

## INDEX

References are to sections of:

ATA — Administrative Tribunals Act  
ATR — Administrative Tribunals Regulation  
CECR — Committees of the Executive Council Regulation  
CRR — Criminal Records Review Act  
CSA — Community Services Labour Relations Act  
ECA — Education Services Collective Agreement Act  
EIA — Employee Investment Act  
ESA — Employment Standards Act  
ESR — Employment Standards Regulation  
ESTR — Employment Standards Tribunal Rules of Practice and Procedure  
EHCDPR — Extended Health Care and Dental Plans Regulation  
FPS — Fire and Police Services Collective Bargaining Act  
FCB — Fishing Collective Bargaining Act  
FIPPA — Freedom of Information and Protection of Privacy Act  
FIPPR — Freedom of Information and Protection of Privacy Regulation  
HAA — Health Authorities Act  
HER — Health Care Employers Regulation  
HRC — Human Rights Code  
HRTR — Human Rights Tribunal Rules of Practice and Procedure  
LMA — Labour Mobility Act  
LRC — Labour Relations Code  
LRR — Labour Relations Regulation  
LBR — Labour Relations Board Rules  
LBFR — Labour Relations Board Fees Regulation  
OLSOR — Office of the Legislature Staff Oath Regulation  
OPWR — Online Platform Workers Regulation  
PBSA — Pension Benefits Standards Act  
PIPA — Personal Information Protection Act  
PIPR — Personal Information Protection Act Regulations  
PEL — Public Education Labour Relations Act  
PSBPA — Public Service Benefit Plan Act  
PSCVR — Public Service COVID-19 Vaccination Regulation  
PSE — Public Sector Employers Act  
PSA — Public Service Act  
PSR — Public Service Oath Regulation  
PSL — Public Service Labour Relations Act  
PSLR — Public Service Labour Relations Regulations  
PTP — Prescribed Time Periods For Decisions Regulation  
RLR — Reservists' Leave Regulation  
SCR — Security for Costs (Administrative Tribunals) Regulation  
SSE — Social Services Employers Regulation  
TFWPA — Temporary Foreign Worker Protection Act

## Index

TFWPR — Temporary Foreign Worker Protection Regulation

WCA — Workers Compensation Act

RPCCR — Reconsideration of Prescribed Compensation Claims Regulation

### A

**Accommodation**, *see* Human rights

#### **Accreditation**

- appropriateness, LRC 43(4)
- deletion of employers, LRC 43(3), (6)
- dues, fees, LRC 44(2)
- effect, LRC 43(5)
- generally, LRC 43, LBR 26
- inquiries, board, LRC 43(2)
- jurisdiction, board, LRC 139(b), 139(m)
- membership, LRC 44(1)
- public education, PEL 4
- public sector, PSE 10–13, *see also* Health industry
- variation, continuation, LRC 142

**Action rights**, ESA 76, 82, 118, *see also* Collective agreement; Workers compensation

#### **Actions**

- petty trespass, interference, LRC 66
- other acts, LRC 69
- workers compensation, *see* Workers compensation

**Adjustment plan**, LRC 54

#### **Administrative Tribunals Act**

- accountability and judicial review
  - reporting, ATA 59.2
  - standard of review, ATA 58, 59
  - surveys, ATA 59.1
  - time limit, ATA 57
- application of Act to Labour Relations Board, LRC 115.1
- application of Act to Workers' Compensation Appeal Tribunal, WCA 296

- application of Freedom of Information and Protection of Privacy Act, ATA 61
- appointments
  - acting chair, ATA 4
  - chair, ATA 2
  - responsibilities, ATA 9
- defect in appointment not affecting validity of acts, ATA 7.1
- member, ATA 3
  - absence or incapacitation of member, ATA 5
  - remuneration and benefits, ATA 10
- powers after resignation or expiry of term, ATA 7
- temporary, non-renewable, ATA 6
- termination for cause, ATA 8
- clustering, ATA 10.1–10.6
- costs and sanctions, ATA 47–49, ATR 238/2015
- decisions
  - amendment, ATA 53
  - enforcement, ATA 54
  - final decision, ATA 51
  - generally, ATA 50
  - notice, ATA 52
- definitions, ATA 1
- immunities, ATA 55, 56
- jurisdiction over legal questions, ATA 43–46.3
- practice
  - appeals
    - not a stay, ATA 25
    - notice of appeal, ATA 22–23
    - time limit, ATA 24
  - application
    - facilitated settlement, ATA 28
    - interveners, ATA 33

## Index

### Administrative Tribunals Act (*cont'd*)

- • • summary dismissal, ATA 31
- • • withdrawal or settlement of application, ATA 17
- • disclosure protection, ATA 29
- • failure of party to comply with orders and rules, ATA 18
- • general powers
  - • • to make orders, ATA 14–16
  - • • to make rules re practice and procedure, ATA 11
- • hearings
  - • • adjournments, ATA 39
  - • • discretion to receive evidence in confidence, ATA 42
  - • • form of hearing, ATA 36
  - • • hearings open to public, ATA 41
  - • • information admissible, ATA 40
  - • • power to compel witnesses, ATA 34
  - • • power to order disclosure, ATA 34
  - • • recording of proceedings, ATA 35
  - • • representation of parties, ATA 32
  - • • similar questions, ATA 37
  - • • witnesses, examination, ATA 38
- • notice of hearing by publication, ATA 21
- • practice directives, ATA 12, 13
- • service of notice or documents, ATA 19, 20
- • tribunal
  - • • duties, ATA 30
  - • • organization of tribunal, ATA 26
  - • • staff of tribunal, ATA 27
- regulations, ATA 60
- review board, application of Act, ATA 62

**Advertisement**, *see* Human rights

**Age**, *see* Human rights

### Ally

- burden of proof, LRC 65(2)

- definition, LRC 65(1)

- picketing, LRC 65

**Ancestry**, *see* Human rights

**Annual vacation**, *see also* Employment standards

- bonus, ESA 59
- common anniversary date, ESA 60
- employer records, ESA 28
- entitlement, ESA 57, 58
- general holidays, ESA 57
- past vacation entitlement, B.C. Reg. 6/2009 2
- related rights, ESA 59
- sick pay, ESA 59
- termination, ESA 58
- vacation pay, ESA 58
- when paid, ESA 58

