

## BEFORE YOU BEGIN

This Guide explains how to complete and file the Employment Standards Tribunal’s **Appeal Form [2026-07-01]** under the:

- Employment Standards Act, RSBC 1996, c 113 (the “**ESA**”), and/or
- Temporary Foreign Worker Protection Act, SBC 2018, c 45 (the “**TFWPA**”).

This Guide should be read together with:

- the Appeal Form;
- the Tribunal **Practice Directives** that apply directly to the initial filing of an appeal, including:
  - 2026-003 (Filing Requirements) [2026-07-01]
  - 2026-004 (Redactions) [2026-07-01]
  - 2026-006 (Administrative Requirements (Appeals)) [2026-07-01]
  - 2026-007 (Appeal Submission) [2026-07-01]; and
- the Determination and Reasons for the Determination that is the subject of the appeal.

This Guide is **not** legal advice and is **not** binding on individual Tribunal Members.

## IMPORTANT

If you are appealing multiple determinations, a **separate Appeal Form, Contact Form, and Appeal Submission** must be filed for **each determination**.

If the determination includes an ESA section 95 or a TFWPA section 58 association, each person or entity who wishes to dispute the association must file a separate Appeal Submission. While each associated person or entity may make the same arguments and rely on the same materials, they must each submit their own Appeal Form and Contact Form identifying themselves as the appellant.

## WHO ARE THE PARTIES TO THE APPEAL

The **parties** to the appeal include:

- **appellant(s)** (The person served with the determination who has appealed that determination to the Tribunal.);
- **Director** (The Director of Employment Standards and/or their delegate.);
- **respondent(s)** (The person responding to the appeal filed with the Tribunal. The Director or their delegates can also be a respondent.); and
- any other person permitted by the Tribunal to participate in the matter before the Tribunal.

**SECTION A: APPELLANT INFORMATION****QUESTION 1 APPELLANT**

Appellant means a person, including an individual, organization, business (whether incorporated or unincorporated), society, partnership, or other entity served with a determination who has appealed that determination to the Tribunal. This is the person who started the appeal.

It is important to note that, under the ESA and/or the TFWPA, a person served with a determination may file an appeal.

**QUESTION 2 APPELLANT'S REPRESENTATIVE**

You may act on your own behalf or choose to be represented by a lawyer or an agent. An agent is simply a person who is authorized to act on behalf of another person.

**SECTION B: DETERMINATION AND APPEAL PERIOD****QUESTION 3 DETERMINATION TYPE**

Indicate whether the determination was issued under the ESA, the TFWPA, or both.

**QUESTION 4 DETERMINATION DATE AND METHOD OF SERVICE**

Indicate the date of the determination and how it was served on the appellant.

**QUESTION 5 DETERMINATION AND REASONS FOR THE DETERMINATION**

You must include the **Reasons for the Determination** in your Appeal Submission when filing an appeal.

If you do not yet have the Reasons for the Determination:

- request them from the Employment Standards Branch immediately (contact Service BC at 1-833-236-3700 or email [employmentstandards@esb.gov.bc.ca](mailto:employmentstandards@esb.gov.bc.ca)), and
- submit them to the Tribunal as soon as they are received or as directed by the Tribunal.

**SECTION C: GROUNDS OF APPEAL****QUESTION 6 SELECT THE GROUND(S) OF APPEAL**

An appeal may be based only on one or more of the following grounds:

- Error of law.
  - Example: The Director made a mistake in explaining or applying the law to your case.
- Breach of natural justice.
  - Example: You were not given a chance to present your side of the story during the investigation of the complaint.

- Evidence has become available that was not available when the determination was being made.
  - Example: After the determination was issued, you received relevant documents or information that you could not reasonably have given to the Director before the determination was made.

For more information about the grounds of appeal, review the Tribunal's **Noteworthy Decisions** regarding appeals that are listed on the Tribunal's website: <https://www.bcest.bc.ca>. At this time the text of those decisions is not available on the Tribunal's website and must be accessed on CanLII's website (<https://www.canlii.org/bc/bcest>).

## SECTION D: REASONS AND ARGUMENTS FOR APPEAL

An **Appeal Submission** is the package of written materials explaining why the Determination is being appealed.

