

BEFORE YOU BEGIN

This Guide explains how to complete and file the **Reconsideration Application Form [2026-07-01]** under the:

- Employment Standards Act, RSBC 1996, c 113 (the “**ESA**”), and/or
- Temporary Foreign Worker Protection Act, SBC 2018, c 45 (the “**TFWPA**”).

This Guide should be read together with:

- the Reconsideration Application Form [2026-07-01],
- the Tribunal **Practice Directives** that apply directly to the initial filing of a reconsideration application, including:
 - 2026-003 (Filing Requirements) [2026-07-01]
 - 2026-004 (Redactions) [2026-07-01]
 - 2026-010 (Administrative Requirements (Recons)) [2026-07-01]
 - 2026-011 (Reconsideration Submission) [2026-07-01]
- the appeal decision that is the subject of the reconsideration application.

This Guide is **not** legal advice and is **not** binding on individual Tribunal Members.

IMPORTANT

If you are applying to have more than one appeal decision be reconsidered, a **separate Reconsideration Application Form, Contact Form, and Reconsideration Submission** must be filed for **each** appeal decision.

WHO ARE THE PARTIES TO THE RECONSIDERATION APPLICATION

The **parties** to the reconsideration application include:

- **applicant(s)** (The person served with the Tribunal’s order or decision who has filed the reconsideration application with the Tribunal.);
- **Director** (The Director of Employment Standards and/or their delegate.);
- **respondent(s)** (The person responding to the reconsideration application filed with the Tribunal. The Director or their delegates can also be a respondent.); and
- any other person permitted by the Tribunal to participate in the matter before the Tribunal.

SECTION A: APPLICANT INFORMATION

QUESTION 1 APPLICANT

Applicant means a person, including an individual, organization, business (whether incorporated or unincorporated), society, partnership, or other entity that files an application for reconsideration or any other application to the Tribunal, other than an appeal. This is the person who started the application for reconsideration of a Tribunal order or decision.

It is important to note that, under the ESA and/or the TFWPA, a person served with a Tribunal decision or order may request reconsideration.

QUESTION 2 APPLICANT'S REPRESENTATIVE

You may act on your own behalf or choose to be represented by a lawyer or an agent. An agent is simply a person who is authorized to act on behalf of another person.

SECTION B: DECISION AND RECONSIDERATION PERIOD

QUESTION 3 DECISION TYPE

You must indicate whether the reconsideration application is related to a Tribunal decision issued under the ESA, the TFWPA, or both.

QUESTION 4 DECISION NUMBER

You must provide the Tribunal with the decision number of the Tribunal decision you want reconsidered. The decision number is found in the top right-hand corner of the decision you want reconsidered.

QUESTION 5 DECISION DATE

You must provide the Tribunal with the date of the appeal decision you want reconsidered. The date is found on the first page of the decision you want reconsidered.

SECTION C: GROUNDS FOR THE RECONSIDERATION

QUESTION 6 SELECT THE GROUND(S) FOR RECONSIDERATION

The Tribunal reconsiders an order or decision only in exceptional circumstances. Reconsideration is not an opportunity to re-argue the appeal or provide evidence that could have been provided earlier. You must explain how at least ONE of the grounds for reconsideration applies.

For more information about the grounds for reconsideration, review the Tribunal's **Noteworthy Decisions** regarding reconsideration applications that are listed on the Tribunal's website: <https://www.bcest.bc.ca>. At this time the text of those decisions is not available on the Tribunal's website and must be accessed on CanLII's website (<https://www.canlii.org/bc/bcest>).

SECTION D: REASONS AND ARGUMENTS FOR THE RECONSIDERATION APPLICATION

The **Reconsideration Submission** is the package of written materials explaining why the request to reconsider the Tribunal's appeal decision or order is being made.

