2009/10 Annual Service Plan Report



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Message from the Minister and Accountability Statement



I am pleased to present the 2009/10 Annual Service Plan Report on behalf of the Ministry of Labour.

When I was appointed Minister of Labour in June of 2009, my vision for 2009/10 was for safe, healthy and fair workplaces where employers and workers prosper and have the opportunity to contribute to B.C.'s economy. The work of the ministry was of critical importance during the economic challenges faced in the wake of the global financial crisis. The framework provided by our labour laws continued to enable a stable labour relations

climate, helping to foster economic stability and attract investors, employers and employees to our province.

We remained committed to maintaining safe and healthy workplaces through WorkSafeBC, which continued to work with industry partners to promote safety and reduce injuries. Among our achievements, we launched a province-wide, multi-year awareness campaign currently featured on "preventable.ca" aimed at reducing preventable injuries through a partnership between community, safety, professional and government organizations. We also amended the Workers' Compensation Act to add lung and testicular cancers to the list of presumptions recognized as occupational diseases for non-smoking firefighters.

As part of our ongoing efforts to protect vulnerable workers, we created a regulation to extend job protection to Canadian Forces Reservists who volunteered for duty at the 2010 Olympic and Paralympic Games. In addition, the Employment Standards Branch received the 2009/10 Premier's Award for Service Excellence for its many achievements, including voluntary resolution of more than 86 per cent of workplace disputes over the past four years. The Branch also expanded its public education activities to help workers and their employers understand their respective workplace rights and responsibilities under the Employment Standards Act. I am proud of the Ministry's many successes during the past year and extend my thanks to our committed and dedicated ministry staff throughout the province.

The Ministry of Labour 2009/10 Annual Service Plan Report compares the actual results to the expected results identified in the Ministry's 2009/10 - 2011/12 Service Plan Update. I am accountable for those results as reported.

Honourable Murray Coell Minister of Labour

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June 15, 2010

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Highlights of the Year

In 2009/10, the Ministry of Labour continued to make great strides in its mandate to create an environment that meets the needs of employers and unions, and fosters working relationships in safe and healthy workplaces.

The ministry is dedicated to:

- Improving workplace safety
- Ensuring fair treatment for employees and employers
- Encouraging a healthy and productive labour relations climate

The Ministry of Labour has also focused on protecting vulnerable workers, particularly with regard to safety, security, access to supports and information, supervision of children and youth, foreign workers, older workers and those working in key sectors, such as agriculture.

Achievements of the past year include:

- **Firefighters** Amendments were made in 2009 to the *Workers Compensation Act* and the Firefighters' Occupational Disease Regulation to allow a testicular cancer presumption and a lung cancer presumption for non-smokers. Both amendments are effective May 27, 2008. This means that there is no longer be a requirement to establish a causal work connection for firefighters suffering from these types of cancers before benefits are allowed.
- Community Against Preventable Injuries In June 2009, the Minister of Labour announced an awareness initiative to reduce preventable injuries thanks to a partnership between community, safety, professional and government organizations. The province-wide, multi-year strategy is produced by the Community Against Preventable Injuries (www.preventable.ca), which has more than 35 partners, including the Ministry of Labour, the Ministry of Healthy Living and Sport, the Office of the Superintendent of Motor Venicles and WorkSafeBC. The Ministry of Labour has invested \$500,000 towards supporting the Community's education initiatives.
- "Slow Down, Move Over" Law in Effect In June 2009, a new *Motor Vehicle Act* regulation enhanced safety of emergency workers by requiring drivers to slow down and move over when passing parked emergency vehicles that have their lights flashing.
- **Reservists** In August 2009, the *Employment Standards Act* regulation that provides job protected leave for the civilian jobs of Canadian Forces Reservists who take leave to go into active overseas service was amended to protect the jobs of Reservists who were assigned to the Olympics.
- Crane Safety WorkSafeBC is a primary stakeholder in the development of one of the most comprehensive crane safety certification programs in North America with the BC Association for Crane Safety. As of June 2010, approximately 3,000 operators have gone through the new CraneSafe Certificate system.

