

**Employment Standards Tribunal**

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*Tribunal Stamp (office use only)*

## RECONSIDERATION APPLICATION FORM

### BEFORE YOU BEGIN

Before completing this Reconsideration Application Form, review the Tribunal's information guide titled 'Reconsideration Application Information and Instructions (2024-02-01)' 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](http://www.bcest.bc.ca).

**Important Notice:** The information in this Reconsideration Application Form along with the reconsideration submission are usually disclosed to the Director of Employment Standards and the other parties to the reconsideration. If there is specific information, documents, or circumstances a party does not want disclosed to the other parties, 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](mailto:registrar@bcest.bc.ca) if you would like more information on the reconsideration process.

## SECTION A: APPLICANT INFORMATION

1. **APPLICANT** (person, business, or organization served with the decision who is applying)

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Name of the applicant

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

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Name of the lawyer or representative

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

**SECTION B: DECISION AND RECONSIDERATION PERIOD INFORMATION****3. TYPE OF TRIBUNAL DECISION YOU ARE REQUESTING THE TRIBUNAL RECONSIDER**

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

**Important Notice:** A separate Reconsideration Application Form is required and must be completed for each decision you want the Tribunal to reconsider.

**4. PROVIDE THE TRIBUNAL DECISION NUMBER:** \_\_\_\_\_

**5. WHAT IS THE STATUTORY RECONSIDERATION PERIOD<sup>1</sup> DEADLINE?** \_\_\_\_\_

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<sup>1</sup> s. 116(2.1) of the *ESA* and s. 72(3) of the *TFWPA* define the statutory reconsideration period.

**SECTION C: REASONS AND ARGUMENTS AND SUPPORTING DOCUMENTS****6. PROVIDE YOUR REASONS AND ARGUMENTS FOR THE RECONSIDERATION APPLICATION**

**You should submit your reasons and arguments that support the reconsideration application at the time you file the application.**

- All the applicant's reasons and arguments are attached to the submission.
- Some of the applicant's reasons and arguments are attached to the submission.
- None of the applicant's reasons and arguments are attached to the submission.

**7. PROVIDE YOUR SUPPORTING DOCUMENTS**

**You should submit all the documents that support the reconsideration application at the time you file the application.**

**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 applicant's supporting documents are attached.
- Some of the applicant's supporting documents are attached.
- None of the applicant's supporting documents are attached to the submission.

**SECTION D: REQUEST TO EXTEND THE RECONSIDERATION PERIOD & REQUEST FOR ADDITIONAL TIME****8. IS THE COMPLETE<sup>2</sup> RECONSIDERATION APPLICATION BEING FILED BEFORE THE EXPIRY OF THE STATUTORY RECONSIDERATION PERIOD?**

- Yes  
 No

**9. DOES THE APPLICANT REQUIRE AN EXTENSION TO THE STATUTORY RECONSIDERATION PERIOD?**

- Yes. (The reasons for the request must be provided in the reconsideration application submission.)
- As indicated at Question 8, the complete application is being filed **after** the expiry of the statutory reconsideration period. The Applicant requests the Tribunal extend the statutory reconsideration period to \_\_\_\_\_ in order that the Applicant be able to provide the Tribunal with the following:
- Reasons and argument for the reconsideration application
  - 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 reconsideration application who will decide the Applicant's request for an extension to the statutory reconsideration period.

**10. DOES THE APPLICANT REQUIRE ADDITIONAL TIME TO PROVIDE FURTHER SUBMISSIONS TO THE TRIBUNAL?**

- Yes. (The reasons for the request must be provided in the reconsideration application submission.)
- As indicated at Question 9, the complete reconsideration application is being filed **before** the expiry of the statutory reconsideration period. However, the applicant 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 reconsideration application
  - Additional supporting documents
  - Other \_\_\_\_\_
- No.

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<sup>2</sup> A complete reconsideration application should include the following:

- Reconsideration Application Form (6 pages)
- Applicant Contact Information Form (6 pages)
- Reasons and argument for the reconsideration application
- Supporting documents, if applicable

**SECTION E: SUBMISSION CHECKLIST, CONFIRMATION OF COMPLETENESS, AND SIGNATURE****11. RECONSIDERATION APPLICATION SUBMISSION CHECKLIST**

- I confirm the following documents are submitted to the Tribunal along with this Reconsideration Application Form:
  - Applicant Contact Information Form, including authorization of representation (if applicable)
  - Written reasons and argument
  - Supporting documents, if applicable
  - Request and reasons for extending the statutory reconsideration period
  - Request and reasons for additional time to provide reasons and argument, supporting documents, or other information

**12. CONFIRMATION OF COMPLETENESS OF RECONSIDERATION APPLICATION SUBMISSION**

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

**13. SIGN AND DATE THIS RECONSIDERATION APPLICATION FORM**

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Print Name

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Date

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Electronic Signature

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

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If you are submitting this application on behalf of the applicant, state your relationship to the applicant (e.g.: manager, lawyer, spouse, friend)