The Reconsideration Submission should be prepared and filed in accordance with **Practice Directive 2026-011** (Reconsideration Submission) [2026-07-01] and **Practice Directive 2026-003** (Filing Requirements) [2026-07-01].

QUESTION 7 REASONS AND ARGUMENTS

Indicate whether all, some, or none of your reasons and arguments are attached.

Your **reasons and arguments** must explain how the facts and law support each ground for reconsideration that you selected.

The Tribunal decides a reconsideration application based on the written materials provided. It is important that you set out, in writing, your full submissions and the remedy you are seeking. If you attach only some or none of your reasons and arguments, ensure you have also made the appropriate request (extension of the reconsideration period or additional time, as applicable) consistent with Sections F and G of the form.

Important Notice: If the reconsideration application is filed by an employer and the appeal decision that is the subject of the reconsideration application involves multiple complainants (employees), the Reconsideration Submission should include **separate reasons and arguments for each complainant**. The Tribunal may require resubmission to comply with the requirements under the Freedom of Information and Protection of Privacy Act.

QUESTION 8 SUPPORTING DOCUMENTS

Indicate whether all, some, or none of your supporting documents are attached.

Supporting documents are any pieces of evidence that help prove your case, such as pay stubs, employment contracts, emails, letters, or witness statements.

- Only submit documents that are relevant to your reconsideration application.
- Do not submit documents that were previously submitted to the Tribunal during the appeal process unless you are specifically asked to resubmit them to the Tribunal.
- If you are submitting documents or other information that was not submitted to the Tribunal during the appeal process, you should provide an explanation of why you failed to do so.

If materials are missing, an extension of the statutory reconsideration period or additional-time request must be clearly indicated in the Reconsideration Submission.

SECTION E: TIMING OF THE RECONSIDERATION APPLICATION

QUESTION 9 STATUTORY RECONSIDERATION APPLICATION DEADLINE

State the reconsideration deadline.

The reconsideration deadline is the **statutory reconsideration period deadline** defined in the applicable legislation (ESA s. 116(2.1) and/or TFWPA s. 72(3)) and is usually indicated on the Tribunal's cover letter to the Tribunal's appeal decision. All required steps must be completed within that statutory reconsideration period unless an extension of the statutory reconsideration period has been requested.

QUESTION 10 TIMING OF FILING

You must indicate if the reconsideration application is filed before or after the expiration of the statutory reconsideration period.

SECTION F: RECONSIDERATION PERIOD EXTENSION

QUESTION 11 EXTENSION TO THE STATUTORY RECONSIDERATION PERIOD

The Tribunal may extend the statutory reconsideration period.

You need to ask for an extension of the statutory reconsideration period if you missed the deadline for filing the reconsideration application or if you have not completed the required steps within the statutory reconsideration period.

Your request for an extension should clearly explain why you need more time and include any documents that support your reasons for the request.

See **Practice Directive 2026-013** (Statutory Time Limit Extensions) [2026-07-01] for requirements.

SECTION G – ADDITIONAL TIME FOR FURTHER SUBMISSIONS

QUESTION 12 ADDITIONAL TIME IS REQUESTED TO PROVIDE THE FOLLOWING

This section applies **only if all statutory reconsideration requirements have already been met**.

You would complete this section if your reconsideration application is filed before the expiry of the statutory reconsideration period but you need more time to gather additional information or prepare your written arguments. You can request additional time to submit:

- **additional** reasons and arguments,
- **additional** supporting documents, or
- other specified materials.

You must also state your requested deadline date. The reasons for the request must be explained in the Reconsideration Submission.

See **Practice Directive 2026-014** (Additional Time Requests (Non-Statutory)) [2026-07-01] for requirements.

This section of the Reconsideration Application Form does not concern an extension of the appeal period.

SECTION H: SUSPENSION

QUESTION 13 SUSPENSION REQUEST

The Tribunal may suspend a determination subject to conditions. A **suspension** means that the determination's effect is temporarily put on hold. (ESA s. 113; TFWPA s. 69) See **Practice Directive 2026-015** (Suspension Request) [2026-07-01] for requirements.