### Appeals, review or reconsideration

- administrative tribunals, *see* Administrative Tribunals Act
- arbitration decision, *see* Arbitration
- employment standards, *see* Employment standards
- Labour Relations Board, *see* Labour Relations Board
- occupational health and safety, *see* Occupational health and safety
- workers compensation, *see* Workers compensation; Workers Compensation Board; Workers Compensation Review Board

**Appropriate unit**, *see* Bargaining unit

**Arbitration**, *see also* Collective agreement; Fire and police services

- appeal, review
  - • Court of Appeal, LRC 100
  - • Labour Relations Board, LRC 28, 99
- arbitration board
  - • appointment, LRC 86
  - • authority, LRC 89

## Index

### Arbitration (*cont'd*)

- • board, collective agreement, LRC 84, 85
- • case management conference held within 30 days of appointment, LRC 88.1
- • definition, LRC 81
- • failure to appoint, LRC 86
- • fees and costs, LRC 90
- • powers, LRC 92
- • summons, LRC 93
- arbitration bureau, *see* Collective Agreement Arbitration Bureau
- award, review of, LRC 28
- collective agreement provisions, *see* Collective agreement
- decision, LRC 94, 95, 96, 101, 102
  - • delay, LRC 91
  - • effect, LRC 95
  - • enforcement, LRC 102
  - • filing, LRC 96
  - • final, LRC 101
- director, LRC 86
  - • definition, LRC 81
- employment standards, *see* Employment standards
- expedited, LRC 104
- Labour Relations Board inquiry, LRC 88
- mediation-arbitration, *see* Mediation
- public sector, settlement of disputes, PSL 17
- purpose, arbitration provisions, LRC 82
- reference to Labour Relations Board, LRC 98
- review by courts, LRC 100, 101
- review of decision by Labour Relations Board, LRC 99
- settlement officer
  - • appointment, LRC 87
  - • definition, LRC 81

### Arbitration procedures

- purposes, LRC 82

**Arbitrator**, *see* Arbitration

**Assets**, *see* Employment standards; Successorship

**Associate chair**, LRC 1(1), 116

### Associate chair, Adjudication Division

- designation, LRC 116

### Associate chair, Mediation Division, (LRB)

- designation, LRC 116

**Associated corporations**, *see* Common employer

**Association**, *see* Human rights

**Attachment**, ESA 15–17, *see also* Employment standards

## B

**Bankruptcy**, *see also* Attachment; Employment standards; Wages

- corporate officer, liability, ESA 96

**Bargaining agent**, *see also* Construction industry

- collective bargaining, LRC 45
- Community Social Services Employers' Association, as, CSA 2
- council of trade unions, LRC 41–42, 139(o)
- definition, LRC 1(1)
- employers' organization, LRC 43
- government, PSL 1, 3
- health sector
  - • associations of agents, HAA 19.9
  - • • application of existing collective agreement, HAA 19.91
- public education
  - • employee, PEL 6
  - • employer, PEL 4, 11, Sch. 2
  - • trade union, PEL 6, Sch. 2

## Index

- Bargaining agent (*cont'd*)
  - successorship, *see* Successorship
  - trade union, *see* Trade union
- Bargaining rights**, *see also* Construction industry
  - acquisition
    - • accreditation, employers' organization, LRC 43, 139(m), PEL 4
    - • appropriate unit, *see* appropriate unit
    - • change in trade union representation, LRC 19, PSL 7
    - • collective agreement, LRC 18–19, 139(g)
    - • council of trade unions, LRC 41
    - • craft union, LRC 21
    - • dependent contractors, LRC 28
    - • generally, LRC 18
    - • joint application, LRC 20
    - • public education
      - • • employee, PEL 6
      - • • employer, PEL 4
    - • public service, PSL 5
    - • trade union status, *see also* Trade union
      - • • generally, LRC 1, 139(b)
    - • voluntary recognition, LRC 18(4), FCB 4
  - appropriate unit
    - • accreditation, LRC 35(3), 139(m)
    - • appropriateness, HAA 19.5, LRC 22, 139(i), PSL 4
    - • council of trade unions, LRC 41(2), 139(o)
    - • craft unit, LRC 21, 139(j)
    - • definition, HAA 19.1, LRC 1, PSL 1
    - • dependent contractors, LRC 28, 139(n)
    - • determination of, LRC 22.1
    - • exclusions, inclusions, HAA 19.11, LRC 1, 22(1), 139(a), 139(l), PSL 4, PEL 5(2)
    - • fishing industry, FCB 9
    - • health sector, HAA 19.4, 19.5, 19.921
    - • inquiries, board, LRC 22(2)
    - • membership in good standing, LRC 22(3), 139(k)
    - • partly supervisory, LRC 29
    - • public education, PEL 5(1)
    - • public service, PSL 4
    - • review of, HAA 19.5
    - • successorship, LRC 43(4)
  - certification, *see also* Accreditation
    - • application, LBR 23–25
      - • • collective agreement, LRC 18–19, 139(c)–(g)
      - • • generally prohibited during strike or lockout, LRC 18(3), 19(3)
      - • • repeated, LRC 30
      - • • time bar, LRC 18(2), 19(2)
  - association of all community service trade unions, CSA 4
  - council of trade unions, LRC 41, 139(o), LBR 25
  - effect, LRC 27, PSL 8, FCB 12
  - generally, LRC 24, PSL 5
  - notice, LBR 24
  - public education, PEL 6
  - public service, PSL 5
  - review of, HAA 19.6
  - trade union membership
    - • • good standing, LRC 22(3)
    - • • membership cards, LBR 24, LRR 3
    - • • revocation, LRR 4
  - unfair labour practice remedy, LRC 14(4)(f), 14(5)
  - variation, continuation, LRC 142
- common employer, *see* Successorship
- council of trade unions, LRC 41
- dissolution, LRC 42
- freeze, terms of employment, LRC 32, *see also* Employment

