bring in foreign workers from other countries.
- **TFW employer registry:** B.C. employers must have a registration certificate from the ESB to hire

TFWs from other countries.

WORKPLACE SAFETY

An important focus for the Ministry of Labour is worker health and safety, and preventing work-related injuries, illness, mental health disorders and deaths.

- **Asbestos:** As of January 1, 2024, the *Workers Compensation Act* requires that asbestos abatement contractors who operate in B.C. must be licensed and must ensure their workers are trained and certified to perform this work. <https://news.gov.bc.ca/releases/2023LBR0033-001981>
 - A registry of licensed contractors is available on WorkSafeBC's website to ensure the public knows which contractors are in good standing.
 - B.C. is the first jurisdiction in Canada to implement a formal licensing requirement.
- **Crane safety:** After a series of workplace incidents involving cranes, including fatalities, WorkSafeBC has developed a risk-reduction strategy aimed at further improving tower crane safety in B.C.
- **Flush toilets at construction sites:** Effective October 1, 2024, the *Occupational Health and Safety Regulation* requires flush toilets at all construction sites with 25 workers or more. The change is intended to ensure that facilities on such sites are safe, healthy and hygienic for workers.
- **Safety headgear:** In 2021, changes to the *Occupational Health and Safety Regulation* require employers to conduct risk assessments for their workplaces when considering the need for safety headgear, while ensuring that turban-wearing Sikhs will be able to participate more fully in the workforce. <https://news.gov.bc.ca/releases/2021LBR0024-001068>
- **Personal protective equipment (PPE):** PPE is vital for keeping workers safe and healthy, and it must fit properly for everyone (i.e., all body types). WorkSafeBC is working with employers to ensure they understand their obligations for PPE. In addition, work is occurring across provinces and territories to identify if more can be done collaboratively to address PPE for diverse body types.

WORKERS' COMPENSATION

Tragically workplace injuries, illnesses and deaths do occur. When they do, workers' compensation supports the workers and their families.

- **Workers Compensation Act (WCA) amendments:** In November 2022, the WCA was amended to better support injured workers and their families, improve worker and employer confidence in the workers' compensation system and bring B.C. in line with other provinces. <https://news.gov.bc.ca/releases/2022LBR0015-001623>.

The changes were implemented in 2023 and 2024 and include:

- establishing a fair practices commissioner (FPC) within WorkSafeBC;
- adding a legal duty for employers to accommodate and re-employ workers who

- were injured at work;
- expanding access to independent health professionals to assist the Workers' Compensation Appeal Tribunal in deciding an appeal;
- requiring WorkSafeBC to pay interest on delayed benefit payments owed to the worker because of a review or appeal decision; and
- establishing explicit provisions to prohibit employers from suppressing workers' compensation claims.

Two additional changes increased the compensation paid to injured workers by:

- increasing the annual indexing of workers' compensation benefits for inflation by eliminating the automatic one percent reduction from Consumer Price Index that had been in place since 2002 (effective prospectively on January 1, 2023); and
 - permitting WorkSafeBC to increase the maximum compensation for non-traumatic hearing loss.
- **Cancer presumption for firefighters:** Since 2018, several cancers were added to the list of presumptive diseases that firefighters are at risk of developing. This means that, if they develop one of those diseases, they do not have to prove that it was caused by their work environment, thus facilitating their access to workers' compensation benefits and services.
<https://news.gov.bc.ca/releases/2022LBR0063-001678>
 - **Mental health presumption:**
 - **In 2018** government amended the WCA to include a mental health presumption for police officers, firefighters, paramedics, sheriffs and correctional officers, in recognition of their increased risk of PTSD and other mental illnesses that can arise from traumatic workplace incidents. <https://news.gov.bc.ca/releases/2018LBR0008-000611>
 - **In 2019** government expanded the mental health presumption to include nurses, emergency dispatchers and publicly-funded health care aides.
<https://news.gov.bc.ca/releases/2019LBR0010-000695>
 - **In 2024** government further expanded the presumption to include 11 other occupations exposed to trauma in their work: community-integration specialists, coroners, harm-reduction workers, parole officers, probation officers, respiratory therapists, shelter workers, social workers, transition house workers, victim service workers and withdrawal-management workers. <https://news.gov.bc.ca/releases/2024LBR0010-000892>

