

Employment Standards Tribunal

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Website: www.bcest.bc.ca

Tribunal Stamp (office use only)

APPEAL FORM

BEFORE YOU BEGIN

Before completing this Appeal Form, review the Tribunal's information guide titled 'Appeal Form Information and Instructions (Revised 2024-FEB-01)' which can be found on the Tribunal's website.

PRIVACY NOTICE

The *Freedom of Information and Protection of Privacy Act* ("FIPPA") applies to the Tribunal. The Tribunal collects personal information to process appeals and applications for reconsideration under the *Employment Standards Act* ("ESA") and the *Temporary Foreign Worker Protection Act* ("TFWPA").

For information on the Tribunal's Privacy Policy, visit the Tribunal's website: www.bcest.bc.ca.

Important Notice: The information in this Appeal Form along with the appeal submission are usually disclosed to the Director of Employment Standards and the other parties to the appeal. If there is specific information, documents, or circumstances a party does not want disclosed to the other parties to the appeal, a party must state in writing why disclosure would be harmful to their privacy or security interests at the time they provide their submission to the Tribunal. It is the Tribunal's decision whether documents are disclosed to parties.

IF YOU NEED MORE INFORMATION

Please contact the Tribunal by telephone at 604-775-3512 or by email at registrar@bcest.bc.ca if you would like more information on the appeal process.

SECTION A: APPELLANT INFORMATION

1. **APPELLANT** (person, business, or organization served with the determination who is appealing)

Name of the appellant

2. **APPELLANT'S LAWYER OR REPRESENTATIVE** (If applicable)

Name of the lawyer or representative

Name of the organization, if applicable. Example: law firm

SECTION B: DETERMINATION AND APPEAL PERIOD INFORMATION

3. TYPE OF DETERMINATION BEING APPEALED

- a determination issued under the *Employment Standards Act* (“ESA”)
- a determination issued under the *Temporary Foreign Worker Protection Act* (“TFWPA”)

Important Notice: A separate Appeal Form is required and must be completed for each determination you wish to appeal.

4. PROVIDE A COPY OF THE DETERMINATION AND THE REASONS FOR THE DETERMINATION¹

- I have attached the Determination and the Reasons for the Determination.
- I have attached the Determination only.
- I have attached the Reasons for the Determination only.
- I do not have the Determination or the Reasons for the Determination.

Important Notice: If you do not have a complete copy of the Determination or the Reasons for the Determination, you can contact the Employment Standards Branch by telephone through Service BC at 1-833-236-3700 or by email at employmentstandards@esb.gov.bc.ca to request a complete copy.

5. HOW WAS THE DETERMINATION SERVED ON THE APPELLANT AND WHAT IS THE STATUTORY APPEAL PERIOD?

- By email. The statutory deadline² for the appeal is _____
- By ordinary or registered mail. The statutory deadline for the appeal is _____

¹ s. 112(2)(a)(i.1) of the *ESA* and s. 68(2)(a)(ii) of the *TFWPA* state that in an appeal you must provide the Tribunal with a copy of the Reasons for the Determination.

² s. 112(3) of the *ESA* and s. 68(3) of the *TFWPA* defines the statutory appeal period.

SECTION C: GROUNDS OF APPEAL, REASONS AND ARGUMENTS AND SUPPORTING DOCUMENTS

6. SELECT YOUR GROUND(S) OF APPEAL

- The Director of Employment Standards erred in law.
- The Director of Employment Standards failed to observe the principles of natural justice in making the Determination.
- Evidence has become available that was not available at the time the Determination was being made.

7. PROVIDE YOUR REASONS AND ARGUMENTS FOR YOUR APPEAL

You should submit your reasons and arguments that support the ground(s) of appeal at the time you file the appeal.

- All the appellant's reasons and arguments on each ground of appeal are attached to the submission.
- Some of the appellant's reasons and arguments are attached to the submission.
- None of the appellant's reasons and arguments are attached to the submission.

8. PROVIDE YOUR SUPPORTING DOCUMENTS

You should submit all the documents that support the ground(s) of appeal at the time you file the appeal.

Important Notice: Please redact (block out, such as with a black marker) any references to a Social Insurance Number, Date of Birth, Passport Number, Permanent Resident Number, or any other personal identity numbers from the documents in your submission.

- I do not have supporting documents.
- All the appellant's supporting documents are attached.
- Some of the appellant's supporting documents are attached.
- None of the appellant's supporting documents are attached to the submission.

SECTION D: REQUEST TO EXTEND THE APPEAL PERIOD & REQUEST FOR ADDITIONAL TIME**9. IS THE COMPLETE³ APPEAL BEING FILED BEFORE THE EXPIRY OF THE STATUTORY APPEAL PERIOD?**

- Yes
 No

10. DOES THE APPELLANT REQUIRE AN EXTENSION TO THE APPEAL PERIOD?

- Yes. (The reasons for the request must be provided in the appeal submission.)
- As indicated at Question 6, the complete appeal **is not being filed before** the expiry of the statutory appeal period. The Appellant requests the Tribunal extend the statutory appeal period to _____ in order that the Appellant be able to provide the Tribunal with the following:
- Copy of the determination and reasons for determination
 - Reasons and argument for appeal
 - Supporting documents, if applicable
- No.

Important Notice: Although Tribunal staff may grant extensions of time for parties to provide documents to the Tribunal, it is the Panel assigned to the appeal who will decide the Appellant's request for an extension to the statutory appeal period.

11. DOES THE APPELLANT REQUIRE ADDITIONAL TIME TO PROVIDE FURTHER SUBMISSIONS TO THE TRIBUNAL?

- Yes. (The reasons for the request must be provided in the appeal submission.)
- As indicated at Question 6, the complete appeal **is being filed before** the expiry of the statutory appeal period. However, the appellant requests the Tribunal grant them additional time to _____ in order that they be able to provide the Tribunal with the following:
- Additional reasons and arguments in support of the appeal
 - Additional supporting documents
 - Other _____
- No.

³ A complete appeal should include the following:

- Appeal Form (6 pages)
- Contact Information Form (4 pages)
- Copy of the determination and reasons for determination
- Reasons and argument for appeal
- Supporting documents, if applicable

SECTION E: SUBMISSION CHECKLIST, CONFIRMATION OF COMPLETENESS, AND SIGNATURE**12. APPEAL SUBMISSION CHECKLIST**

- I confirm the following documents are submitted to the Tribunal along with this Appeal Form:
 - Contact Information Form, including authorization of representation (if applicable)
 - A complete copy of the Reasons for the Determination
 - A complete copy of the Determination
 - Written reasons and argument supporting each ground(s) of appeal
 - Supporting documents
 - Request and reasons for extending the appeal period
 - Request and reasons for additional time to provide reasons and argument, supporting documents, or other information

13. CONFIRMATION OF COMPLETENESS OF APPEAL SUBMISSION

- I confirm the appeal submission is complete.
- My appeal submission is not complete. I require additional time to complete my appeal submission as indicated above.

14. SIGN AND DATE THIS APPEAL FORM

Print Name

Date

Electronic Signature

If you are unable to attach an electronic signature in the space indicated, you may type your name here.

If you are submitting this appeal on behalf of the appellant, state your relationship to the appellant (example: manager, lawyer, spouse, friend)