## Index

- Bargaining rights** (*cont'd*)
- prohibited employee associations, LRC 1, 31
  - representation vote, *see also* Votes
    - • discretionary, LRC 24
    - • mandatory, LRC 24
    - • outcome, LRC 25
    - • request for, LRC 26
    - • public service, PSL 5
  - revocation of bargaining rights, LRC 33, 34
    - • certified, LRC 33, PEL 6(2)
    - • voluntarily recognized, LRC 33, 34
  - successorship, *see* Successorship
  - supervisors, LRC 29
  - variation, continuation, LRC 142
  - voluntarily recognized trade unions, LRC 34, FCB 4
- Bargaining unit**, *see* Bargaining rights
- Benefits, during strike or lockout**, LRC 62
- Bereavement leave**, ESA 53, *see also* Employment standards
- Board of Inquiries**, *see* Human rights
- ### C
- Certification, complaint**, LBR 24, 25
- Child employment**, *see also* Employment standards
- burden of proof, ESA 126
  - generally, ESA 9
- Coercion**, *see* Intimidation
- Collective agreement**, *see also* Arbitration; Collective bargaining; Construction industry
- adjustment committee, ESA 71
  - adjustment plan, LRC 54
  - arbitration, *see* Arbitration
  - benefits, during strike or lockout, LRC 62
  - binding on parties, employees, LRC 48, 49, 139(d)
    - • employers' organization, LRC 48(b)
    - • extraprovincial companies, LRC 52
  - common employer, *see* Successorship
  - conflict with Code, LRC 49(3)
  - content
    - • public education, PEL 7, 8, 10, Sch. 2
    - • public service, PSL 11–13
  - continuation of collective agreement, LRC 45(2)
  - council of trade unions, LRC 41
  - definition, LRC 1, PSL 1, ESA 1
  - discipline, LRC 84, 85
  - dismissal, LRC 84, 85, FCB 8
  - effect, LRC 49(1), 49(3), 139(g)
  - employees, excluded, PSL 11, *see also* Bargaining rights; Employee
  - employees, outside B.C., LRC 11(2)
  - employers' organization, LRC 43
  - entered into, LRC 48, 49(1), 139(f)
  - essential services, LRC 73(2)
  - exclusion, managers and employees, PSL 11
  - execution, LRC 49(2)
  - expedited arbitration, LRC 104
  - expiry, order for, LRC 27.1
  - extraprovincial companies, LRC 52
  - fact finding, LRC 77
  - filing, copy, LRC 51, PSL 15, ESA 2
  - final offer vote, LRC 78
  - first collective agreement, LRC 55
  - fishing industry, *see* Fishing industry
  - group terminations, ESA 64
    - • adjustment committee, ESA 71
    - • change in term of employment, ESA 66
    - • exceptions, ESA 65
    - • notice, ESA 67
    - • payment, rules of, ESA 68

## Index

### Collective agreement (*cont'd*)

- • temporary layoff, ESA 1
- • week of layoff, ESA 62
- health industry, *see* Health industry
- inquiry, Labour Relations Board, LRC 88
- interpretation, LRC 84, 85, 86
- joint consultation, LRC 53
- jurisdiction, board, LRC 139(c)–(g)
- Labour Relations Board inquiry, LRC 88
- lockout prohibited during term, LRC 57(2), 58
- managers, excluded, PSL 12, *see also* Bargaining rights; Employee
- master agreement, PSL 10
- mediation, *see* Mediation
- notice to bargain, expiry, LRC 46
- parties, LRC 48, 139(e)
- ratification, LRC 11(2), 40
- religious objection, LRC 17(1)
- remedy, arbitrator, LRC 89
- renewal, revision, LRC 46, 47, PSL 10
- settlement officer, LCR 87
- special mediator, LRC 76
- special officer, LRC 106–113
- strike prohibited during term, LRC 57(1), 58
- subsidiary agreement, PSL 10
- successorship, *see also* Successorship
  - • generally, LRC 35
- teachers, ECA 2–6
- term of collective agreement, LRC 50
  - • application to minister, LRC 50(2), 50(3)
  - • exclusion, LRC 50(4)
- termination of employment, membership in other union, LRC 15(2)
- terms to be carried out, LRC 49
- trade union, dues, LRC 6(3)(f), 16, PSL 13

- union security, LRC 15, PSL 13

### Collective Agreement Arbitration Bureau

- arbitration bureau, LRC 83
- definition, LRC 81

### Collective bargaining

- adjustment plan, LRC 54
- bargaining rights, after certification, LRC 45
- commencement, LRC 47
- continuation of collective agreement, LRC 45(2)
- council of trade unions, LRC 41
- definition, LRC 1(1), PSL 1
- duty to bargain
  - • before strike, lockout, LRC 59(1)
  - • first collective agreement, LRC 55(1)
  - • in good faith, LRC 1, 11(1)
  - • jurisdiction, board, LRC 139(h)
- employers' organization, LRC 43, PSE 10–13
- essential services, *see* Essential services
- exclusion, employees, PSL 12, *see also* Bargaining rights; Employee
- extraprovincial companies, LRC 52
  - • authority to bargain, LRC 52(1)
- final offer vote, LRC 78
- fire services, *see* Fire and Police Services
- first collective agreement, LRC 55, FCB 10
- fishing industry, *see* Fishing industry
- form of collective agreement, PSL 11
- freeze, terms of employment, LRC 45(1)(b), *see also* Employment
- health industry, *see* Health Industry
- joint consultation, LRC 53
- master agreement, PSL 10
- mediation, *see* Mediation
- notice to commence

## Index

### Collective bargaining (*cont'd*)

- • after certification, LRC 45(1), 47, PSL 8
- • expiry of collective agreement, LRC 46, 47, PSL 9
- police, *see* Fire and police services
- public education, PEL 7, 8, 10, Sch. 2
- public sector employer, PSE 10–13
- public service, PSL 10, 11
- settlement of disputes, PSL 14
- strike, *see* Lockout; Strike; Votes
- subsidiary agreement, PSL 10
- successorship, LRC 35, *see also* Successorship
- union dues, LRC 6(3)(f), 15–17
- votes, *see* Votes

