



EMPLOYMENT STANDARDS TRIBUNAL
RULES OF PRACTICE AND PROCEDURE

Effective July 1, 2026

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PART 1 – AUTHORITY

Rule 1 Authority

- 1.1 These Rules are made under section 103(d) of the Employment Standards Act, RSBC 1996, c 113 (the “**ESA**”), section 64 of the Temporary Foreign Worker Protection Act, SBC 2018, c 45 (the “**TFWPA**”), and section 11 of the Administrative Tribunals Act, SBC 2004, c 45 (the “**ATA**”), which applies to the Employment Standards Tribunal (the “**Tribunal**”) by virtue of section 103(d) of the ESA and section 64 of the TFWPA.

PART 2 – PURPOSE AND APPLICATION

Rule 2 Purpose

- 2.1 These Rules establish the practices and procedures governing matters before the Tribunal to ensure the fair, efficient, just, and orderly conduct of appeals and other applications filed with the Tribunal.
- 2.2 These Rules do not create, expand, or restrict any right, remedy, or time limit established by the ESA, the TFWPA, or the ATA.

Rule 3 Application and hierarchy

- 3.1 These Rules apply to the conduct of appeals and reconsideration applications before the Tribunal, unless the Tribunal orders otherwise in a particular case.
- 3.2 If there is any inconsistency between these Rules and the ESA, the TFWPA, or the ATA, the applicable statute governs.

PART 3 – DEFINITIONS

In these Rules:

- “**appeal**” means an appeal of a determination issued under the ESA and/or the TFWPA;
- “**Appeal Submission**” means the package of materials that explains why the determination is being appealed and includes the appellant’s written reasons and arguments addressing each ground of appeal, and any supporting documents;
- “**reconsideration application**” means a request to the Tribunal to reconsider a Tribunal decision or order issued under the ESA and/or the TFWPA;
- “**Reconsideration Submission**” means the package of materials that includes the applicant’s written reasons and arguments supporting the applicant’s request that a Tribunal decision or order be reconsidered, and any supporting documents;

- **“appellant”** means a person served with a determination who has appealed that determination to the Tribunal;
- **“applicant”** means a person who files an application for reconsideration or any other application to the Tribunal, other than an appeal;
- **“determination”** means a decision of the Director of Employment Standards under the ESA and/or the TFWPA that is appealable to the Tribunal;
- **“Director”** means the Director of Employment Standards and/or their delegate;
- **“Director’s Record”** means the documents and information that were before the Director of Employment Standards when the determination, or variation of it, was made;
- **“Director’s Referral Record”** means the documents and information provided to the Tribunal by the Director of Employment Standards following a further investigation ordered by the Tribunal, and includes all documents and information that were before the Director during that further investigation;
- **“Panel”** means the Tribunal Member or Members assigned by the Tribunal’s chair to hear and decide a matter;
- **“party”** includes an appellant, applicant, respondent, the Director, and any other person permitted by the Tribunal to participate in a matter before the Tribunal;
- **“Registrar”** means the registrar of the Tribunal and any person acting under the registrar’s direction or authority;
- **“respondent”** means a person responding to an appeal or application filed with the Tribunal, and includes the Director or the Director’s delegates;
- **“file”** or **“filing”** means delivering a form, submission, document or communication to the Tribunal in accordance with the ESA, the TFWPA, these Rules, or any applicable Practice Directive.

PART 4 – GENERAL POWERS AND OBLIGATIONS

Rule 4 Panel control of process

- 4.1 Subject to the ESA and/or the TFWPA, a Panel may give directions about the conduct of a proceeding to ensure it is fair and efficient, including directions about the form, timing, and scope of submissions and the information to be provided.
- 4.2 A Panel may receive and accept information it considers relevant, necessary and appropriate, whether or not the information would be admissible in a court of law (unless the information cannot be admitted because of a privilege under the law of evidence).

Rule 5 Administrative and adjudicative actions

- 5.1 Actions taken, or directions given, by the Tribunal’s Registrar, or a person acting under the Registrar’s direction, are administrative and procedural, and are intended to support the management of a proceeding (for example, confirming filing requirements, setting administrative deadlines, and communicating procedural directions).
- 5.2 Decisions that determine a party’s rights or interests—including decisions on statutory extensions, dismissals, and decisions on the merits—are made by a Panel under the authority of the ESA and/or the TFWPA.
- 5.3 Administrative actions or directions will not decide the merits of a matter and do not limit a Panel’s authority to determine any issue the ESA and/or the TFWPA authorizes the Panel to decide.

