

EMPLOYMENT STANDARDS TRIBUNAL

PRACTICE DIRECTIVE 2026-011 RECONSIDERATION 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 a reconsideration application under the Employment Standards Act (**ESA**) and/or the Temporary Foreign Worker Protection Act (**TFWPA**).
- 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 reconsideration period may result in the reconsideration application being incomplete or not properly filed.

2. RELATIONSHIP TO ADMINISTRATIVE FILING REQUIREMENTS

- 2.1. This Practice Directive sets out the content requirements for a Reconsideration Submission. For the administrative requirements that apply when starting a reconsideration application including delivery of reconsideration application materials to the Tribunal see **Practice Directive 2026-010** (Administrative Requirements (Reconsiderations)) [2026-07-01].

PART 2 – RECONSIDERATION SUBMISSION REQUIREMENTS

3. WHAT IS A RECONSIDERATION SUBMISSION

- 3.1. A Reconsideration Submission is the package of written materials explaining why reconsideration of a Tribunal decision or order is requested.
- 3.2. The Reconsideration Submission is **not** the Reconsideration Application Form.
- 3.3. A Reconsideration Submission must include:
 - the applicant's reasons and arguments addressing the basis for reconsideration; and
 - any supporting documents relied on.
- 3.4. The applicant is not required to re-submit documents that were previously provided to the Tribunal during the appeal process.
- 3.5. Therefore, the applicant should only include with the Reconsideration Submission documents that were not previously provided to the Tribunal, unless the Tribunal directs otherwise.

- 3.6. If the applicant intends to rely on a document that as previously provided to the Tribunal, the applicant must clearly identify the document in the Reconsideration Submission and indicate, to the extent possible, when and how it was provided to the Tribunal.

4. CONTENT REQUIREMENTS

- 4.1. The Reconsideration Submission must:

- clearly identify the alleged error(s) in the Tribunal’s decision or order;
- explain how the statutory test for reconsideration is met;
- address why reconsideration is warranted considering Tribunal jurisprudence; and
- avoid re-arguing the appeal or repeating submissions already considered.

- 4.2. If a party relies on new evidence, the Reconsideration Submission must explain:

- what the evidence is and how it relates to the issues raised in the reconsideration application;
- when the evidence became available; and
- why it was not available before the appeal decision was made.

5. REDACTIONS AND PRIVACY

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

6. FILING FORMAT AND DELIVERY

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

7. TIMING AND STATUTORY RECONSIDERATION PERIOD

- 7.1. The Reconsideration Application Form and Reconsideration Submission must be delivered **within the statutory reconsideration period**, unless the Tribunal grants an extension of that period under the ESA and/or the TFWPA.

- 7.2. If all statutory reconsideration requirements have not been met within the reconsideration period — including delivery of the Reconsideration Application Form and Reconsideration Submission — the applicant **must request an extension of the statutory reconsideration 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 reconsideration 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 a Reconsideration Submission does not meet the requirements under Part 2, the Tribunal may determine the reconsideration application is incomplete or that the requirements for filing the reconsideration application have not been met.
- 9.2. Before making that determination, the Tribunal may:
 - notify the applicant of deficiencies; and
 - set a deadline to correct the filing.
- 9.3. 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 application 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 a Reconsideration Submission for filing does **not** establish that:
 - the statutory requirements have been satisfied; or
 - the reconsideration application 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.