**Colour**, *see* Human rights

**Combination**, LRC 69

**Commencement**, LRC 176

**Commercial Arbitration Act**, LRC 97

**Committee of special advisors**, LRC 3

**Common employer**, LRC 38, ESA 95, *see also* Successorship

### Common site

- definition, LRC 65(1)
- picketing, LRC 65

### Communications

- information, not picketing, LRC 64
- person, freedom to communicate, LRC 8

### Community health councils

- amalgamation
- • directions concerning, HAA 15.5
- • effects of, HAA 16.2
- • with designated corporation, HAA 16
- applicable legislation, HAA 19
- benefits, HAA 11
- differences over priorities, resolving, HAA 9
- duties

- • compliance with directions from Senior Financial Officer, HAA 15.5
- • compliance with general or special directions, HAA 7.1
- exemption from fees and taxes, HAA 15
- financial administration, HAA 10
- liability of members, HAA 14
- powers and procedures, HAA 8
- purposes, HAA 5
- staff, HAA 11

**Compassionate Care Leave**, ESA 52.1, B.C. Reg. 137/2019 2

**Compensation, workers**, *see* Workers compensation

**Conditions and undertakings**, LRC 134

**Confidentiality**, LRC 146, 124(3)–(4), LBR 25(2), ESA 75, WCA 95, 156

**Conflicting legislation**, PSL 23, HRC 4

**Consensual mediation-arbitration**, *see* Mediation

### Construction industry

- bargaining council, LRC 41.1
- CLRA, LRC 41.1

**Continuation, certification or accreditation**, LRC 142

### Contractor

- dependent, independent, LRC 1, 28, 139(n)

**Contractual relations etc., interference**, LRC 66

**Conviction, criminal or summary**, *see* Human rights; Criminal records

### Corporate officer liability

- generally, ESA 96
- monetary penalties, ESA 98
- occupational health and safety offences, WCA 213(2)–(3)

**Council of trade unions**, LBR 25

- certification, LRC 41

## Index

- Council of trade unions (*cont'd*)
  - definition, LRC 1(1)
  - dissolution, LRC 42
- Court of Appeal**
  - review of arbitration decisions, LRC 100
- COVID-19**
  - exclusions during emergency, ESR 45.01
  - leave, ESA 52.12
  - prescribed matters
    - persons, ESR 45.02
    - situations, ESR 45.03
  - public service
    - termination of employment, PSCVR 3
    - vaccination regulation, PSCVR 2
- Craft union**, LRC 1(1), 21
- Criminal records**
  - authorization, form, CRR 27
    - deadlines, B.C. Reg. 386/2007
  - check, CRR 4
    - fee CRR, B.C. Reg. 238/2002
  - childhood educators
    - applicants, registration, CRR 24.93
    - convictions, new, CRR 24.97
    - criminal record, CRR 24.95–24.96
    - definitions, CRR 24.91
    - existing registrants, CRR 24.94
    - general duty, CRR 24.92
  - child care providers
    - applicants, registration, CRR 20
    - charges, new, CRR 23
    - convictions, new, CRR 23
    - definitions, CRR 18
    - determination, effect, CRR 22
    - general duty, minister, CRR 19
    - other persons, CRR 24
  - definitions, CRR 1, 7, 18
  - determination, CRR 4
  - disclosure, CRR 6
  - employees, *see also* professions
    - application, CRR 7
    - authorization, form, CRR 27
    - charges, new, CRR 12
    - convictions, new, CRR 12
    - determination, effect, CRR 11
    - employment, application, CRR 8
    - existing, CRR 10
    - registered members, CRR 15–17
  - employers
    - application, CRR 7
    - authorization, form, CRR 27
    - charges, new, CRR 12
    - convictions, new, CRR 12
    - determination, effect, CRR 11
    - employment, application, CRR 8
    - existing employees, CRR 10
    - general duty, CRR 8
    - registered members, CRR 15–17
  - governing body
    - applicants, registration, CRR 14
    - charges, new, CRR 17
    - convictions, new, CRR 17
    - definition, CRR 1
    - determination, effect, CRR 16
    - existing members, CRR 15
    - general duty, CRR 13
    - notification, employers, CRR 15–17
    - professions, *see* professions
  - members
    - applicants, registration, CRR 14
    - charges, new, CRR 17
    - convictions, new, CRR 17
    - determination, effect, CRR 16
    - existing, CRR 15
    - notification, employer, CRR 15–17
  - offences, CRR 28
  - reconsideration, CRR 5
  - registrar

## Index

- Criminal records (*cont'd*)
- determinations, CRR 4, 11
- records, CRR 6
- regulations, CRR 29
- relevant offences, CRR Sch. 1

## D

**Day, definition,** LRC 1(1)

**Decision,** LRC 128, 133(5), 134, 135, 138, 143

**Declaration,** LRC 70, *see also* Strike

- refusal of order, LRC 71

**Declaratory opinion,** LRC 70, 143

### Definitions

- accident, WCA 1
- accident fund, WCA 1
- act, SCR 1
- age, HRC 1
- agency, CSA 1
- agency of the government, PSL 1
- agreement, LMA 1
- ally, LRC 65
- appeal tribunal, WCA 1
- applicable BC regulator, LMA 1
- applicant, CRR 18, ATA 1
- application, LBR 1, ATA 1
- appointing authority, ATA 1
- appropriate bargaining unit, HAA 19.1
- approved measure, LMA 1
- arbitration board, LRC 81
- arbitration bureau, LRC 81, FPS 1
- asbestos abatement work, WCA 1
- asbestos-containing material, WCA 1
- assessment, WCA 1
- assignment, ESA 1
- associate chair, LRC 1
- authority, CSLRA 1, PBSA 3.1
- auxiliary employee, PSA 1
- average net earnings, WCA 1
- bargain collectively, PSL 1
- bargaining agent, LRC 1, PSL 1
- bargaining council, LRC 41.1
- bargaining unit, LRC 1, PEL 1, PSL 1
- BC equivalent occupation, LMA 1
- BCTF, ECA 1
- board, LRC 1, PSL 1, WCA 1, HAA 1, FCB 1, FPS 1
- bus operator, ESR 1
- business day, LRC 1
- Canadian jurisdiction, LMA 1
- certification, HAA 19.1, LMA 1
- chair, LRC 1
- charity, ESR 1
- chief review officer, WCA 1
- child, CRR 1, WCA 17
- child care provider, CRR 18
- children, WCA 17
- class, WCA 1
- CLRA, LRC 41.1
- Code, HAA 19.1, LRR 1, LBR 1, FPS 1
- collective agreement, LRC 1, PSL 1, ESA 1, WCA 13
- collective bargaining, PSL 1
- commission, PSA 1
- commissioner, PSA 1
- common site picketing, LRC 65
- community subsector, HAA 19.1
- Commuted value, PBSA 1
- compensation, WCA 1
- compensation provision, WCA 1
- complainant, HRC 1
- complaint, HRC 1
- conditions of employment, ESA 1
- constitutional question, ATA 1
- construction, ESA 1, WCA 1
- consumer price index, WCA 1
- conviction, CRR 1
- council, PSE 1
- council of trade unions, LRC 1