- Employment Standards Branch Service Excellence The Employment Standards Branch was recognized for service excellence as the 2009/10 recipient of the Premier's Award for Service Excellence. Included among the Employment Standards Branch's service enhancements in 2009/10, was an expansion of media education spots and of its work in conjunction with the Public Legal Education and Information consortium to facilitate education of new immigrants concerning their rights.
- Bargaining Unit Options in the Health Sector for Unionized Employees of the Provincial Ambulance Service Following the Minister of Health Services' March 11, 2010 announcement that Government had decided to integrate the provincial ambulance service more closely with the health sector, the Minister of Health Services asked the Minister of Labour to investigate the bargaining unit implications of closer integration of the Emergency and Health Services Commission with the health sector. On March 31, 2010, following a consultation process resulting in a written report to the Minister of Labour, the Minister announced that unionized employees of the provincial ambulance service will be integrated into existing health sector bargaining units.
- Labour Board Timelines Amendments have been made to the *Labour Relations Code* to improve the timeliness of decisions rendered by the B.C. Labour Relations Board. Consultations with the labour relations community are on-going about what the timelines should look like.

Purpose of Ministry

The Ministry of Labour provides services to employees, employers, unions, and businesses in British Columbia to support a modern and stable work environment, while ensuring that all of the Ministry of Labour's interactions with clients and stakeholders uphold the highest standards of government-wide, citizen-centred service commitments.

The Ministry of Labour sets the framework within which effective, mutually beneficial, healthy labour and employment relationships can flourish. In this context, the Ministry of Labour has overall responsibility for British Columbia's labour and employment statutes – including the *Labour Relations Code*, the *Employment Standards Act*, and the *Workers' Compensation Act* – and for the effective administration and enforcement of those statutes. Three independent tribunals — the Labour Relations Board, the Employment Standards Tribunal, and the Workers' Compensation Appeals Tribunal — also fall within the ministry's overall responsibility in the administration and enforcement of these statutes.

The Employment Standards Branch and the Ministry of Labour's three administrative tribunals are involved in managing complaints and issues that have been brought before them. 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 are readily accessible to all stakeholders. The Ministry of Labour also actively promotes mutually beneficial relationships by seeking out alternatives to traditional adjudication and dispute resolution, where appropriate.

Educational services and initiatives, provided by the Employment Standards Branch and by the Employers' Advisers Office and Workers' Advisers Office, increase understanding of and compliance with the *Employment Standards Act* and *Workers Compensation Act* respectively.

The Ministry of Labour conducts its business in a manner that is consistent with and upholds government's vision, mission and values as identified in the Province of British Columbia's Strategic Plan.

Strategic Context

Preliminary estimates from Statistics Canada show that British Columbia's real GDP contracted by 2.3 per cent in 2009, following a year of 0.0 per cent growth (or no change) in 2008. The slowdown in B.C. during 2009 reflects the sharp US and global economic downturn, the moderation of domestic demand in B.C., and volatility in world financial and commodity markets. The Ministry of Finance forecasts B.C.'s economy to return to growth in 2010, with real GDP increasing by 2.2 per cent. Risks to B.C.'s 2010 economic outlook include a double dip recession originating in the US, slower than anticipated global demand resulting in reduced demand for B.C.'s exports, further appreciation of the Canadian dollar, and further weakening of the US dollar resulting in significant disruptions to global financial and commodity markets.

In 2009/10, the Ministry of Labour faced an environment that can be characterized as having both opportunities and challenges. The goals, objectives and strategies identified in this Service Plan were structured to mitigate risks, maximize opportunities and address key challenges. In addition to the core services it provides as required by legislation, policy and programs, the Ministry of Labour continued its focus on three specific areas in 2009/10: vulnerable workers; prevention¹; and labour stability and competitiveness. These themes served as focal points for emerging and expanding services, and they define how the ministry directs its efforts and resources for maximum effect.

Challenges

 Economic uncertainty throughout 2009/10 was a potential source of strain on employment relationships as industry sought ways to decrease costs, which in turn could have led to an increased risk to occupational health and safety and/or challenges for negotiations between employers and unions. The Ministry of Finance forecasts B.C.'s economy to return to growth in 2010, with real GDP increasing by 2.2 per cent

- Responses to continuing labour shortages in British Columbia
 have increased access to more diverse labour pools, including temporary foreign workers and
 young, less experienced workers. These vulnerable workers posed an increased challenge for
 the Employment Standards Branch and WorkSafeBC, both of which have implemented
 initiatives designed to assist and protect them.
- Workplace fatalities and serious injuries in high hazard sectors such as forestry and construction required a continued emphasis on injury prevention and occupational health and safety initiatives.