LABOUR RELATIONS CODE

- **2018 Labour Relations Code Review:** The Minister of Labour appointed a panel of special advisors to review the Labour Relations Code to ensure B.C.'s workplaces are supported by fair laws, consistent with the labour rights and protections enjoyed by other Canadians. The panel conducted research and public engagement and submitted its report to government, which resulted in amendments to the *Labour Relations Code* in 2019.
<https://news.gov.bc.ca/releases/2019LBR0015-000823>
- **2024 Labour Relations Code Review:** To ensure B.C.'s labour laws are keeping up with the needs

of modern workplaces, providing stable labour relations and supporting the exercising of collective bargaining rights, the Minister of Labour appointed another review panel. Since 2019, the Minister is required to appoint a committee of special advisors to undertake an independent review of B.C.'s *Labour Relations Code* and make recommendations every five years. The panel delivered their report to the Minister on August 31, 2024 (note the report has not yet been made public). <https://news.gov.bc.ca/releases/2024LBR0003-000100>

- **Single step certification:** Changes were made to the Labour Relations Code in 2022 to restore single step union certification (“card check”). This followed amendments in 2019 to reduce employer interference during the union certification process. <https://news.gov.bc.ca/releases/2022LBR0006-000485>
- **Protection from contract flipping:** Previously, it was common practice to “flip” contracts to new service providers, who would then fire the existing staff, only to hire them back again at lower wages and fewer benefits. Changes to the Labour Relations Code in 2019 provided successorship protection when contracts are flipped in several areas, including food, janitorial, security, bus transportation services, and non-clinical services in the health care sector. This means that the employees and the union transfer to the new contractor with all rights under the existing collective agreement intact. <https://news.gov.bc.ca/releases/2019LBR0017-001006>
- **Education as an ‘essential service’:** In 2019 amendments to the Labour Relations Code removed education as an ‘essential service’.
- **Definition of ‘strike’:** In 2024, amendments to the Labour Relations Code changed the definition of “strike”. The change ensures that when employees under federal jurisdiction or that of another province are on strike or locked out, and establish a picket line in B.C., other provincially regulated workers can choose to respect the picket lines without it being considered illegal strike action.

OTHERS

- Cabinet Confidences; Government Financial Information

- **WorkSafeBC:** WorkSafe has hired more prevention and investigations officers, stepping up inspections and issuing more citations, fines and penalties.

NEXT STEPS:

Ministry staff can provide further briefing materials on any of these initiatives, as requested.