## Index

### Definitions (*cont'd*)

- COVID-19 emergency, ESR 45.01(1)
- criminal record check, CRR 1
- criminal record check authorization, CRR 1
- Crown corporation, PSL 1
- day, LRC 1, PSL 1, ESA 1
- decision, ATA 1
- defined contribution account, PBSA 1
- defined contribution provision, PBSA 1
- dependant, WCA 1
- dependent contractor, LRC 1
- deputy minister, PSA 1
- designated area, HAA 15.1
- designated corporation, HAA 1
- determination, ESA 1
- director, LRC 81, ESA 1, TFWPA 1
- discrimination, HRC 1
- dispute, LRC 1
- division, PSL 1
- document, LBR 1
- domestic, ESA 1
- effective date, HAA 19.1
- employee, LRC 1, PSL 1, ESA 1, PBSA 1, PSA 1, FCB 1, CRR 1
- employee organization, EIA 1
- employer, LRC 1, PBSA 1, PSLR 3, ESA 1, FCB 1, CRR 1, FPS 1, WCA 1, WCA 13, TFWPA 1
- employers' adviser, WCA 1
- employers' association, PSE 1, PEL 1, ECA 1
- employers' organization, LRC 1, HRC 1
- employment, HRC 1, WCA 1
- employment agency, HRC 1, ESA 1
- employment compensation standards, PSE 1
- employment termination standards, PSE 1
- equity share, EIA 1
- extraprovincial occupation, LMA 1
- facilitated settlement process, ATA 1
- facilities subsector, HAA 19.1
- family member, WCA 1
- farm labour contractor, ESA 1
- farm worker, ESR 1
- federal benefits, WCA 165
- firefighter, WCA 1
- fire fighters' union, FPS 1
- first aid attendant, ESR 1
- fish, FCB 1
- fish camp worker, ESR 1
- fisher, ESR 1
- foreign national, TFWPA 1
- foreign worker, TFWPA 1
- foreign worker recruiter, TFWPA 1
- function, WCA 123(1)
- general holiday, ESA 1
- governing Act, LMA 1
- governing body, CRR 1
- government, PSL 1
- gratuity, ESA 1
- hazardous substance, WCA 13
- HEABC, HAA 19.1
- health care, WCA 1
- health sector, HAA 19.1
- high technology company, ESR 37.8(1)
- high technology professional, ESR 37.8(1)
- immediate family, ESA 1
- immigration services, TFWPA 1
- independent school, ESR 1
- industry, WCA 1
- initial payment period, WCA 1
- intervener/intervenor, ATA 1, HRC 1, SCR 1
- invalid, WCA 1
- invalid child, WCA 1
- issue, LRC 81
- joint committee, WCA 13

## Index

### Definitions (*cont'd*)

- Labour Relations Board, HAA 19.1, LRC 1, ESA 1
- licence, ESA 60, TFWPA 1
- licensee, TFWPA 1
- live-in home support worker, ESR 1
- livestock brand inspector, ESR 34.2(1)
- local government, TFWPA 1
- local matters, FCB 1
- lockout, LRC 1, PSL 1, FCB 1
- long haul truck driver, ESR 1
- manager, ESR 1
- manufacturing, WCA 1
- measure, LMA 1
- member, ATA 1, HRC 1
- member of family, WCA 1
- merit commissioner, PSA 1
- metalliferous mining industry, WCA 1
- minister, PSL 1, CRR 1
- multiple-employer workplace, WCA 13
- municipality, CRR 7
- new board, HAA 15.1
- new council, HAA 15.1
- newspaper, ESR 1
- newspaper carrier, ESR 1
- night attendant, ESR 1
- nurse, HAA 19.1
- occupation, LMA 1
- occupational association, HRC 1
- occupational disease, WCA 1
- occupational group, PSL 1
- occupational standard, LMA 1
- officer, WCA 13
- OHS provision, WCA 1
- old board, HAA 15.1
- old council, HAA 15.1
- online platform workers, WCA 1.1
- operating funds, CRR 1
- order, WCA 13
- outstanding charges, CRR 1
- overtime wages, ESA 1
- owner, WCA 13
- panel, HRC 1
- party, LRC 1, LBR 1, HRC 1, FPS 1
- pay period, ESA 1
- payroll record, ESA 1
- penalty, ESA 1
- pension, PBSA 1
- pension plan, PBSA 1
- perishable property, LRC 56
- person, HRC 1, LRC 1, WCA 1
- physician, WCA 1
- picket, LRC 1
- police officers' union, FPS 1
- president, WCA 1
- prime contractor, WCA 13
- prime lending rate, ESR 1
- private residence, ESR 1
- privative clause, ATA 1
- proceeding, LBR 1
- producer, ESA 1
- prohibited action, WCA 47(1)
- property, WCA 265(5)
- provincial body, HAA 17(1)
- provincial matters, PEL 1
- provincial standards, HAA 1
- provincial union, PEL 1
- public body, HAA 1
- public sector employee, PSE 1
- public sector employer, PSE 1
- public service sector, PSE 1
- qualified practitioner, WCA 1
- reconsider, WCA 1
- recruitment services, TFWPA 1
- region, HAA 1
- regional services, HAA 1
- registered employer, TFWPA 1
- registered member, CRR 1
- registrar, LBR 1, CRR 1

