

EMPLOYMENT STANDARDS TRIBUNAL

PRACTICE DIRECTIVE 2026-007 APPEAL SUBMISSION

[2026-07-01]

PART 1 - GENERAL

1. PURPOSE

- 1.1. This Practice Directive describes what must be included in the materials used to start an appeal under the Employment Standards Act (**ESA**) and/or the Temporary Foreign Worker Protection Act (**TFWPA**) and sets out the requirements and expectations for preparing and delivering the appeal materials.
- 1.2. Failure to meet all applicable requirements under the ESA and/or the TFWPA, the Tribunal's Rules of Practice and Procedure (the "**Rules**"), and applicable Practice Directives within the statutory appeal period may result in the appeal being incomplete or not properly filed.

2. RELATIONSHIP TO ADMINISTRATIVE FILING REQUIREMENTS

- 2.1. This Practice Directive sets out the content requirements for an Appeal Submission. For the administrative requirements that apply when starting an appeal — including delivery of appeal materials to the Tribunal, delivery to the Director of Employment Standards, and confirmation of delivery — see **Practice Directive 2026-006** (Administrative Requirements (Appeals)) [2026-07-01].

PART 2 - APPEAL SUBMISSION REQUIREMENTS

3. WHAT IS AN APPEAL SUBMISSION

- 3.1. An Appeal Submission is the package of materials explaining **why** a determination is being appealed.
- 3.2. The Appeal Submission is **not** the Appeal Form.
- 3.3. The Appeal Submission must include:
 - the appellant's **reasons and arguments** addressing each ground of appeal relied on; and
 - any **supporting documents** the appellant relies on.

- 3.4. The appellant is not required to re-submit documents that were previously provided to the Director of Employment Standards (the “**Director**”) during the investigation of the complaint. Under section 112(5) of the ESA, the Director is required to provide the Tribunal with the record that was before the Director when the determination was made (the “**Director’s Record**”). The Director’s Record will include documents submitted by the parties during the investigation.
- 3.5. Therefore, the appellant should **only include** with the Appeal Submission documents that were **not** previously provided to the Director, unless the Tribunal directs otherwise.
- 3.6. If the appellant intends to rely on a document that was previously provided to the Director, the appellant must clearly identify the document in the Appeal Submission and indicate, to the extent possible, when and how it was provided to the Director.

4. CONTENT REQUIREMENTS

- 4.1. The Appeal Submission must:
 - clearly identify each ground of appeal relied on;
 - explain how the facts and law support each ground;
 - avoid irrelevant or repetitive materials; and
 - comply with applicable legislative limits on the scope of an appeal.
- 4.2. If a party relies on the ground of appeal that evidence has become available that was not available at the time the determination was being made, the Appeal Submission must explain:
 - what the evidence is and how it relates to the issues raised in the appeal;
 - when the evidence became available; and
 - why it was not available at the time the determination was being made.

5. REDACTIONS AND PRIVACY

- 5.1. Appeal Submissions must be delivered to the Tribunal in accordance with **Practice Directive 2026-004** (Redactions) [2026-07-01].

6. FILING FORMAT AND DELIVERY

- 6.1. Appeal Submissions must be delivered to the Tribunal in accordance with **Practice Directive 2026-003** (Filing Requirements) [2026-07-01].

7. TIMING AND STATUTORY APPEAL PERIOD

- 7.1. The Appeal Submission must be delivered **within the statutory appeal period**, unless the Tribunal grants an extension of that period under the ESA and/or the TFWPA.
- 7.2. If all statutory appeal requirements have not been met within the appeal period, the appellant **must request an extension of the statutory appeal period** at the time of filing.
- 7.3. For information about requesting an extension of the statutory appeal period, see **Practice Directive 2026-013** (Statutory Time Limit Extensions) [2026-07-01].

8. TIMING AND ADDITIONAL TIME REQUESTS

- 8.1. A request for more time to provide additional submissions may be made only after all statutory appeal requirements have been met.
- 8.2. For information about requesting more time to provide additional submissions, see **Practice Directive 2026-014** (Additional Time Requests (Non-Statutory)) [2026-07-01].

PART 3 – EFFECT OF NON-COMPLIANCE

9. EFFECT OF NON-COMPLIANCE

- 9.1. If an Appeal Submission does not meet the requirements under Part 2, the Tribunal may determine the appeal is incomplete or that the requirements for filing the appeal have not been met.
- 9.2. Before making that determination, the Tribunal may:
 - notify the appellant of deficiencies; and
 - set a deadline to correct the filing.
- 9.3. 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, and any order or direction of the Tribunal.

PART 4 – EFFECT OF FILING

10. EFFECT OF FILING

- 10.1. The Tribunal's acceptance of an Appeal Submission for filing does **not** establish that:
 - the statutory requirements have been satisfied; or
 - the appeal will proceed on the merits.

PART 5 – EFFECTIVE DATE AND APPLICATION

11. EFFECTIVE DATE AND TRANSITIONAL APPLICATION

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