The Appeal Submission should be prepared and filed in accordance with **Practice Directive 2026-007** (Appeal Submission) [2026-07-01] and **Practice Directive 2026-003** (Filing Requirements) [2026-07-01].

### QUESTION 7 REASONS AND ARGUMENTS

Indicate whether all, some, or none of your reasons and arguments are attached.

Your **reasons and arguments** must explain how the facts and law support each ground of appeal that you selected.

The Tribunal decides an appeal based on the written materials provided. It is important that you set out, in writing, your full submissions and the remedy you are seeking. If you attach only some or none of your reasons and arguments, ensure you have also made the appropriate request (extension of the statutory appeal period or additional time, as applicable) consistent with Sections F and G of the Appeal Form.

**Important Notice:** If the appeal is filed by an employer and the determination involves multiple complainants (employees), the Appeal Submission should include **separate reasons and arguments for each complainant**. The Tribunal may require resubmission to comply with requirements under the Freedom of Information and Protection of Privacy Act.

### QUESTION 8 SUPPORTING DOCUMENTS

Indicate whether all, some, or none of your supporting documents are attached.

**Supporting documents** are any pieces of evidence that help prove your case, such as pay stubs, employment contracts, emails, letters, or witness statements.

- Only submit documents that are relevant to your appeal.
- Do not submit documents that were previously submitted to the Director of Employment Standards during the investigation of the complaint unless you are specifically asked to resubmit them to the Tribunal.
- If you are submitting documents or other information that was not submitted to the Director of Employment Standards during the investigation of the complaint, you should provide an explanation of why you failed to do so.

If materials are missing, an extension of the statutory appeal period or additional-time request must be clearly indicated in the Appeal Submission.

## SECTION E: TIMING OF APPEAL

### QUESTION 9 STATUTORY APPEAL DEADLINE

State the appeal deadline.

The appeal deadline is the **statutory appeal period defined** in the applicable legislation (ESA s. 112(3) or TFWPA s. (68(3)) and is usually indicated in the determination. All required steps must be completed within that appeal period, unless an extension of the statutory appeal period has been requested.

### QUESTION 10 TIMING OF FILING

You must indicate if the appeal is filed before or after the expiration of the statutory appeal period.

## SECTION F: APPEAL PERIOD EXTENSION

### QUESTION 11 EXTENSION TO THE STATUTORY APPEAL PERIOD

The Tribunal may extend the statutory appeal period.

You need to ask for an extension of the statutory appeal period if you missed the deadline for filing your appeal or if you have not completed the required steps within the statutory appeal period.

Your request for an extension should clearly explain why you need more time and include any documents that support your reasons for the request.

See **Practice Directive 2026-013** (Statutory Time Limit Extensions) [2026-07-01] for requirements.

## SECTION G – ADDITIONAL TIME FOR FURTHER SUBMISSIONS

### QUESTION 12 ADDITIONAL TIME IS REQUESTED TO PROVIDE THE FOLLOWING

This section applies **only if all statutory appeal requirements have already been met**.

You would complete this section if your appeal is filed before the expiry of the appeal period but you need more time to gather additional information or prepare your written arguments. You can request additional time to submit:

- **additional** reasons and arguments,
- **additional** supporting documents, or
- other specified materials.

You must also state your requested deadline date. The reasons for the request must be explained in the Appeal Submission.

See **Practice Directive 2026-014** (Additional Time Requests (Non-Statutory)) [2026-07-01] for requirements.

This section of the Appeal Form does not concern an extension of the appeal period.

## SECTION H: SUSPENSION

### QUESTION 13 SUSPENSION REQUEST

The Tribunal may suspend a determination subject to conditions. A **suspension** means that the determination's effect is temporarily put on hold. (ESA s. 113; TFWPA s. 69) See **Practice Directive 2026-015** (Suspension Request) [2026-07-01] for requirements.

You must indicate if you are seeking a suspension of the determination pending the outcome of the appeal. The reason for the suspension request must be explained in the Appeal Submission.

If the determination is non-monetary, indicate that a non-monetary suspension is requested and include the reasons in the Appeal Submission.