## Index

### Definitions (*cont'd*)

- registration, CRR 1
- regular wage, ESA 1, ESR 1
- regulation, HAA 19.1, WCA 1, WCA 13
- regulatory authority, LMA 1
- relevant offence, CRR 1
- relevant person, WCA 59.01
- representative member, ESA 1
- resident, HAA 19.1
- resident caretaker, ESR 1
- residential care worker, ESR 1
- retirement benefit, WCA 1
- review board, WCA 1
- review officer, WCA 1
- right of recall, ESA 1
- school board, PEL 1
- sector, PSE 1
- settlement agreement, ESA 1
- settlement officer, LRC 81
- settlement services, TFWPA 1
- short haul truck driver, ESR 1
- silica dust, WCA 1
- silicosis, WCA 1
- silvicontractor, ESA 1
- silviculture worker, ESR 1
- sitter, ESR 1
- special clothing, ESA 1
- special officer, LRC 1
- specialist, WCA 1
- specified services, HAA 1
- spouse, WCA 1
- statutory holiday, ESA 1
- strike, LRC 1, PSL 1, FCB 1
- supplier, WCA 13
- surviving spouse, WCA 1
- talent agency, ESR 1, ESA 1
- taxi driver, ESR 1
- teacher, ESR 1, PEL 1
- teachers' union, PEL 1
- technical creative film person, ESR 1
- technological change, PSL 1
- temporary layoff, ESA 1, ESR 45.01(2)
- tender vessel worker, ESR 1
- terms, LMA 1
- termination of employment, ESA 1
- termination pay, ESA 1
- textile worker, ESR 1
- time bank, ESA 1
- trade union, LRC 1, HRC 1, ESA 1
- tribunal, ESA 1, HRC 1, ATA 1, TFWPA 1, SCR 1
- tribunal's enabling Act, ATA 1
- trust, EIA 1
- union, WCA 13, PSL 1
- unit, LRC 1
- unlicensed family child care facility, CRR 18
- variable life benefit, PBSA 1
- variable life benefit fund, PBSA 1
- variance order, WCA 13
- wages, ESA 1, WCA 13
- week, ESA 1
- week of layoff, ESA 62
- wilderness guide, ESR 1
- work, ESA 1
- work-related, WCA 13
- work with children, CRR 1
- worker, WCA 1, 13, LMA 1
- worker health and safety representative, WCA 13
- worker representative, WCA 13
- workers' adviser, WCA 1
- working day, LBR 1
- workplace, WCA 13

### Dental Plan

- conditions, EHCDPR 4
- contract application, EHCDPR 2
- plans identified, EHCDPR 1
- rates, EHCDPR 3

## Index

### **Dependent contractor**

- certification application, LRC 28
- definition, LRC 1
- jurisdiction, board, LRC 139(n)

### **Director, arbitration bureau, LRC 83**

- arbitrators, appointment, LRC 86
- arbitrators, fees and costs, LRC 90
- definition, LRC 81
- expedited arbitration, LRC 104
- mediation-arbitration, LRC 105
- settlement officer, appointment, LRC 87

### **Director, employment standards, *see also* Employment standards**

- definition, ESA 1
- powers
  - appeals, ESA 112–116
  - complaint, ESA 74
  - confidentiality, ESA 75
  - delegation, ESA 117, TFWPA 73
  - determination, ESA 79, 80
  - enforcement, ESA 87–101
  - evidence, ESA 121, TFWPA 76
  - generally, ESA 84, 85
  - investigations, ESA 74, 76, 77
  - promote standards, ESA 5
  - reconsideration, ESA 86
  - settlements, ESA 78
  - variances, ESA 72, 73

### **Director, human rights, *see* Human rights**

### **Disability, *see* Human rights**

### **Discontinuance of employer's operations, LRC 63**

### **Discovery of documents, LRC 125, 140(a)**

### **Dispute, definition, LRC 1(1)**

### **Domestics, *see also* Employment standards**

- contracts, ESA 14
- definition, ESA 1

- maximum charge, room and board, ESR 14
- register, ESA 15, ESR 14

### **Duty of fair referral, *see* Trade union**

### **Duty of fair representation, *see* Trade union**

## **E**

### **Employee, *see also* Construction industry; Criminal records; Employee protection; Employment; Employment standards; Human rights; Occupational health and safety; Trade union; Unfair labour practice; Workers compensation**

- adjustment plan, LRC 54
- arbitration decision, LRC 95
- collective agreement, binding, LRC 48, 139(c)–(g)
- definition, LRC 1, PSL 1
- essential services, LRC 73(3)
- exclusion, bargaining unit, *see also* Bargaining rights
  - management, LRC 1, 22, 139(a), 139(l), PSL 11–12
  - other employees, LRC 1, 22, 139(a), 139(l), PSL 11–12
- exemptions, *Employment Standards Act*, ESR 31–45
- jurisdiction of board, LRC 139(a)
- organizing at employer's place of employment, LRC 7(1)
- refusal to employ, LRC 5(1), 68(3)
- religious objection, LRC 17
- replacement workers, LRC 68
  - employees, struck work, LRC 68(2)
- intimidation, discrimination etc., LRC 68(3)
  - prohibited, LRC 68(1)
- residing on employer's property, LRC 7(2)
- rights

