



**ANNUAL REPORT OF
THE EMPLOYMENT STANDARDS TRIBUNAL
OF BRITISH COLUMBIA
FISCAL YEAR 2020/2021
(April 1, 2020 – March 31, 2021)**

THE EMPLOYMENT STANDARDS ACT, THE TEMPORARY FOREIGN WORKER PROTECTION ACT, AND THE EMPLOYMENT STANDARDS TRIBUNAL

The *Employment Standards Act* (the “*ESA*”) establishes the Employment Standards Tribunal (the “Tribunal”) and gives it exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined in an appeal or reconsideration under Parts 12 and 13 of the *ESA* and to make any order permitted to be made.

The *Temporary Foreign Worker Protection Act* (the “*TFWPA*”) gives the Tribunal exclusive jurisdiction to inquire into, hear and determine all those matters and questions of fact, law and discretion arising or required to be determined in an appeal or reconsideration under Parts 9 and 10 of the *TFWPA* and to make any order permitted to be made.

The statistics in this report relate solely to appeals and applications for reconsideration under the *ESA* between April 1, 2020 and March 31, 2021 (“FY20/21”).¹ The Tribunal did not receive any appeals or applications for reconsideration under the *TFWPA* during this fiscal year.

ORGANIZATION OF THE TRIBUNAL

The Chair and Members

The Tribunal’s Chair is appointed by order-in-council. The current Chair is Jacquie de Aguayo, who is also Chair of the Labour Relations Board.

The Tribunal has 9 members who are appointed by Ministerial Order. They are Shafik Bhalloo, Richard Grounds, Robert E. Groves, James Maxwell, Marnee J. Pearce, Carol L. Roberts, David B. Stevenson, Kenneth Wm. Thornicroft, and Maia Tsurumi.

There are currently no representative members appointed to the Tribunal.

The *ESA* gives the Chair the authority to assign one-, three-, or five-person panels to hear and decide appeals and applications for reconsideration.

The Chair is responsible for ensuring that the Tribunal’s processes are fair, independent, effective, and timely. The Chair is also responsible and accountable for the Tribunal’s operations and its budget.

¹ The Tribunal implemented a new case management system in 2019. The data on appeals closed in Fiscal Year 2019/2020 was corrected for this report.

The Registry

The Tribunal's Registry consists of a Registrar and 4 employees.

All appeal and reconsideration applications received by the Tribunal are processed through the Tribunal's Registry. The Registry also administers informal dispute resolution services.

Registry staff are familiar with legal principles, case law, and policies, including the requirements for the filing of appeals and applications for reconsideration, requests for suspension, the application of the *Freedom of Information and Protection of Privacy Act*, and the confidentiality of party information.

Registry staff also respond to information requests from members of the public, as well as inquiries from parties to appeals and reconsiderations.

Legal Services

Legal services to the Tribunal are provided by the lawyers in the legal department of the Labour Relations Board.

Administration

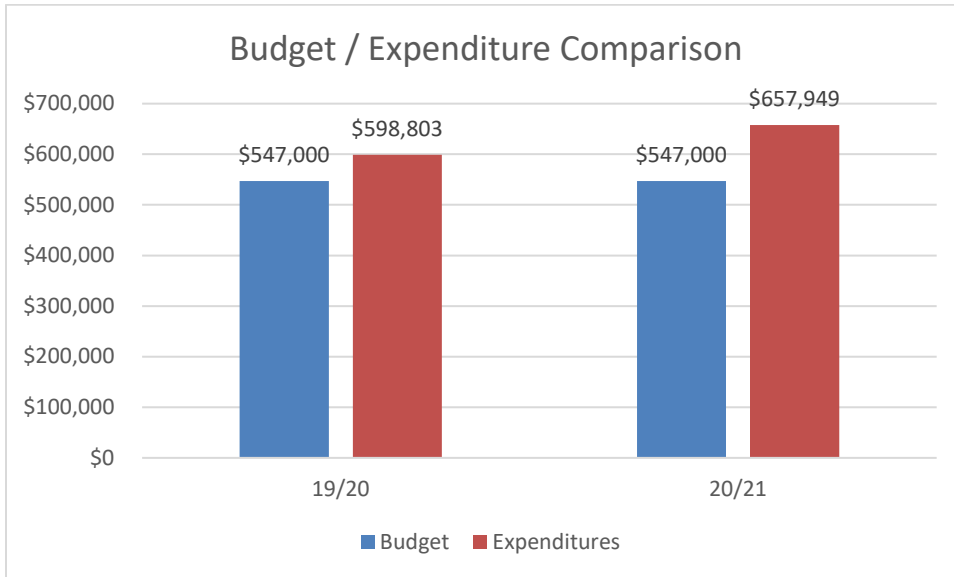
The Registrar oversees the Tribunal's recordkeeping and is responsible for the Tribunal's information systems as well as payroll and benefits administration. The Operations Manager is responsible for preparing the Tribunal's Annual Statistics Reports that are posted on the Tribunal's website, and for overseeing the processing of Member and vendor remuneration.

