

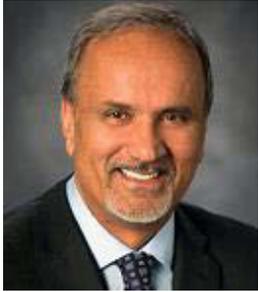
Ministry of Labour

2019/20 – 2021/22 SERVICE PLAN

February 2019



Minister Accountability Statement



The *Ministry of Labour 2019/20 - 2021/22 Service Plan* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared.

A handwritten signature in black ink, appearing to read "H. Bains", with a horizontal line underneath.

Honourable Harry Bains
Minister of Labour
January 30, 2019

Purpose of the Ministry

To build a better British Columbia, the [Ministry of Labour](#) promotes fair, healthy and safe labour and employment relationships in support of a strong, sustainable and inclusive economy.

In this context, the Ministry has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, *Workers Compensation Act* and the recently established *Temporary Foreign Worker Protection Act* – and for the effective administration and enforcement of those statutes. The Ministry houses the [Employment Standards Branch](#), the [Workers' Advisers Office](#) and the [Employers' Advisers Office](#). The Ministry also has legislative responsibility for [WorkSafeBC](#), and for the Ministry's three tribunals: the [Labour Relations Board](#), the [Employment Standards Tribunal](#) and the [Workers' Compensation Appeal Tribunal](#).

The Employment Standards Branch and the Ministry's three administrative tribunals are involved in managing complaints and issues that have been brought before them. The Workers' Advisers Office and the Employers' Advisers Office provide advice and advocacy for workers and employers with respect to issues under the *Workers Compensation Act*. In all cases, timely and accurate disposition of those complaints or issues is an essential component of a fair and balanced system of labour and employment laws that is readily accessible to all stakeholders.

For more information about the Ministry's areas of responsibility and key initiatives, visit the [Ministry of Labour](#) website.

Strategic Direction

The Government of British Columbia is putting people at the heart of decision-making by working to make life more affordable, improve the services people count on, and build a strong, sustainable economy that works for everyone.

Over the past year, significant government investments in areas including housing, child care and the elimination of fees, such as Medical Service Premiums, have contributed to making life more affordable for British Columbians today and into the future. Ministries are engaged in ongoing work to improve the availability of services citizens rely on including those related to primary medical care, education and training, transportation, the opioid crisis and poverty.

A strong economy that works for all regions of B.C. is diversified, resilient and improves the standard of living for people across the province. With that in mind, government is focusing on sustainable economic growth that strengthens our natural resource sector, continues the development of the emerging economy, supports small business and uses innovation and technology to solve B.C. problems. A key priority in 2019/20 and beyond will be driving economic growth with cleaner energy and fewer emissions. At the same time, ministries continue to build prudence into budgets and plan for challenges.

Underpinning the work of all ministries are two shared commitments: reconciliation with Indigenous peoples and consideration of how diverse groups of British Columbians may experience our policies, programs and initiatives. As part of these commitments, ministries are working to implement the

United Nations Declaration on the Rights of Indigenous Peoples, Truth and Reconciliation Commission of Canada's Calls to Action, and Gender-Based Analysis+ policy and budgeting.

In July 2017, each minister was given a formal mandate letter that identifies both government-wide and ministry-specific priorities for implementation.

This service plan outlines how the Ministry of Labour will support the government's priorities, including selected action items identified in the Minister's [Mandate Letter](#). Over the previous fiscal year, the Ministry of Labour made the following progress on these priorities:

- Based on recommendations from the Fair Wages Commission, the Ministry implemented an Order-in-Council to eliminate the liquor server wage by 2021, and gradually increase the wages for specific groups of workers who are not subject to the general hourly minimum wage.
- Introduced and passed the *Temporary Foreign Worker Protection Act* (2018) which will improve protection for workers and accountability of recruiters and employers.
- Amended the *Employment Standards Act* to provide new, and extend existing, job-protected leaves to support working families and align B.C.'s leave provisions with federal employment insurance benefits.
- Continued to support the work of the *Labour Relations Code* review panel which was appointed in February 2018. The Panel's report and recommendations were released for public feedback in October 2018.
- Amended the *Workers Compensation Act* to create a new mental disorder presumption for workers in five eligible occupations – firefighters, police officers, emergency medical assistants (paramedics), correctional officers and sheriffs. This amendment will facilitate access to workers' compensation benefits for work related mental trauma.

The following performance plan outlines how the Ministry of Labour will continue to track progress on key mandate letter commitments and other emerging government priorities.

Performance Planning

Goal 1: Strong and fair labour laws and standards that: reflect the changing nature of workplaces; support a growing, sustainable and innovative economy; protect vulnerable workers; and ensure world class worker health and safety.

Objective 1.1: Update and modernize B.C. labour laws.

Key Strategies:

- Consider changes to *Labour Relations Code* based on the recommendations flowing from the *Labour Relations Code* review and the subsequent public feedback.