Rule 6 Obligation to comply

- 6.1 Parties must comply with these Rules, Practice Directives, and any procedural orders or directions of the Tribunal.

Rule 7 Consequences of non-compliance

- 7.1 If a party does not comply with these Rules, a Practice Directive, or a Tribunal direction, the Tribunal may take procedural steps permitted by the ESA and/or the TFWPA, which may include:
- (a) requiring compliance within a specified time;
 - (b) setting terms or conditions for further participation in the proceeding;
 - (c) proceeding based only on the information available; and/or
 - (d) taking administrative steps to manage the file where no active procedural step remains, without determining the merits.
- 7.2 Where authorized by the ESA and/or the TFWPA, a Panel may dismiss an appeal or application.

Rule 8 Case management powers

- 8.1 The Tribunal may, as permitted by the ESA and/or the TFWPA, hold a case management conference with the parties and/or issue directions to manage proceedings efficiently and fairly.

Rule 9 Waiver and variation

- 9.1 The Tribunal may waive or vary the application of these Rules in a particular case only to the extent permitted by the ESA and/or the TFWPA, and only where doing so is consistent with procedural fairness.
- 9.2 A waiver or variation under this Rule does not extend, shorten, or otherwise affect any statutory time limit unless the Tribunal is authorized to do so under the ESA and/or TFWPA.

PART 5 – PRACTICE DIRECTIVES

Rule 10 Authority and Hierarchy of Practice Directives

- 10.1 Practice Directives are issued by the Tribunal to provide procedural information and guidance, and they supplement the Rules, the ESA, and the TFWPA.
- 10.2 Practice Directives do not create, amend, or replace any statutory requirement, or expand or limit any right, remedy, or time limit established by statute.
- 10.3 In the event of any inconsistency between a Practice Directive and the ESA, the TFWPA, or the Rules, the statute and the Rules prevail.

Rule 11 Application of Practice Directives

- 11.1 Actions taken by Tribunal staff under a Practice Directive are administrative and procedural and are intended to support the management of a proceeding.
- 11.2 Any timelines or deadlines set out in a Practice Directive are administrative unless expressly stated otherwise and do not extend, suspend, shorten, or otherwise affect any statutory time limit.
- 11.3 Nothing in a Practice Directive limits a Panel's authority to give directions respecting the conduct of a proceeding as permitted by the ESA, the TFWPA, and the ATA. Decisions that determine a party's rights or interests are made by a Panel under the applicable legislation.

Rule 12 Waiver or variation of Practice Directives

- 12.1 The Tribunal may waive or vary the application of a Practice Directive in a particular case, to the extent permitted by the ESA and/or the TFWPA.

PART 6 – REPRESENTATION AND ADDRESSES FOR DELIVERY

Rule 13 Representation

- 13.1 A party may act on their own behalf or be represented by a lawyer or an agent who a party has expressly authorized to act for them.
- 13.2 Any change in representation must be promptly reported to the Tribunal in writing.

Rule 14 Address for delivery

- 14.1 A party must provide and maintain a current address for delivery of notices, documents, and orders, which may include an email address.
- 14.2 If a party is represented by a lawyer or agent, the representative's address for delivery must be provided and is considered the party's address for delivery. This may include an email address of the party's representative.

PART 7 – LANGUAGE AND TRANSLATION

Rule 15 Submissions must be in English

15.1 Information and documents filed by a party must be in English, unless the Tribunal orders otherwise.

Rule 16 Translation of documents

16.1 If a party files a translated document or information, the translation must be accompanied by a signed statement from the translator identifying the translator, their expertise and qualifications to act as a translator, and the original language translated, and confirming that the translation is accurate.

16.2 The Tribunal may give directions regarding translation or interpretation where necessary for a fair process, including directing that a translation be provided in a specified form or by a qualified translator.

PART 8 – FILING, DELIVERY, AND SERVICE

Rule 17 Methods of filing with the Tribunal

17.1 Filings may be made by email or by other methods set out in a Practice Directive or permitted by the Tribunal.

Rule 18 Filing requirements

18.1 A filing must:

- (a) identify the party and the representative (if any),
- (b) include the Tribunal file number, if a number has been assigned, and
- (c) comply with requirements of applicable Practice Directives.