Information and Website

The Tribunal's website contains information about the Tribunal's processes as well as Tribunal decisions. The website address is www.bcest.bc.ca.

BUDGET AND EXPENDITURES

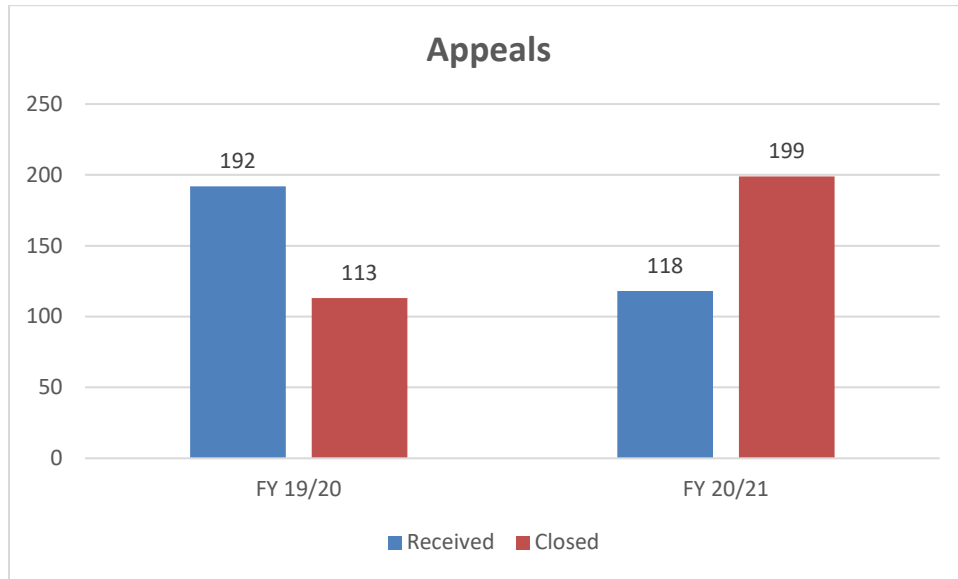
The below chart shows a comparison of the Tribunal's budget and expenditures in FY19/20 and FY20/21.