¹ Prevention is a key approach for Labour. Significant attention is focused on preventative measures and educational activities that promote a safe and productive work environment.

Opportunities

- The Ministry of Labour continued to support government's Great Goal of creating more jobs per capita than any other Canadian jurisdiction. It enables a stable labour relations climate through policies and legislation that support the development of a productive and efficient labour force, safe workplaces, and basic standards of compensation and conditions of employment. A stable labour relations climate fosters economic stability which attracts investors and employers to our great province.
- The legislative framework encompassing the *Workers' Compensation Act*, the *Employment Standards Act*, and the *Labour Relations Code* continued to recognize that one size does not fit all in a modern and changing work environment. It provides the foundation for a strengthened economy and diversification through fair and balanced laws and regulations.
- Citizen-centred service improvements and proactive initiatives, such as improving service
 timeliness and providing workers' compensation and employment standards information in
 multiple languages, continued to lay the groundwork for ongoing labour stability and
 prosperity.
- A focus on prevention, including education, serves to increase compliance with laws and regulations.
- The Ministry of Labour continued to place significant emphasis on fairness and balance, and to actively promote mutually beneficial relationships by seeking out alternatives to traditional adjudication and dispute resolution, where appropriate. The premise is that the parties are best served by



- making use of every available means of resolving complaints or disputes before they escalate into either complex litigation or strikes and lockouts.
- The quality of employment relationships as measured by indicators such as days lost due to strike activity, the safety of the Province's workplaces, and how well employers and workers understand and meet or exceed the Province's minimum labour standards continued to be a priority for the Ministry of Labour.

Report on Performance

Performance Plan Summary Table

Goal 1: Balanced law and policy. For greater detail see pages 11 to 13	2009/10 Target	2009/10 Actual
1.1 Labour laws and policies responsive to, and supportive of, the evol1.2 Clients and stakeholders have knowledge of an understand labour	•	cesses
Percentage of employers whose employment practices resulted in no complaints being registered with the Employment Standards Branch.	96.5 - 98.5%	97.3% ACHIEVED
Person-days lost due to strike/lockout activity in British Columbia relative to Canada as a whole (Three-year moving average, 2007 - 2009).	0.95 - 1.00	0.96 ACHIEVED
Goal 2: Outstanding People For greater detail see page 13		
2.1 Highly engaged, qualified people to deliver our se	rvices now and into th	e future
Goal 3: Service Excellence For greater detail see pages 14 to 17		
 3.1 Accessible, reliable, and timely adjudicative services 3.2 Innovative early intervention processes 3.3 Increased client and stakeholder satisfaction through open and effective 	ective communication	
Percentage of Employment Standards Branch determinations overturned by the Employment Standards Tribunal	<8%	4.0% EXCEEDED
Proportion of Employment Standards Branch cases closed Prior to adjudication	>79.5%	>92%
		EXCEEDED

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Goals, Objectives, Strategies and Performance Results

Goal 1: Balanced Law and Policy

Objective 1.1: Labour laws and policies responsive to, and supportive of, the evolving world of work

The Ministry of Labour's legislation, policy and services are designed to protect the health and well-being of British Columbia's workers, foster fairness, and ensure that appropriate protections, supports and remedies are available. In order to maintain these outcomes, the law, regulations and processes must keep pace with changes in the labour and health and safety environment.



Key strategies:

- Continue the dialogue between the Ministry and stakeholders in the labour relations community so that critical labour relations issues are addressed in a timely, effective and mutually beneficial manner and in a way that promotes labour stability.
- Ensure that the principles of early intervention and prevention are applied, where necessary and appropriate, before collective agreements expire.
- Develop new initiatives and continue with existing initiatives aimed at maintaining and improving accessibility of Labour Relations Board services to all parties.
- Continue the participation in, and the provision of secretariat services for, the Interagency Committee on Forest Safety created to address the recommendations set out in the Report by the Office of the Auditor General, entitled "Preventing Fatalities and Serious Injuries in B.C. Forests: Progress Needed", 2007/2008, Report 5, January, 2008.