You must indicate if you are seeking a suspension of the determination pending the outcome of the reconsideration application. The reason for the suspension request must be explained in the Reconsideration Submission.

If the determination is non-monetary, indicate that a non-monetary suspension is requested and include the reasons in the Reconsideration Submission.

If the determination is monetary, indicate whether the full amount has been deposited with the Director of Employment Standards or whether authorization is requested to deposit a lesser amount. Any request to deposit a lesser amount must include reasons and supporting documents.

SECTION I: DISCLOSURE LIMITATION REQUEST

QUESTION 14 DISCLOSURE LIMITATION

If disclosure of specific information could reasonably be expected to harm a person's privacy or personal safety, the applicant **must identify that information and provide written reasons at the time of filing** why disclosure of that information should be limited. See **Practice Directive 2026-005** (Request to Limit Disclosure) [2026-07-01] for requirements.

The Tribunal determines whether information will be withheld.

SECTION J: REDACTION COMPLIANCE

QUESTION 15 CONFIRMATION OF REDACTION REQUIREMENTS COMPLIANCE

Information in the Reconsideration Application Form and **all accompanying submissions will generally be shared with** the Director of Employment Standards and other parties involved in the reconsideration application, unless the Tribunal orders otherwise. This means that the Director and other parties will usually see everything you submit.

The applicant is responsible for reviewing and redacting **personal information that is not necessary to decide the reconsideration application**, including information relating to the applicant and to other individuals. See **Practice Directive 2026-004** (Redactions) [2026-07-01] for requirements.

You must confirm that:

- all reconsideration application materials (including supporting documents) have been reviewed, and
- unnecessary personal information has been redacted in accordance with the applicable Practice Directive.

SECTION K: DELIVERY OF RECONSIDERATION APPLICATION MATERIALS TO THE TRIBUNAL

QUESTION 16 DELIVERY CHECKLIST

Within the statutory reconsideration period, required reconsideration application materials must be delivered to the Tribunal in accordance with the ESA, the TFWPA, and applicable Practice Directives.

Complete the checklist. For each item, indicate whether it is included in the reconsideration application materials or not applicable by checking the appropriate checkbox.

You may deliver the reconsideration application materials to the Tribunal by the methods indicated in **Practice Directive 2026-003** (Filing Requirements) [2026-07-01] which include the following:

- **Mail / courier / in person:** 650 – 1066 West Hastings Street, Vancouver, BC V6E 3X1
- **Fax:** (604) 775-3372
- **Email:** registrar@bcest.bc.ca

If filing by email, documents should

- be attached as separate files (not embedded in the email body);
- use accepted file types, unless otherwise authorized (.PDF, .DOC, .DOCX, .JPEG, .JPG, .PNG, .MSG);
- be legible and complete; and
- not be compressed, executable, or password protected unless directed otherwise.

If you need to submit audio or video files, contact the Tribunal to discuss the process.

The Tribunal does not access hyperlinks.

Important: The Tribunal will not receive emails that include attachments with file types **.7Z, .TGZ, .ZI, .ISO**, and password-protected attachments with executable content. There may be **no notification** to you or to the Tribunal that the email was not received by the Tribunal.

If you do not receive confirmation of receipt of the reconsideration application materials, contact the Tribunal to confirm receipt. It is the applicant's responsibility to confirm that the reconsideration application materials have been received by the Tribunal.

SECTION L – CONFIRMATION AND SIGNATURE

QUESTION 17 CONFIRMATION

You (or your authorized representative) must confirm whether the filing is complete.

QUESTION 18 SIGN AND DATE THE RECONSIDERATION APPLICATION FORM

State your name, sign, and date the Reconsideration Application Form. If a representative is completing the form on behalf of the applicant, state the representative's relationship to the applicant.