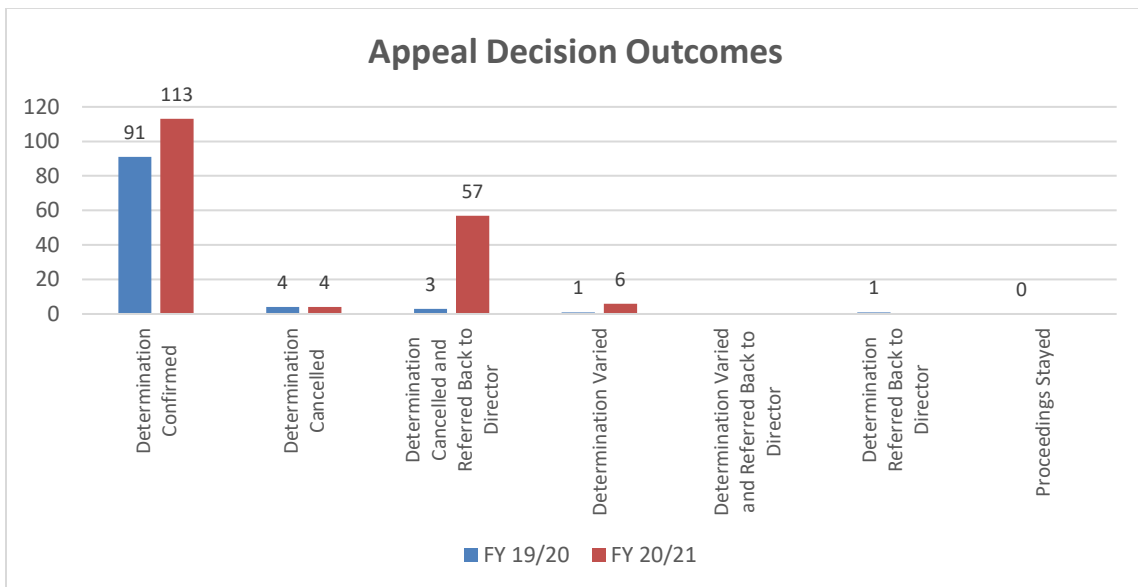
APPEALS

The Tribunal received one hundred and eighteen (118) appeals under section 112 of the *ESA* in FY20/21. During this period, nineteen (19) cases were closed as a result of a settlement/withdrawal or for non-compliance with Tribunal directions and one hundred and eighty (180) cases were closed as a result of a final decision being issued.

The chart below shows a comparison of *ESA* appeals received and closed in FY19/20 and FY20/21.



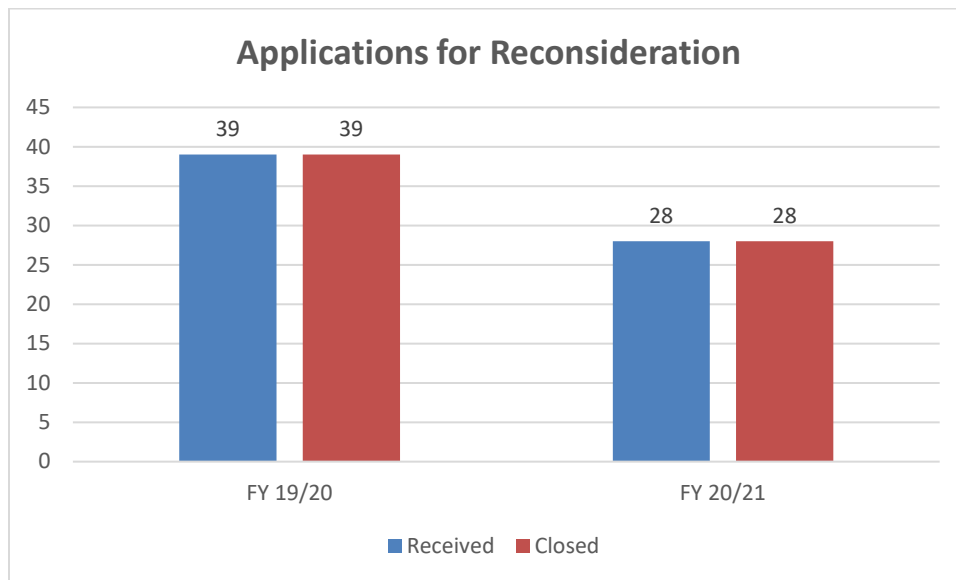
The chart below shows a comparison of final appeal decision outcomes in FY19/20 and FY20/21.



RECONSIDERATIONS

The Tribunal received twenty-eight (28) applications for reconsideration under section 116 of the *ESA* in FY20/21. During this period, three (3) cases were closed as a result of a settlement/withdrawal or for non-compliance with Tribunal directions and twenty-five (25) cases were closed as a result of a final decision being issued.

The chart below shows a comparison of reconsideration applications received and closed in FY19/20 and FY20/21.



The below chart shows a comparison of final decision outcomes on applications for reconsideration under the *ESA* in FY19/20 and FY20/21.