Government 101

Overview of Key Roles, Structures & Processes

October 2024



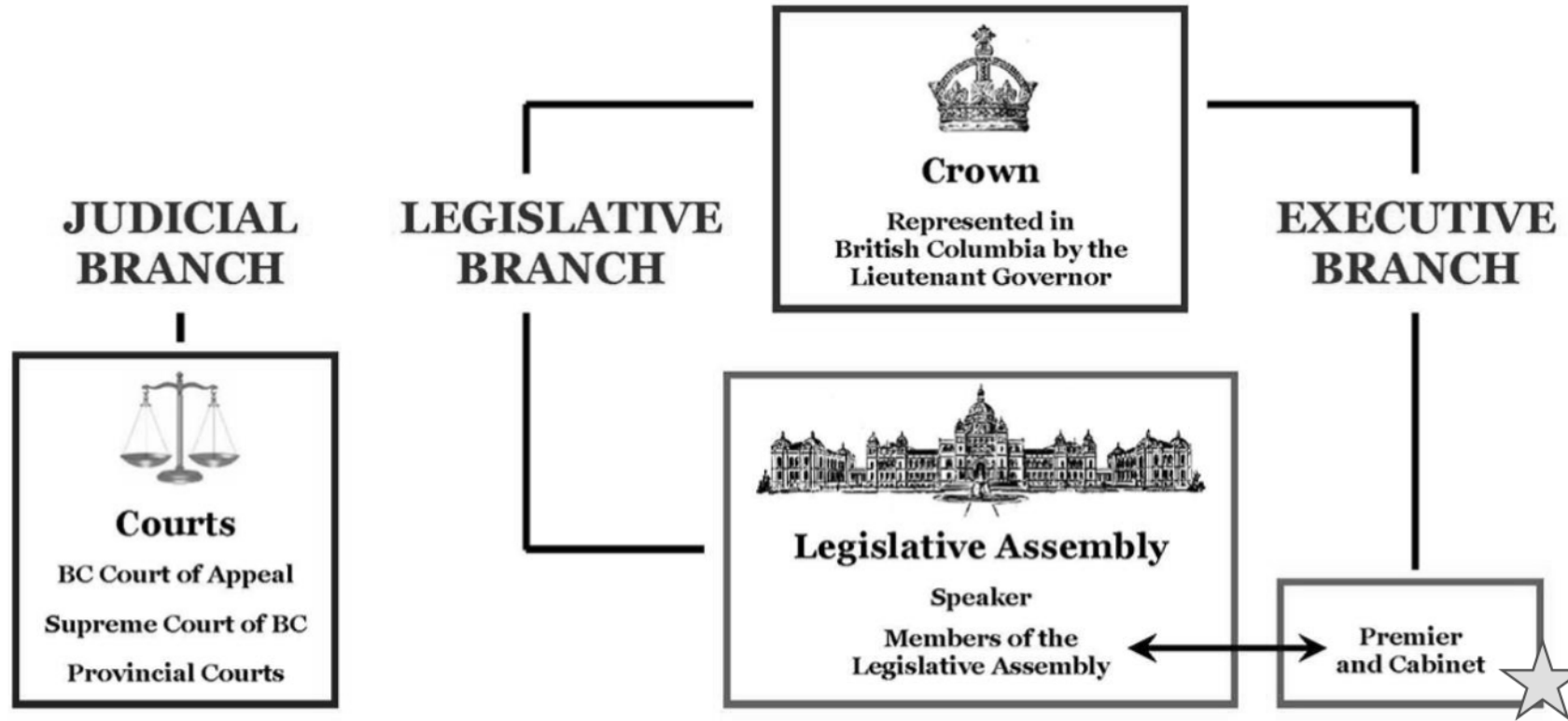
Overview

- Introduction
- Office of the Premier
- Roles & Responsibilities
- Government Decision Making
- Cabinet Confidentiality
- Conflict of Interest
- Records Management

Introduction



The Three Branches of Government



The Executive Council or Cabinet

- Established under section 9 of *Constitution Act*
- Ultimate decision-making body of government
- Members appointed by the Lieutenant Governor on advice from Premier
- Chaired by the Premier

Office of the Premier



Office of the Premier

- The Office of the Premier has two principal roles:
 - 1) **Political:** overseen by the Premier's Chief of Staff, who acts as the senior political advisor to government
 - 2) **Non-partisan Public Service:** overseen by the Deputy Minister to the Premier
- Premier's **Chief of Staff** and **Deputy Minister to the Premier** work collaboratively to:
 - Support the Premier to advance government's policy and legislative agendas
 - Represent the Premier in providing direction to their respective staffs:
 - Chief of Staff provides direction to political staff, including Ministers' chiefs of staff
 - Deputy Minister to the Premier provides direction to public servants

Key Roles

Premier's Chief of Staff

- Most senior political advisor
- Provides strategic advice to the Premier and Executive Council (Cabinet) to advance government's policy and legislative agenda
- Coordinates and develops government's strategic and policy objectives
- Coordinates cross-government communications and issues management
- Develops and maintains relationships with major stakeholders
- All Ministers' chiefs of staff report to the Premier's Chief of Staff

Deputy Minister to the Premier

- Most senior public servant (non-political official)
- Serves as Cabinet Secretary and head of the BC Public Service
- Provides non-partisan advice to the Premier on public policy, development of legislation, and operational issues
- Ensures effective administration of programs and services, the development and implementation of key policy initiatives
- Manages a professional and non-partisan public service
- All Deputy Ministers report to the Deputy Minister to the Premier

Roles & Responsibilities



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Government Decision-Making



Cabinet-Level Decisions



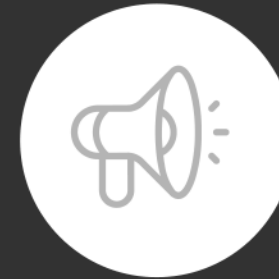
Policy
Cabinet considers and provides direction on significant new policies or shifts in policy. It may also provide direction on contentious issues and issues with significant cross-government and inter-governmental implications.



Fiscal
Treasury Board considers and provides direction on the overall financial decision making of the province and the execution of the fiscal plan, including making regulations or issuing directives to control or limit expenditures.

