

EMPLOYMENT STANDARDS TRIBUNAL

PRACTICE DIRECTIVE 2026-020

STATUTORY REQUIREMENTS (DEPOSITS)

[2026-08-01]

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 appeal, including the requirement that a person filing an appeal with the Tribunal must deliver to the Director a deposit, if the determination they are appealing includes a requirement that an amount of money be paid to one or more employees.
- 1.2. This Practice Directive does not define, interpret, or provide guidance on the statutory requirements for filing an appeal. It sets out deposit obligations in proceedings under the ESA and/or the TFWPA.

PART 2 – DEPOSIT REQUIREMENTS

2. DEPOSIT REQUIREMENTS

- 2.1. Where applicable, and unless the Tribunal orders otherwise, an appellant must deliver to the Director, within the statutory appeal period, a deposit equal to the full amount the determination has required to be paid to one or more employees.
- 2.2. The deposit must be delivered in the manner required by the applicable legislation.
- 2.3. An appellant must provide the Tribunal with written confirmation that the deposit was delivered to the Director within the statutory appeal period.
- 2.4. If that written confirmation is not provided, the Tribunal may determine that the appeal is incomplete or was not properly filed.

3. REQUESTS TO DEPOSIT A LESSER AMOUNT

- 3.1. An appellant may request authorization to deliver a deposit in an amount less than the full amount required to be paid by the determination to one or more employees.
- 3.2. A request must:
 - identify the amount proposed;
 - explain why a lesser amount is requested;
 - explain why a lesser amount is adequate in the circumstances, and
 - include any supporting documents relied on.

- 3.3. The Tribunal has discretion to grant a request to deposit a smaller amount that the Tribunal considers adequate in the circumstances, and the granting of such requests may be subject to terms or conditions.
- 3.4. The appellant must also request an extension of the appeal period as a decision on the request to deliver a lesser deposit may not be decided within the statutory appeal period.

4. RELATIONSHIP TO STATUTORY APPEAL-PERIOD EXTENSIONS

- 4.1. The requirements addressed in this Practice Directive are statutory requirements or arise directly from statutory requirements.
- 4.2. If an appellant does not deliver the required deposit, within the statutory appeal period, the appellant must request an extension of the appeal period if the appellant seeks to proceed with the appeal.

5. RELATIONSHIP TO SUSPENSION REQUESTS

- 5.1. Issues respecting deposits may also arise in connection with requests to suspend a determination, which are addressed in a separate Practice Directive.
- 5.2. Delivery of a deposit does not, by itself, suspend a determination.

PART 3 – EFFECT OF NON-COMPLIANCE

6. EFFECT OF NON-COMPLIANCE

- 6.1. If an appellant does not comply with the requirements under Part 2, the Tribunal may determine that the appeal is incomplete or that the requirements for filing the appeal have not been met.
- 6.2. Before making that determination, the Tribunal may
- notify the appellant of deficiencies; and
 - set a deadline to correct the filing.
- 6.3. 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 of Practice and Procedure, and any order or direction of the Tribunal.

PART 4 – EFFECT OF FILING

- 6.4. The Tribunal's acceptance of appeal materials for filing does **not**, in itself, establish that:
- deposit requirements have been satisfied; or
 - any related request has been granted.

PART 5 – EFFECTIVE DATE AND TRANSITIONAL

7. EFFECTIVE DATE AND TRANSITIONAL APPLICATION

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