Objective 1.2: Clients and stakeholders have knowledge of and understand labour requirements and processes

In order to achieve our goal of labour laws and policies being responsive to and supportive of the evolving world of work, it is imperative that employers, workers, and other stakeholders are knowledgeable about workplace requirements, conflict resolution processes, and how to access them.

Kev strategies:

- Expand proactive educational initiatives that provide comprehensive information on employment standards.
- Continue with initiatives to provide direct workers' compensation assistance, guidance and service to workers and employers.
- Continue with training, mentoring and coaching of the labour community and employers with regard to workers' compensation issues to create safer, more effective workplaces and protect vulnerable workers.

Performance Results:

Performance	Baseline	2008/09	2009/10	2009/10
Measure	(2004/05)	Result	Target	Actual
Percentage of employers whose employment practices resulted in no complaints being registered with the Employment Standards Branch.	97.7%	97.2%	96.5 - 98.5%	97.3% ACHIEVED

Data Source: Employment Standards Branch CASE Management System and BC STATS.

Discussion of Results:

This performance measure shows the percentage of employers whose practice does not result in complaints for noncompliance with the *Employment Standards Act*. The target for this measure as set out in the 2009/10 - 20011/12 Service Plan Update has been achieved.

The measure is calculated using Employment Standards Branch data which shows the number of employers who were the subject of one or more complaints from April 1, 2009 to March 31, 2010 and BC STATS data on the total number of business establishments with employees for the 2009 calendar year. The expectation is that the percentage of employers whose practices do not result in complaints being registered with the Branch will continue at their current very high levels, and that this will allow the Branch to continue to focus its compliance initiatives and activities on those sectors of the economy where vulnerable workers are most likely to be employed.

Performance Results:

Performance	2004/05	2008/09	2009/10	2009/10
Measure	Actual	Actual	Target	Actual
Person-days lost due to strike/lockout activity in British Columbian relative to Canada as a whole (three year moving average, 2007 - 2009).	0.96	1.03	0.95-1.00	0.96 ACHIEVED

Data Source: Statistics Canada, Annual Averages (2007 – 2009), and Human Resources and Skills Development Canada *Chronological Perspectives on Work Stoppages in Canada*, 2010

Discussion of Results:

This measure is an indicator of the relative degree of labour peace and stability in British Columbia compared to Canada as a whole. It is calculated by dividing the number of person-days lost due to strikes and lockouts by the total size of the British Columbia labour force and comparing this figure with the same calculations across the entire country. A score of 1.0 suggests that the degree of labour stability in B.C.is on par with Canada as a whole, with a score of less than 1.0 indicating relative labour stability (fewer days lost per capita) compared with the rest of Canada and a score of greater than 1.0 indicating relative labour instability.

The target for this measure as set out in the 2009/10 - 2011/12 Service Plan Update was a range of between 0.95- 1.00, suggesting that the degree of labour peace and stability in British Columbia would be on par with or slightly better than the degree of labour peace and stability in Canada as a whole. The actual result for 2009/10 was 0.96, which is within this range.

Two large strikes in British Columbia in 2007 (Coastal Forests and Vancouver municipal workers) accounted for an increase in person-days lost in 2007. Overall, the trend in British Columbia continues to be toward fewer disputes through an increased use of mediation to resolve collective bargaining as opposed to job disruption.

Goal 2: Outstanding People

Objective 2.1: Highly engaged, qualified people to deliver our services now and into the future

Key strategies:

- Increase employee engagement by building leadership and relationships.
- Support a high-performance, serviceoriented culture.
- Support and promote health and wellness.
- Address expected labour market shortages by continuing with such initiatives as the Labour Relations Internship program.
- Maintain and enhance the level of expertise of staff by providing business training and development, subject to budgetary considerations.



Goal 3: Service Excellence

Objective 3.1: Accessible, reliable, and timely adjudicative services

Timely, accurate and quality decisions are critical in ensuring that a fair and effective legislative process exists and the successful delivery of Ministry services is achieved.