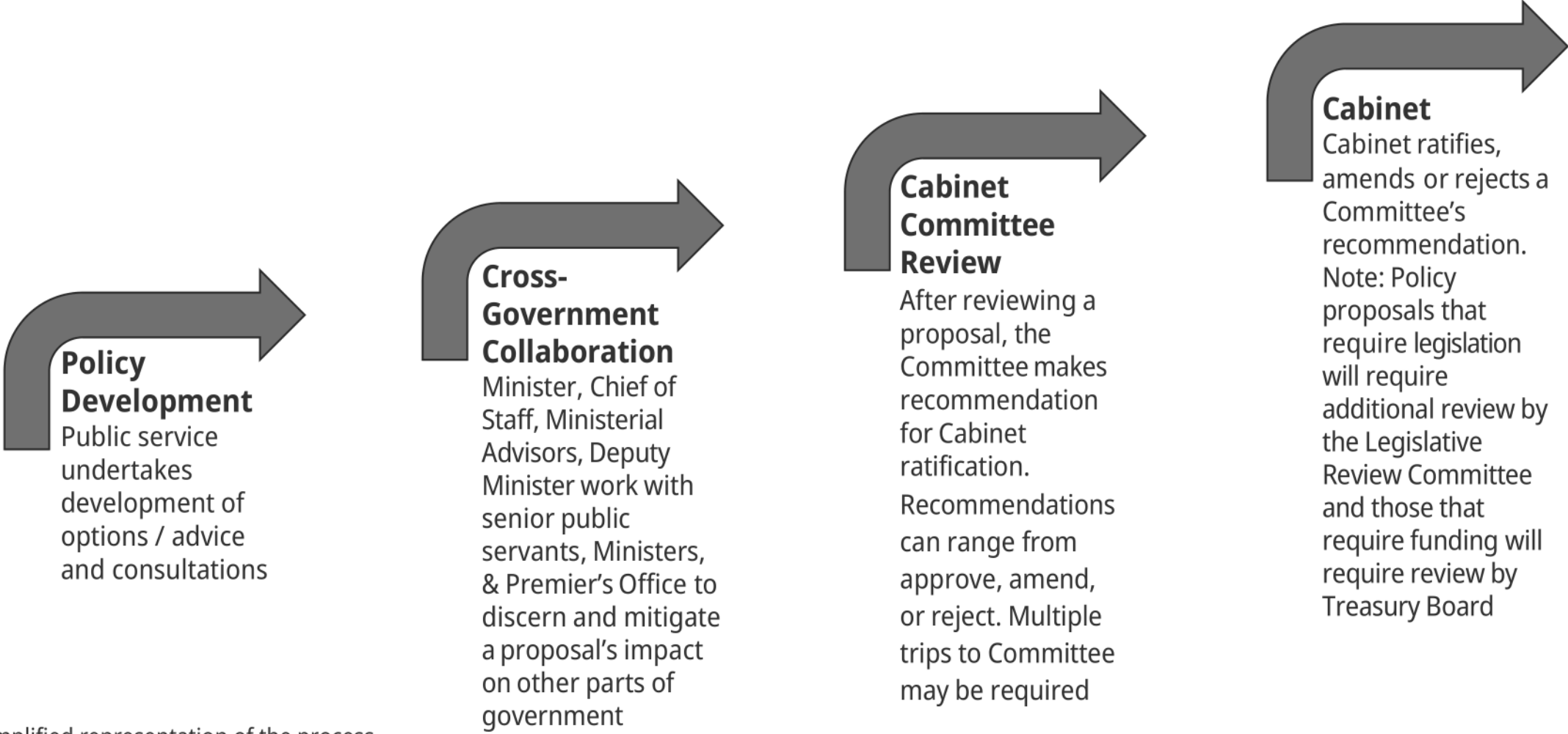


Legislative
Cabinet considers and provides direction on legislative priorities and legislation.



Regulations / OICs
Cabinet considers and provides direction on regulatory changes, appointments and more through Orders in Councils (OICs).

Government Decision-Making: Key Steps*



*This is a simplified representation of the process

Mandate Letters

- Usually, Mandate Letters are issued to each Minister by the Premier and set out the expectations and deliverables regarding their portfolio and priorities for government as a whole
- Mandate Letters act as a guide for the Minister and Deputy Minister to follow in their day-to-day work, as well as the means for evaluating it
- How and when Mandate Letter deliverables are achieved is determined through collective decision making at Cabinet
- Any policy proposal that falls outside of the objectives set out in Mandate Letters requires approval from the Premier's Office to enter into the Cabinet review and decision-making process

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Cabinet and Cabinet Committees

- Policy or program proposals require formal Cabinet approval to proceed:
 - This process involves a Cabinet Submission, sometimes more than one, for review and decision
 - Policy and funding decisions are determined separately, through Cabinet and Treasury Board respectively
 - This process applies even if the item is listed in a Minister's Mandate Letter
 - The Deputy Minister to the Premier, in their role of Cabinet Secretary, is responsible for what advances into the Cabinet review process
 - The process and administration of Cabinet and Cabinet Committees is managed through the office of Cabinet Operations
- Cabinet and Cabinet Committees reach decisions through discussion and consensus
- Decisions are set out in minutes and are formally communicated to ministries through Records of Decision

