

EMPLOYMENT STANDARDS TRIBUNAL

PRACTICE DIRECTIVE 2026-006 ADMINISTRATIVE REQUIREMENTS (APPEALS)

[2026-07-01]

PART 1 - GENERAL

1. AUTHORITY AND PURPOSE

- 1.1. The Employment Standards Act (**ESA**) and the Temporary Foreign Worker Protection Act (**TFWPA**) set out requirements for filing an appeal, including requirements relating to the content of the appeal and the delivery of materials.
- 1.2. This Practice Directive does not define, interpret, or provide guidance on the statutory requirements for filing an appeal. It sets out the Tribunal's administrative requirements and processes for the filing of appeal materials with the Tribunal and confirming delivery of those materials to the Director of Employment Standards in proceedings under the ESA and/or the TFWPA.

PART 2 – DELIVERY TO THE TRIBUNAL REQUIREMENTS

2. DELIVERY OF APPEAL MATERIALS TO THE TRIBUNAL

- 2.1. An appellant must deliver to the Tribunal, within the statutory appeal period the following appeal materials:
 - a completed Appeal Form;
 - a completed Contact Form;
 - a copy of the Determination;
 - a copy of the Reasons for the Determination; and
 - the Appeal Submission, as defined in **Practice Directive 2026-007** (Appeal Submission) [2026-07-01]; and
 - for any request identified on the Appeal Form, including a request for an extension of the appeal period, a request to suspend the effect of the Determination, or any other procedural request made with the appeal, the reasons, arguments, and supporting documents, where applicable, that the appellant relies on in support of that request.
- 2.2. Delivery to the Tribunal may be made by email, fax, ordinary mail, or courier using the contact information for the Tribunal provided on the Appeal Form.

PART 3 - DELIVERY TO THE DIRECTOR REQUIREMENTS

3. DELIVERY OF APPEAL MATERIALS TO THE DIRECTOR

- 3.1. For the purpose of this Part, unless the Tribunal orders otherwise, an appellant must deliver a copy of the same appeal materials filed with the Tribunal in support of the appeal to the Director of Employment Standards (the “**Director**”), within the statutory appeal period.
- 3.2. Delivery to the Director may be made by email, fax, ordinary mail, or courier using the contact information for the Director provided on the Appeal Form.
- 3.3. An appellant must, within the statutory appeal period, provide the Tribunal with written confirmation that the appeal materials were delivered to the Director, including the method and date of delivery.

PART 4 – EFFECT OF NON-COMPLIANCE

4. EFFECT OF NON-COMPLIANCE

- 4.1. If an appellant does not comply with the requirements under Part 2 or Part 3, the Tribunal may determine that the appeal is incomplete or that the requirements for filing the appeal have not been met.
- 4.2. Before making that determination, the Tribunal may
 - notify the appellant of deficiencies; and
 - set a deadline to correct the filing.
- 4.3. If the Tribunal determines that the appeal is incomplete or that the filing requirements have not been met, the Tribunal may decline to process the appeal or may take any other step it considers appropriate in the circumstances, subject to the ESA, the TFWPA, the Tribunal’s Rules of Practice and Procedure, and any order or direction of the Tribunal.

PART 5 – EFFECT OF FILING

5. EFFECT OF FILING

- 5.1. The Tribunal’s acceptance of appeal materials for filing does not establish that:
 - the requirements for delivery to the Tribunal have been satisfied;
 - the requirements for delivery to the Director have been satisfied; or
 - any related request, including a request for an extension of time or other procedural relief, has been granted.

PART 6 – EFFECTIVE DATE AND APPLICATION

6. EFFECTIVE DATE AND TRANSITIONAL APPLICATION

- 6.1. This Practice Directive applies to proceedings commenced on or after July 1, 2026, unless the Tribunal orders otherwise.