## Index

- Employee** (*cont'd*)
- • communication, respect to business, LRC 8
  - • to organize, LRC 4(1)
  - status, strike, lockout, unlawful dismissal, LRC 1, PSL 1
  - strike, *see* Strike
  - struck work, LRC 68
  - trade union, dues, LRC 15–17, PSL 13
  - votes, *see* Votes
- Employee protection**, *see also* Occupational health and safety; Employment standards; Unfair labour practice
- false representations, ESA 8
  - prohibited action, WCA 47–50
  - remedies, ESA 79, 83
  - wages during temporary layoff, WCA 93
- Employer**, *see also* Bargaining agent; Bargaining rights; Collective bargaining; Construction industry; Criminal records; Employee protection; Employment standards; Occupational health and safety; Trade union; Unfair labour practice; Workers compensation
- adjustment plan, LRC 54
  - arbitration decision, LRC 95
  - collective agreement, binding, LRC 48, 49, 139(c)–(g)
  - common employer, LRC 38
  - definition, LRC 1(1), PSLR 3, ESA 1
  - discontinuance of operations, LRC 63
  - essential services, LRC 72, 73
  - jurisdiction of board, LRC 139(a)
  - lockout, LRC 61
  - lockout vote, LRC 59(1)
  - operations
    - • communications, respect to business, LRC 8
    - • dismissal, discipline etc. for proper cause, LRC 6(4)(a)
    - • employers' organization, LRC 4(2), *see also* Accreditation
    - • operational changes, LRC 6(4)(a), (b), 32(2), 45(4)
    - organizing at employer's place of employment, LRC 7(1)
    - records
      - • definition, ESA 1
      - • payroll, ESA 28
      - • vacation, ESA 28
      - • wage statements, ESA 27
    - rights
      - • communications, respect to business, LRC 8
      - • generally, LRC 4(2)
      - • successorship, LRC 35–36, ESA 95
      - • federal-provincial, LRC 36
    - votes, *see* Votes
- Employers' advisers**
- appointment, WCA 350
  - information and confidentiality rules, WCA 353
  - lay advocates, WCA 354
  - role, WCA 352
- Employers' organization**
- accreditation, LRC 43, 139(m), LBR 26, PSE 10–13
  - definition, LRC 1(1), 139(b)
  - discrimination, HRC 14
  - fair representation, duty, LRC 12(3), 139(r)
  - financial statement, LRC 150
  - legal entity, LRC 154
  - membership, LRC 44
  - public education, PEL 4, 11, Sch. 2
  - return, may be required, LRC 149
- Employment**, *see also* Criminal records; Employment standards
- advertisement, HRC 11
  - benefits, during strike or lockout, LRC 62

## Index

- Employment (*cont'd*)
  - conviction, criminal or summary, HRC 13
  - definition, HRC 1
  - discipline
    - • freeze, LRC 32, 45
    - • prohibited for exercise of rights, LRC 5, ESA 83
    - • unfair labour practice, LRC 6
  - discrimination, HRC 13
  - freeze, terms of employment
    - • certification
      - • • changes, board authorization, LRC 32(1)
      - • • fishing industry, FCB 11
      - • • generally, LRC 32(1)
      - • • proper cause exemption, LRC 32(2)
    - • collective bargaining
      - • • changes, board authorization, LRC 45(3)
      - • • collective agreement, continuation, LRC 45(2)
      - • • generally, LRC 45(1)
      - • • proper cause exemption, LRC 45(4)
      - • • public education, *see* Public education
  - organizing drive, LRC 6(3)(b)
  - group termination
    - • adjustment committee, ESA 71
    - • definition, ESA 64
    - • notice, ESA 64, 67
      - • • change in terms of employment prohibited, ESA 67
      - • • continuation of employment
        - • • • after definite term of work, ESA 65
        - • • • after expiry of notice, ESA 67
    - • payment, ESA 68
    - • provisions not applicable, ESA 65
    - • severance pay, *see* recall
      - • • week of layoff, ESA 62
  - layoff, *see also* group termination; termination of employment; Employment standards
    - • unfair labour practice, LRC 6(3)(a), (b)
      - • • expedited procedure, LRC 5(2)
    - • week of layoff, ESA 62
  - leave of absence, *see* Employment standards
  - minimum standards, ESA 4
  - protection, *see* Employee protection
  - refusal to employ, LRC 5(1), 68(3)
  - replacement workers, LRC 68, *see also* Employee
  - status, strike, lockout, unlawful termination, LRC 1(2)
  - suspension
    - • unfair labour practice, LRC 6(3)(a), (b)
      - • • expedited procedure, LRC 5(2)
  - termination of employment, *see also* Employment standards; Group termination; Public Sector Termination Standards
    - • adjustment plan, LRC 54(3)
    - • burden of proof, LRC 14(7)
    - • changes to operation, LRC 6(4)(b)
    - • collective agreement
      - • • notice of termination, ESA 64
    - • conduct constitutes termination, ESA 66
    - • definitions
      - • • individual termination, ESA 1
      - • • right of recall, ESA 1
      - • • severance pay, ESA 1
      - • • temporary layoff, ESA 1
      - • • termination, ESA 1
      - • • termination pay, ESA 1
      - • • week of layoff, ESA 62
    - • domestics, *see* Domestics
    - • expedited procedure, LRC 5(2)

## Index

### Employment (*cont'd*)

- • freeze, terms of employment, LRC 6, 32, 45
- • just cause, ESA 63
- • layoff
  - • • group, *see* group termination
  - • • minimum standards, ESA 4
  - • • recall, right of, ESA 1
  - • • temporary, ESA 1, 63
  - • • week of, ESA 62
- • notice
  - • • change in terms of employment prohibited, ESA 67
    - • • • after completion of term or task, ESA 65
    - • • • after expiry of notice, ESA 67
  - • • limitation on, B.C. Reg. 379/97 2
  - • • not required, ESA 63, 65
  - • • payment in lieu, ESA 63
  - • • required, ESA 63
  - • • variation by director, ESA 72, 73
- • prohibited
  - • • during parental leave, pregnancy, ESA 54
  - • • for exercise of rights, LRC 5, ESA 83
- • proper cause, LRC 6(4)(a), 32(2), 45(4)
- • severance pay, ESA 63, 64
- • transfer
  - • • expedited procedure, LRC 5(1)
  - • • unfair labour practice, LRC 6(3)(a), (b)
- • unfair labour practice, LRC 6(3)(a), (b)
- • vacation pay, ESA 58
- • waiver of requirements, prohibited, ESA 4

### **Employment agency**, ESR 15, *see also* Employment standards; Farm labour contractor

- charge to employees, prohibited, ESA 10
- compliance requirements, ESR 38.1
- definition, ESA 1, HRC 1
- fee to person, prohibited, ESA 11
- inspection of records, ESA 85
- licence required, ESA 11, ESR 38
- records, ESR 3
- registration
  - • appeal, ESR 10
- application, ESR 2
- cancellation, ESR 4, 10
- expiry, ESR 9
- talent agency, ESR 38, 38.1, ESA 12, 80, 87, 88, 96, 127

### **Employment contracts**, *see* Employment

### **Employment standards**, *see also* Annual vacation; Child employment; Employee protection; Employment agency; Farm labour contractor; General holidays; Group termination; Hours of work; Maternity leave; Overtime pay; Oil and gas; Parental leave; Special apparel; Wages