18.2 Technical and formatting requirements for filing are set out in Practice Directives.

Rule 19 Date of filing

19.1 For the purposes of administering these Rules and Tribunal directions, filings received outside Tribunal business hours are deemed received on the next business day. The Tribunal's business hours are published on its website and may be updated from time to time.

19.2 This deeming provision is administrative only. It does not extend, suspend, shorten, or otherwise affect any statutory time limit under the ESA and/or the TFWPA.

Rule 20 Filing Party Confirmation of receipt

20.1 The party filing with the Tribunal is responsible for ensuring that the Tribunal has received their filing.

Rule 21 Service of Notices and Documents by the Tribunal

21.1 **How the Tribunal Serves Notices and Documents to Parties:** Where the Tribunal is required to serve or deliver a notice or other document, it may do so by any methods, including the following:

- (a) **Personal delivery:** If service is by personal deliver of a copy of the notice or document, the notice or document is considered received on the date it was served.
- (b) **Ordinary Mail:** If service is by ordinary mail, the notice or document will be sent to the most recent address known to the Tribunal. Unless the fifth day following mailing is a holiday, the notice or document is considered received on the fifth day after it was mailed. If the fifth day is a holiday, the notice or document is considered received on the next business day.
- (c) **Electronic Transmission:** If the Tribunal sends the document by electronic transmission, the notice or document is considered received on the day after it is sent, unless that day is a holiday. In such cases, receipt is deemed to occur on the next business day.
- (d) **Other Methods:** If the Tribunal sends the notice or document by a method that allows the Tribunal to confirm the notice or document was received, the Tribunal will determine when the document is considered received.

21.2 **Exception for Non-Receipt:** If, due to absence, accident, illness, or any cause beyond the party's control, a party acting in good faith does not receive the notice or document until a later date than the date specified above, the corresponding subsection does not apply.

PART 9 – APPEALS**Rule 22 Commencing an appeal**

22.1 An appeal is commenced by filing the materials required by the ESA and/or the TFWPA within the statutory appeal period (or such longer period as the Tribunal may order).

22.2 The Tribunal may also require:

- (a) a completed Appeal Form;
- (b) a completed Contact Form;
- (c) an Appeal Submission; and
- (d) any additional materials required by the ESA and/or the TFWPA, or Practice Directives.

Rule 23 Incomplete appeal filing

- 23.1 If an appeal does not meet applicable filing requirements, the Tribunal may:
- (a) provide an opportunity to correct deficiencies or to provide additional required information;
 - (b) set administrative steps or deadlines to complete the filing; and
 - (c) take any action authorized by the ESA and/or the TFWPA.
- 23.2 If the appellant does not file all the required information and documentation and as directed, the Registrar may close the file as an administrative closure and advise the party in writing. An administrative closure means that the Tribunal will cease processing the appeal, but it does not constitute a final decision by the Tribunal regarding the merits of the appeal.
- 23.3 If the appellant wishes to pursue the matter further, any next step must be taken in accordance with the ESA and/or the TFWPA and the Tribunal's Rules and applicable Practice Directives.

Rule 24 The Director's Record and submissions

- 24.1 The Tribunal may give directions about the delivery of the Director's Record under section 112(5) of the ESA and/or section 68(5) of the TFWPA, and on any issue concerning its completeness, including:
- (a) setting timelines for submissions; and,
 - (b) where appropriate, reply submissions on whether the Director's Record is complete.
- 24.2 Any such directions are procedural and do not determine the merits of an appeal.

PART 10 – RECONSIDERATION APPLICATIONS**Rule 25 Commencing a reconsideration application**

- 25.1 A reconsideration application is commenced by filing, within the statutory reconsideration period (or such longer period as the Tribunal may order):
- (a) a completed Reconsideration Application Form;
 - (b) a Contact Form;
 - (c) a Reconsideration Submission; and
 - (d) any additional materials required by the ESA and/or the TFWPA, or Practice Directives.