- Review and develop options with WorkSafeBC to increase compliance with employment laws and standards put in place to protect the lives and safety of workers.
- Consider changes to the *Employment Standards Act* based on the BC Law Institute’s review and input from other stakeholders.
- Continue to support the work of the Fair Wages Commission and implement ongoing commitments to increase the minimum wage and consider any further recommendations on strategies to narrow the gap between minimum wage and living wages.

Performance Measure	2010/11 Baseline	2018/19 Forecast	2019/20 Target	2020/21 Target	2021/22 Target
1.1 Percentage of Employment Standards Branch complaints resolved within 180 days ¹	78%	Greater than 80%	85%	Greater than 85%	Greater than 85%

¹ Data Source: Ministry of Labour. This is a long-established performance measure for the Employment Standards Branch (ESB). The branch is currently undertaking a review of its complaints resolution processes as part of a business transformation. The ministry anticipates that this review will result in a new performance measure for future years.

Linking Performance Measure to Objective:

A complaint under the *Employment Standards Act* indicates a worker’s view that the minimum legal standards are not being correctly applied in a workplace. A high percentage of complaints that are resolved within the 180-day time period reflects the Ministry’s success in establishing clear expectations for workers and employers based on laws that are responsive and relevant to the modern workplace. A target to resolve 80 per cent of disputes within 180 days provides fairness and certainty to workers and employers and ensures that disputes do not linger in the workplace or after an employment relationship is terminated.

Goal 2: Ensure that labour laws are communicated and enforced through effective, client centered service delivery.

Objective 2.1: Develop new and update existing Ministry processes to improve service delivery.

Key Strategies:

- Develop options for implementing multi-language service delivery.
- Broaden training and outreach efforts to a wide array of service providers and stakeholders in the workers’ compensation system, including enhanced Indigenous client outreach.
- Provide customized education and outreach services to improve compliance with labour legislation.
- Implement new collections procedures aimed at improving collections outcomes on new employment standards complaints.
- Establish a proactive enforcement unit within the Employment Standards Branch that will focus on industries and sectors with high complaint volumes.

Performance Measure	Baseline 2016/17	2018/19 Forecast	2019/20 Target	2020/21 Target	2021/22 Target
2.1a Number of community outreach sessions conducted annually by the Workers' Advisers Office (WAO) ¹	N/A ²	20	Maintain or improve	Maintain or improve	Maintain or improve
2.1b Number of educational outreach sessions conducted annually by the Employers' Advisers Office (EAO) ³	441	425	450	Maintain or improve	Maintain or improve

¹ Data Source: Ministry of Labour, Workers' Advisers Office.

² New measure starting in 2018/19. Ministry is to begin reporting out on this measure in the 2018/19 Annual Service Plan Report.

³ Data Source: Ministry of Labour, Employers' Advisers Office.

Linking Performance Measures to Objective:

- 2.1a WAO regional community outreach sessions directly assist workers in becoming more aware and knowledgeable by providing information on the workers' compensation system and claims issues.
- 2.1b EAO educational outreach sessions serve to directly promote awareness and understanding among employers of occupational health and safety requirements as well as the province's workers' compensation system. In addition, these sessions can assist employers in meeting their regulatory training requirements both under the *Workers Compensation Act* and Occupational Health and Safety Regulations.

Objective 2.2: Establish and implement an effective B.C. Temporary Foreign Worker Protection Regime.

Key Strategies:

- Bring the *Temporary Foreign Worker Protection Act* (TFWPA) into force.
- Develop regulations to support the TFWPA.
- Establish the recruiter licensing regime.
- Establish the employer registration system.
- Establish a public-facing website to ensure reliable information is available and accessible.

Performance Measure	2019/20 Target	2020/21 Target	2021/22 Target
2.2 Number of proactive investigations undertaken under the TFWPA ¹	Baseline to be established	To be determined	To be determined

¹ Data Source: Employment Standards Branch data. Note: baseline data for 2019/20 will likely be based on a partial year as these are new programs being established in 2019/20

Linking Performance Measure to Objective:

Proactive investigations of employers that hire foreign workers and of agencies that recruit foreign workers will be a key feature of ensuring the TFWPA is effective in protecting vulnerable foreign workers. Proactive investigations are evidence-based inquiries that utilize complaints data to identify economic sectors with high levels of non-compliance, as well as routine and random auditing.

Resource Summary

Core Business Area	2018/19 Restated Estimates¹	2019/20 Estimates	2020/21 Plan	2021/22 Plan
Operating Expenses (\$000)				
Labour Programs	11,106	14,910	16,063	16,063
Executive and Support Services	1,532	1,539	1,532	1,532
Total	12,638	16,449	17,595	17,595
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Labour Programs	3	55	55	55
Total	3	55	55	55

¹ For comparative purposes, amounts shown for 2018/19 have been restated to be consistent with the presentation of the 2019/20 Estimates.

* Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

Appendix A: Agencies, Boards, Commissions and Tribunals

[WorkSafeBC](#)

The [Labour Relations Board](#)

The [Employment Standards Tribunal](#)

The [Workers' Compensation Appeal Tribunal](#)