If the determination is monetary, indicate whether the full amount has been deposited with the Director of Employment Standards or whether authorization is requested to deposit a lesser amount. Any request to deposit a lesser amount must include reasons and supporting documents.

## SECTION I – DISCLOSURE LIMITATION REQUEST

### QUESTION 14 DISCLOSURE LIMITATION

If disclosure of specific information could reasonably be expected to harm a person's privacy or personal safety, the appellant **must identify that information and provide written reasons at the time of filing** why disclosure of that information should be limited. See **Practice Directive 2026-005** (Request to Limit Disclosure) [2026-07-01] for requirements.

The Tribunal determines whether information will be withheld.

## SECTION J – REDACTION COMPLIANCE

### QUESTION 15 CONFIRMATION OF REDACTION REQUIREMENTS COMPLIANCE

Information in the Appeal Form and **all accompanying submissions will generally be shared with** the Director of Employment Standards and other parties involved in the appeal, unless the Tribunal orders otherwise. This means that the Director and other parties will usually see everything you submit.

The appellant is responsible for reviewing and redacting **personal information that is not necessary to decide the appeal**, including information relating to the appellant and to other individuals. See **Practice Directive 2026-004** (Redactions) [2026-07-01] for requirements.

You must confirm that:

- all appeal materials (including supporting documents) have been reviewed, and

- unnecessary personal information has been redacted in accordance with the applicable Practice Directive.

## SECTION K: DELIVERY OF APPEAL MATERIALS TO THE DIRECTOR

### QUESTION 16 DELIVERY TO THE DIRECTOR OF EMPLOYMENT STANDARDS

You **must deliver a copy of the appeal materials** to the Director of Employment Standards (ESA s. 112(2)(b); TFWPA section 68(2)(b)). See **Practice Directive 2026-006** (Administrative Requirements (Appeals)) [2026-07-01] for requirements.

You can deliver appeal materials to the Director by the methods indicated on the Appeal Form.

You should indicate on the Appeal Form how delivery was made.

Delivery to the Director of Employment Standards does **not** replace delivery to the Tribunal.

## SECTION L – DELIVERY OF APPEAL MATERIALS TO THE TRIBUNAL

### QUESTION 17 DELIVERY CHECKLIST

Within the statutory appeal period, required appeal materials must be delivered to the Tribunal in accordance with the ESA, the TFWPA, and applicable Practice Directives.

Complete the checklist. For each item, indicate whether it is included in the appeal materials or not applicable by checking the appropriate checkbox.

You may deliver the appeal materials to the Tribunal by the methods indicated in **Practice Directive 2026-003** (Filing Requirements) [2026-07-01], which include the following:

- **Mail / courier / in person:** 650 – 1066 West Hastings Street, Vancouver, BC V6E 3X1
- **Fax:** (604) 775-3372
- **Email:** registrar@bcest.bc.ca

If filing by email, documents should

- be attached as separate files (not embedded in the email body);
- use accepted file types, unless otherwise authorized (.PDF, .DOC, .DOCX, .JPEG, .JPG, .PNG, .MSG);
- be legible and complete; and
- not be compressed, executable, or password protected unless directed otherwise.

If you need to submit audio or video files, contact the Tribunal to discuss the process.

**The Tribunal does not access hyperlinks.**

**Important:** The Tribunal will not receive emails that include attachments with file types **.7Z, .TGZ, .ZI, .ISO**, and password-protected attachments with executable content. There may be **no notification** to you or to the Tribunal that the email was not received by the Tribunal.

If you do not receive confirmation of receipt of the appeal materials, contact the Tribunal to confirm receipt. It is the appellant's responsibility to confirm that the appeal materials have been received by the Tribunal.

## **SECTION M – CONFIRMATION AND SIGNATURE**

### **QUESTION 18 CONFIRMATION OF FILING COMPLETENESS**

You (or your authorized representative) must confirm whether the filing is complete.

### **QUESTION 19 SIGN AND DATE THIS APPEAL FORM**

State your name, sign, and date the Appeal Form. If a representative is completing the form on behalf of the appellant, state the representative's relationship to the appellant.