

# EMPLOYMENT STANDARDS TRIBUNAL

## PRACTICE DIRECTIVE 2026-015 SUSPENSION REQUEST

[2026-07-01]

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### PART 1 - GENERAL

#### 1. PURPOSE

- 1.1. This Practice Directive sets out the requirements and expectations for **requests to suspend the effect of a determination** under the Employment Standards Act (**ESA**) and/or the Temporary Foreign Worker Protection Act (**TFWPA**).

### PART 2 – SUSPENSION REQUEST REQUIREMENTS

#### 2. WHEN A SUSPENSION REQUEST MAY BE MADE

- 2.1. An appellant / applicant may request suspension of a determination at the time the appeal materials or application for reconsideration materials are filed or at a later stage of the appeal or reconsideration process, unless the Tribunal directs otherwise.
- 2.2. A suspension request does not stay enforcement of a determination unless and until the Tribunal orders a suspension.

#### 3. CONTENT OF A SUSPENSION REQUEST

- 3.1. A request to suspend a determination must:
  - clearly state that a suspension is requested;
  - identify the determination and appeal to which the request relates;
  - if applicable, specify whether the full deposit has been delivered;
  - if applicable, include a request to deposit a lesser amount; and
  - set out the reasons for the request and any supporting documents relied on.
- 3.2. The burden is on the appellant / applicant to demonstrate why a suspension should be granted.

#### **4. CONSIDERATION OF A SUSPENSION REQUEST**

- 4.1. In deciding whether to grant a suspension, the Tribunal may consider factors including, but not limited to:
- whether the statutory requirements for an appeal or application for reconsideration have been met;
  - the amount and timing of any deposit delivered or proposed;
  - the nature of the appeal or reconsideration;
  - any potential prejudice to the parties (e.g. harm to employee(s) vs. harm to appellant / applicant);
  - financial hardship;
  - risk of non-recovery;
  - conduct of the appellant;
  - duration and stage; and
  - the interests of fairness and the orderly administration of the ESA and/or the TFWPA.
- 4.2. The Tribunal may impose conditions on a suspension, including conditions respecting deposits, timelines, or other procedural matters.

#### **5. EFFECT OF FILING A SUSPENSION REQUEST**

- 5.1. Acceptance of a suspension request for filing does not mean that a suspension has been granted.
- 5.2. Unless a suspension is ordered, the determination remains in effect.

### **PART 3 – EFFECTIVE DATE AND APPLICATION**

#### **6. EFFECTIVE DATE AND TRANSITIONAL APPLICATION**

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