

# EMPLOYMENT STANDARDS TRIBUNAL

## PRACTICE DIRECTIVE 2026-018 USUAL TIME PERIOD TO COMPLETE A PROCEEDING

[2026-07-01]

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### PART 1 - GENERAL

#### 1. AUTHORITY

- 1.1. This Practice Directive is made under section 12(1)(a) of the **Administrative Tribunals Act** as incorporated by section 103 of the Employment Standards Act (**ESA**) and section 64 of the Temporary Foreign Worker Protection Act (**TFWPA**).

#### 2. PURPOSE

- 2.1. This Practice Directive sets out the Tribunal's usual time periods for completing an appeal or an application for reconsideration under the ESA and/or the TFWPA.

### PART 2 – USUAL TIME PERIOD FOR COMPLETING A PROCEEDING

#### 3. USUAL TIME PERIOD FOR COMPLETING AN APPEAL

- 3.1. The Tribunal's usual time period for completing an appeal is within twelve months from the date the Tribunal receives the appeal.
- 3.2. This time period includes the completion of the Tribunal's usual procedural steps for an appeal, which may include:
  - review of the appeal filing for compliance with statutory and procedural requirements;
  - correction or completion of the appeal filing, where required;
  - delivery of the appeal materials to the parties;
  - production and delivery of the Director's Record;
  - completion of any steps related to the Director's Record;
  - assignment of the appeal for decision;
  - assessment of the appeal by the Panel;
  - completion of any submissions directed by the Tribunal; and
  - issuance of a preliminary or final decision.

#### **4. USUAL TIME PERIOD FOR COMPLETING AN APPLICATION FOR RECONSIDERATION**

- 4.1. The Tribunal's usual time period for completing an application for reconsideration is within nine months from the date the Tribunal receives the application.
- 4.2. This time period includes the completion of the Tribunal's usual procedural steps for reconsideration applications, which may include:
  - review of the reconsideration filing for compliance with statutory and procedural requirements;
  - correction or completion of the reconsideration filing, where required;
  - delivery of the reconsideration materials to the parties;
  - completion of any submissions directed by the Tribunal;
  - assignment of the application for decision;
  - assessment of the application by the Panel;
  - completion of any submissions directed by the Tribunal; and
  - issuance of a preliminary or final decision.

### **PART 3 – APPLICATION OF TIME PERIODS**

#### **5. NATURE OF THE TIME PERIODS**

- 5.1. The time periods set out in this Practice Directive are general guidelines only and do not create enforceable rights or invalidate any step taken or decision made outside these timeframes.
- 5.2. The actual time required to complete an appeal or application for reconsideration may vary depending on factors such as:
  - the completeness of the filing;
  - whether statutory extensions or additional time are requested;
  - the scope and complexity of the matter;
  - the volume of materials;
  - issues relating to production or completeness of the Director's Record (for appeals); and
  - other circumstances affecting the orderly administration of Tribunal proceedings.

## **PART 4 – EFFECTIVE DATE, APPLICATION, AND REPEAL**

### **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.

### **7. REPEAL**

- 7.1. The Practice Directive dated July 8, 2024, respecting the time period for completing an application is repealed as of the effective date of this Practice Directive.