

EMPLOYMENT STANDARDS TRIBUNAL

PRACTICE DIRECTIVE 2026-010 ADMINISTRATIVE REQUIREMENTS (RECONSIDERATIONS)

[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 application for reconsideration.
- 1.2. This Practice Directive does not define, interpret, or provide guidance on the statutory requirements for filing an application for reconsideration. It sets out the Tribunal's administrative requirements and processes for the filing of reconsideration application materials with the Tribunal in proceedings under the ESA and the TFWPA.

PART 2 – DELIVERY TO THE TRIBUNAL

2. DELIVERY OF RECONSIDERATION MATERIALS TO THE TRIBUNAL

- 2.1. An applicant must deliver to the Tribunal, within the statutory reconsideration period, the following reconsideration materials:
 - a completed Reconsideration Application Form;
 - a completed Contact Form;
 - the Reconsideration Application Submission, as defined in **Practice Directive 2026-011** (Reconsideration Submission) [2026-07-01]; and
 - any additional materials required for a request identified on the Reconsideration Application Form, including reasons, arguments, and supporting documents, where applicable, for a request for an extension of the reconsideration period, a request to suspend the effect of the Determination, or any other procedural request made with the reconsideration application.
- 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 Reconsideration Application Form.

PART 3 – EFFECT OF NON-COMPLIANCE

3. EFFECT OF NON-COMPLIANCE

- 3.1. If an applicant does not complete the requirements under Part 2, the Tribunal may determine that the reconsideration application is incomplete or that the requirements for filing the reconsideration application have not been met.
- 3.2. Before making that determination, the Tribunal may
 - notify the applicant of deficiencies; and
 - set a deadline to correct the filing.
- 3.3. If the Tribunal determines that the reconsideration application is incomplete or that the filing requirements have not been met, the Tribunal may decline to process the reconsideration application 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 4 – EFFECT OF FILING

4. EFFECT OF FILING

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

PART 5 – EFFECTIVE DATE AND APPLICATION

5. EFFECTIVE DATE AND APPLICATION

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