Role of Cabinet Committees in the Review Process

- Prior to proceeding to Cabinet for decision, a submission may be vetted by a Cabinet Committee
- Practically speaking, Cabinet Committees help manage the high volume of items requiring decision so that Cabinet meetings can focus on the most significant, high-profile public policy issues
- Cabinet Committees are established by the Premier, by convention or by legislation
- Membership is composed of Cabinet Ministers and some government caucus MLAs. Each Committee is chaired by a member of the Executive Council (Cabinet)
- Cabinet Committees assess submissions and make recommendations to Cabinet, which the Chair reports out on at a full Cabinet meeting
- Cabinet can ratify, amend or reject the Committee's recommendation and Ministers are expected to leave Cabinet with a united voice

Cabinet Confidentiality



Cabinet Confidentiality

- The work undertaken by Cabinet and its Committees is and must remain confidential. This includes anything that would reveal the substance of Cabinet deliberations:
 - Cabinet and Treasury Board Submissions and supporting documents
 - Discussion around the Cabinet table
 - Attendees, agendas and dates that items are scheduled to come forward
- Cabinet is a safe place to talk frankly and emerge with one voice
- All Ministers, MLA Cabinet Committee members and their supporting political staff are required to uphold the confidentiality provisions under the oaths or confidentiality agreements they have taken:

Cabinet Minister	Oath for Member of Executive Council
MLA Cabinet Committee Member	Oath of Confidentiality for Committees of Executive Council
Ministers' Chiefs of Staff	Political Staff Oath Confidentiality Agreement for attending Cabinet & Committee meetings

Cabinet Confidentiality

- The requirement for Cabinet confidentiality prohibits direct and indirect disclosures outside of government – to stakeholders, lobbyists or the media
- Breaches in Cabinet confidentiality violate the collective responsibility shared by all Cabinet Ministers and can have serious implications for Government as a whole
- Confidentiality applies to Cabinet as an entity – individual ministers do not have the authority to waive it
- Advice/Recommendations

Conflict of Interest



Conflict of Interest

- Ministers and political staff are required to avoid conflicts of interest
- Ministers must abide by the *Members' Conflict of Interest Act*, which prohibits acting in an official capacity if a conflict of interest or a perceived conflict of interest exists
- Similarly, political staff must abide by the conflict of interest requirements outlined in the Standards of Conduct for Political Staff
- There are three types of conflict of interest: real, potential and perceived
- A conflict of interest exists if an official power or an official duty or function is performed when the person knows that there is the opportunity to further a private interest
- A private interest does not include an interest that applies to the general public or affects a minister as a broad class of people
- **Effectively managing conflicts of interest is one of the primary ways that public confidence in the integrity of government is fostered and maintained**

Conflict of Interest Commissioner

- The Conflict of Interest Commissioner is an independent, non-partisan Officer of the Legislative Assembly who is responsible for independently and impartially interpreting and administering the *Members' Conflict of Interest Act*
- All Members of the Legislative Assembly are required to file a confidential disclosure statement with the Commissioner within 60 days of being elected, and after that, annually
- Once the contents of the confidential disclosure statement have been finalized, a Public Disclosure Statement is prepared, which contains most, but not all, of the information provided to the Commissioner
- The Public Disclosure Statement is filed with the Clerk of the Legislative Assembly and is available for public inspection

Records Management



BRITISH COLUMBIA

Records Management

- All records created are subject to the *Freedom of Information and Protection of Privacy Act (FOIPPA)*, whether they are considered transitory in nature or are related to government decisions
- These include both hard copy and electronic records (E.g., emails, texts, Post-It notes, notebooks)
- Records relating to government decisions need to be maintained by Ministers and Ministers' office staff
- Maintaining records does not equate to disclosure of records
- Records belong to government, not to individual members of Executive Council or political staff

Records Management

- Content related to Cabinet and Cabinet Committee deliberations cannot be disclosed under section 12 of FOIPPA
- Section 13 of FOIPPA provides a similar rule for policy advice or recommendations developed for a Minister
- Information and Privacy Analysts in the public service help with redacting content from records from records in accordance with FOIPPA as part of preparing responses to freedom of information requests
- Some records are proactively disclosed, including Minister's calendars and travel expenses

Records Management

- Deputy Minister Offices (DMOs) are responsible for the proper management of government records that reside in a Minister's Office and sign off on the final response packages for freedom of information requests
- DMO and Minister's Office staff should establish protocols regarding records management and responses to freedom of information requests
- Minister's Office staff should undertake training via the Corporate Information and Records Management Office related to records management, freedom of information requests, and protecting the personal privacy of individuals
- Specific executive training may be available via dedicated sessions in addition to online learning courses through the Public Service Agency
- **Staying on top of records management is key – any record you didn't need to keep but is still in existence is subject to FOIPPA**