Rule 26 Incomplete reconsideration application filing

- 26.1 If a reconsideration application does not meet applicable filing requirements, the Tribunal may:
- (a) provide an opportunity to correct deficiencies and to provide additional required information);
 - (b) set administrative steps or deadlines to complete the filing; and
 - (c) take any action authorized by the ESA and/or the TFWPA.
- 26.2 If the Applicant does not complete the reconsideration application and as directed, the Registrar may close the file as an administrative closure and advise the party in writing. An administrative closure means that the Tribunal will cease processing the reconsideration application, but it does not constitute a final decision by the Tribunal regarding the merits of the application.
- 26.3 If the Applicant wishes to pursue the matter further, any next step must be taken in accordance with the ESA and/or the TFWPA and the Tribunal's Rules.

PART 11 – STATUTORY TIME LIMIT EXTENSIONS AND ADDITIONAL TIME REQUESTS**Rule 27 Extensions of statutory time limits**

- 27.1 A request to extend a statutory appeal or reconsideration period must be made in accordance with the ESA and/or the TFWPA and applicable Practice Directives.

Rule 28 Additional time requests

- 28.1 Where a party has satisfied all statutory requirements, but requests additional time to prepare and submit further submissions and/or documents, the request must be made in accordance with the ESA and/or the TFWPA and applicable Practice Directives.

PART 12 - SUSPENSION REQUESTS**Rule 29 Suspension of determinations**

- 29.1 A request to suspend the effect of a determination must comply with the ESA and/or the TFWPA and applicable Practice Directives, including any deposit requirements.

PART 13 – PRIVACY, REDACTIONS, CONFIDENTIALITY, AND DISCLOSURE**Rule 30 Privacy obligations**

- 30.1 Personal privacy in Tribunal proceedings is governed by the Freedom of Information and Protection of Privacy Act (**FIPPA**) and the Tribunal's applicable policies and Practice Directives.

Rule 31 Public Access to Appeal and Reconsideration Application Files

31.1 Public access to the appeal and reconsideration application files is governed by FIPPA and the Tribunal's applicable policies and Practice Directives.

Rule 32 Redactions

32.1 Parties are responsible for ensuring their filings are appropriately redacted by removing all sensitive personal information in accordance with the applicable Practice Directive before filing.

Rule 33 Confidentiality and requests to limit disclosure of information

33.1 Any request to limit disclosure of information from another party or from publication must be clearly identified at the time of filing and must comply with the ESA and/or TFWPA and applicable Practice Directives.

Rule 34 Requests to order disclosure

34.1 Any request that the Tribunal order a party to produce a document or other thing in a person's or entity's possession or control, must

- (a) be clearly identified at the time of filing;
- (b) relate to information that is admissible and relevant to an issue in the appeal or other application; and
- (c) must comply with the ESA and/or TFWPA and applicable Practice Directives.

PART 14 – SETTLEMENT AND CONSENT ORDERS**Rule 35 Settlement discussions**

35.1 The Tribunal may facilitate or conduct settlement discussions or processes at any stage of a proceeding.

35.2 Participation and the effect of any alternative resolution process on procedural steps will be addressed by Tribunal directions in the particular case.

Rule 36 Consent Order

36.1 The Tribunal may, at the request of the parties to an appeal or application, make a consent order if it is satisfied that the order is consistent with the ESA and/or the TFWPA.

36.2 A written request from a party should provide sufficient information for the Tribunal to assess whether the proposed order is consistent with the ESA and/or the TFWPA and applicable procedural requirements, including:

- (a) a clear statement that the parties are requesting a consent order;
- (b) the names of the parties requesting the consent order;
- (c) the proposed terms of the consent order; and
- (d) the basis on which the parties say the proposed consent order is consistent with the ESA and/or the TFWPA and applicable procedural requirements.

36.3 If the Tribunal declines to make a consent order, it will provide the parties with reasons for doing so.

PART 15 – DECISIONS AND PUBLICATION

Rule 37 Decisions

37.1 The Tribunal issues written reasons for its decisions, unless the law and circumstances do not require reasons.

Rule 38 Publication of decisions

38.1 Tribunal decisions are published in accordance with Tribunal policy and applicable law, including any applicable privacy or confidentiality requirements.

PART 16 – EFFECTIVE DATE, APPLICATION, AND REPEAL

Rule 39 Effective date and transitional application

39.1 These Rules apply to all proceedings before the Tribunal on and after July 1, 2026, unless the Tribunal orders otherwise. Any procedural step completed before the effective date of these Rules remains valid unless the Tribunal orders otherwise.

Rule 40 Repeal

40.1 The Rules of Practice and Procedure dated December 9, 2020, are repealed and are no longer in force as of the effective date of these Rules.