Key Strategies:

- Continue to improve the efficiency and effectiveness of the Employment Standards Branch decision-making process through access to clear policy direction, sharing of best practices, and the development and delivery of appropriate training.
- Ensure that the Employment Standards Branch continues to meet or exceed established timeliness targets for cases.
- Ensure that systems are in place to track productivity and adherence to timeliness targets for administrative tribunals.
- Establish timelines for the disposition of cases before the Labour Relations Board.
- Continue with initiatives focused on ensuring the efficiency and responsiveness of the workers' compensation appeal system.

Performance Results:

Performance	Baseline	2008/09	2009/10	2009/10
Measure	(2004/05)	Result	Target	Actual
Percentage of Employment Standards Branch determinations overturned by the Employment Standards Tribunal.	11%	2.6%	<8%	4.0% EXCEEDED

Data Source: Employment Standards Branch CASE Management System and Employment Standards Tribunal website.

Discussion of Results:

The Employment Standards Tribunal can vary or overturn decisions issued by the Employment Standards Branch in cases involving an error in the application of law or, in some instances, where new information became available after the Employment Standards Branch's original proceeding.

The target for this measure as set out in the 2009/10 - 2011/12 Service Plan Update has been exceeded.

The expectation is that the percentage of decisions overturned will decline in future years through continuing improvements in Employment Standards Branch decision-making and

¹ The reported percentage means the percentage of determinations that were appealed to the Employment Standards Tribunal

through regulation and operational policy changes that will ensure alignment between operational policies and procedures, and the Employment Standards Act and its Regulation.

Ministry Response:

The results of 2008/09 and 2009/10 demonstrate a trend in exceeding the stipulated target. Accordingly, as of the 2010/11 fiscal year, the ministry has removed this target from the Service Plan.

Objective 3.2: Innovative early intervention processes

Early intervention and the use of alternative dispute resolution processes support the timely, effective and fair resolution of complaints and disputes, which promotes overall compliance with labour legislation. Labour continues to garner the support of essential stakeholders in innovative dispute resolution processes and initiatives.

Key Strategies:

- Encourage the use of early intervention and alternative dispute resolution methods such as self-help, mediation and relationship building.
- Ensure that sector-specific initiatives undertaken by the Employment Standards Branch, such as the Inter-Agency Committee on Farm Worker Protection, foster mutual co-operation between government, industry and employees, particularly as they relate to vulnerable workers.
- Use education and proactive measures to facilitate and promote the use of early intervention and alternative dispute resolution in support of the complaint resolution model for employment standards (self-help materials and mediation prior to adjudication).
- Promote use of early intervention and early dispute resolution in the workers' compensation

system (including self-help materials and merit assessments).

 Offer conflict resolution programs to the labour relations community that focus on team building, joint consultation committee effectiveness, and relationship enhancement, to promote and encourage cooperative participation in resolving workplace issues between employers and unions.



Performance Results:

Performance Measure	2006/07 Actual	2008/09 Actual	2009/10 Target	2009/10 Actual
Proportion of Employment Standards Branch	78%	86%	>79%	92% EXCEEDED
cases closed prior to adjudication.	1070	00 70	- 1370	E

Data Source: Employment Standards Branch CASE Management System

Discussion of Results:

This performance measure demonstrates the extent to which early intervention and mediation have been used to resolve complaints without having to resort to formal adjudication.

The target for this measure as set out in the 2009/10 - 2011/12 Service Plan Update has been exceeded.

Ministry Response:

The expectation is that the Employment Standards Branch will continue its focus on early intervention and alternative dispute resolution where appropriate, in order to ensure that complaints will be resolved in a timely, fair and effective manner.

The results of 2008/09 and 2009/10 demonstrate a trend in exceeding the stipulated target for early dispute resolution. Accordingly, as of the 2010/11 fiscal year, the ministry has removed this target from the Service Plan.

Objective 3.3: Increased client and stakeholder satisfaction through open and effective communication

Increased satisfaction arises from increased understanding, trust and respect. The success of these values relies upon open and effective communication.

Key Strategies:

- Continue with initiatives to provide services in other languages.
- Continue with the bi-annual Employers' Advisers Office and Workers' Advisers Office surveys, which measure overall client satisfaction.

Performance Results: Percentage of client satisfaction with Employers' Advisers Office or Workers' Advisers Office

Performance Measure	2004/05 Baseline	2008/09 Actual	2009/10 Target	2009/10 Actual
Percentage of respondents satisfied or very satisfied with Employers' Advisers Office (EAO)	90%	NA	> = 90%	87% SUBSTANTIALLY ACHIEVED
Percentage of respondents satisfied or very satisfied with Workers' Advisers Office (WAO)	73%	NA	> = 80%	82% ACHIEVED

Data Source: Scores from biannual surveys of the Employers' Advisers Office and Workers' Advisers office conducted by BC Stats.

Discussion of Results:

This performance measure demonstrates levels of overall client satisfaction with the services provided by the Employers' Advisers Office and the Workers' Advisers Office. The measure is based on client satisfaction surveys conducted biannually.

The target for this measure as set out in the 2009/10 - 2011/12 Service Plan Update was achieved by the Workers' Advisers Office, but the results for the Employers' Advisers Office were slightly below the target.

Ministry Response:

The client satisfaction results for the Employers' Advisers Office indicate very high levels of overall client satisfaction, although they are slightly below a baseline that was set in 2004/05 and that was established as the target for 2009/10. The BC Stats report for 2009 is based upon a survey of a sample of BC Stats clients, which BC Stats indicates contains a margin of error (based on 95 per cent confidence intervals) for the key questions of plus or minus five percentage points. This means that the observed result 87 per cent relative to the target is considered to be within the margin of error. On this basis, the results for the Employers' Advisers Office are considered to be substantially achieved.

Report on Resources

	Estimated	Other Authorizations ¹	Total Estimated	Actual	Variance
	Opera	ting Expenses (\$00	0)		
Labour Programs	16,427		16,427	17,343	917
Executive and Support Services	5,204		5,204	3,403	(1,801)
Total	21,631		21,631	20,746	(885)
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)					
Labour Programs	1,600		1,600	1,561	(39)
Totals	1,600		1,600	1,561	(39)

¹ "Other Authorizations" include Supplementary Estimates, Statutory Appropriations and Contingencies.

Ministry Contact Information

Dep	partment	Telephone		Website
Labour Relations Bo	pard	604 660-1300		www.lrb.bc.ca
Employment Standa	ards Office	General Inquiries: 1 800 663-3316*; in Prince George: 250 612-4100		www.labour.gov.bc.ca/esb/
Employment Standa	ards Tribunal		604 775-3512	www.bcest.bc.ca
Workers' Compensa	ation Appeal Tribunal		604 664-7800	www.wcat.bc.ca
			1 800 663-2782*	
WorkSafeBC			1 888 621-SAFE (7233)*	www.worksafebc.com
		1 866 W	CB-HELP (922-4357) after hours*	
Location	Employment Standards Office	Branch	Employers Advisers Offices	Workers' Advisers Offices
Abbotsford			604 870-5492	604 870-5488
			1 866 870-5492*	1 888 295-7781*
Campbell River				250 830-6526
Dawson Creek	250 784-2390)		1 888 643-0013*
Kamloops			250 828-4397	250 371-3860
			1 866 301-6688**	1 800 663-6695*
Kelowna	250 861-7404		250 717-2050	250 717-2096
			1 866 855-7575**	1 866 881-1188*
Langley	604 513-4635			
Nanaimo	250 390-6186	}	250 741-5500	250 741-5504
			1 866 827-2277**	1 800 668-2117*
Nelson	250 354-6550		250 354-6139	250 354-6933
			1 877 877-5524**	1 866 354-6933*
Prince George	250 565-6120	250 565-5285		250 565-4280
		1 888 608-8882**		1 800 263-6066*
Richmond	604 660-4946		604 713-0303	604 713-0360
			1 800 952-2233**	1 800 663-4261*
Terrace	250 638-6525			
Victoria	250 952-0469)	250 952-4821	250 952-4893
			1 800 663-8783**	1 800 661-4066*

^{*} Toll-Free in B.C.

^{**}Toll-Free in B.C. and Alberta

Annual Service Plan Report Appendices

Please visit our website at: www.labour.gov.bc.ca/pubs/service_plan.htm to view the following appendices:

List of Crowns, Agencies, Boards and Commissions

List of Legislation Administered by the Ministry