- action rights
  - • generally not affected, ESA 118
  - • limitations, ESA 76, 82
- appeal
  - • Employment Standards Tribunal, ESA 112–116
  - • reconsideration, director, ESA 86
  - • review, director, ESA 83–85
- assets
  - • lien, ESA 87
  - • release, ESA 93
  - • seizure, ESA 92
  - • wrongful seizure, ESA 94
- associated corporations, ESA 95

## Index

- Employment standards (*cont'd*)
  - attachment, ESA 87–90
  - burden of proof
  - changes, terms of employment, parental leave, ESA 126
  - child employment, ESA 126
  - generally, ESA 126
  - termination of employment, parental leave, ESA 126
  - children, conditions of employment
  - generally, ESR 45.1–45.4
  - live entertainment industry, ESR 45.15–45.20
  - recorded entertainment industry, ESR 45.5–45.14
  - complaint, *see also* investigation; enforcement
    - anonymity, ESA 75
    - generally, ESA 74, ESR 47
    - time bar, ESA 74
  - confidentiality, ESA 75, 99
  - corporate officer liability, ESA 96, *see also* Corporate officer liability; enforcement
  - definitions, *see* Definitions
  - director, *see also* Director, employment standards
    - confidentiality, ESA 75
    - entry, inspection, ESA 85, 120
    - inspection, removal of records etc., ESA 85
    - investigation, ESA 76, 84
    - reconsideration, ESA 86
  - employer records, inspection and removal, ESA 85
  - Employment Standards Tribunal
    - appeal
      - dismissal, summary, ESA 114
      - orders, ESA 115
      - reconsideration, ESA 116
      - referral to director, ESA 114, 115
      - right of, ESA 112
    - settlement recommendation, ESA 114
    - suspension of director's determination, ESA 113
    - tribunal, ESA 112
  - chair, authority of, ESA 104
  - compensation, ESA 103
  - decision
    - finality of, ESA 110
  - employees, ESA 105
  - establishment, ESA 102
  - organization, ESA 106
  - power, ESA 109
  - temporary foreign workers, TFWPA 64–67
- enforcement, *see also* investigation
  - administrative penalties, ESR 29
  - assets, ESA 92–94
  - associated corporations, ESA 95
  - corporate officer liability, ESA 26, ESR 45
  - demand on third party, ESA 89, 90
  - interest, ESA 88, ESR 25, 27
  - lien, ESA 87
  - monetary penalties, ESA 98
  - publication of violators' names, ESA 101
  - sale of business, ESA 97
  - security, posting, ESA 100
- entry, inspection, ESA 85
- evidence, ESA 121, 126
- exemptions, professions and employees, ESR 31–45
- extraprovincial certificate, ESA 119
- investigation, *see also* enforcement; Employment Standards Tribunal
  - complaint
    - director and, ESA 76
    - generally, ESA 74, ESR 47
  - confidentiality, ESA 75
  - determination

## Index

### Employment standards (*cont'd*)

- • • director, ESA 79
- • • service, ESA 81
- • director, powers of
  - • • entry and inspection, ESA 85
  - • • investigation, ESA 84
  - • • reconsideration, ESA 86
- • limitation on unpaid wages, ESA 80
- • other proceedings, ESA 87
- • response, opportunity of, ESA 77
- • settlement, ESA 78
- • time limit, ESA 74
- investigation, generally, ESA 74, 76
- irregularities, technicalities, ESA 123
- leave of absence, *see also* burden of proof
  - • bereavement, ESA 53
  - • compassionate care leave, ESA 52.1
  - • continuous employment, ESA 56
  - • COVID-19-related leave, ESA 52.12
  - • critical illness or injury leave, ESA 52.11, B.C. Reg. 137/2019
  - • death of child, ESA 52.4
  - • disappearance of child, ESA 52.3
  - • domestic or sexual violence, ESA 52.5
  - • duties of employer, ESA 54
  - • family responsibility, ESA 52
  - • illness or injury leave, ESA 49.1
  - • jury duty, ESA 55
  - • parental, ESA 51
  - • pregnancy, ESA 50, RLR 2
  - • reservists, ESA 52.2
- limitation periods
  - • complaint, ESA 74
  - • wage recovery, ESA 124
- minimum standards, ESA 4
- nonpayment by employer, ESA 87
- offences, ESA 124, 125
- online platform workers, ESA 3.1
- orders
- • enforcement, ESA 91
- penalty, *see* enforcement
- posting of regulations, ESR 16
- priority, wages, ESA 87
- purposes of Act, ESA 2
- records
  - • inspection, ESA 85, ESR 46
  - • payroll, ESA 28
  - • wages, ESA 22
- regulations, ESA 127
- Rules of Practice and Procedure, ESTR
- sale of business, ESA 97
- scope of Act, ESA 3
- service, delivery, ESA 122
- silviculture, ESA 1, 12.1, ESR 1, 37.9
- silviculture workers, ESR 37.9
- talent agency, ESR 38, ESA 12, 80, 87, 88, 96, 127
- technicalities, ESA 123
- vacation, *see* Annual vacation
- waiver, minimum standards, ESA 4
- warrant, ESA 120

### Enforcement, LRC 135(2)

### Essential services

- generally, LRC 72
- lockout, LRC 61(6)
- return to work order, LRC 73
- strike, LRC 60(6)

### Evidence, LRC 124

### Evidentiary effect of documents, LRC 155

### Execution of documents, LRC 148

### Expedited arbitration, LRC 104

### Expedited procedure

- dismissal etc., LRC 5(2)

### Extraprovincial certificates, ESA 119

## Index

### Extraprovincial companies

- collective bargaining, LRC 52

## F

### Facilitator

- joint consultation, LRC 53(5)

**Facilities**, *see* Human rights

**Fact finder**, LRC 77, *see also* Mediation

**Fair referral**, *see* Trade union

**Fair representation**, *see* Trade union

**Family responsibility leave**, ESA 52, *see also* Employment standards

**Family status**, *see* Human rights

### Farm labour contractor

- administrative fee, ESA 30.2
- agreement with unlicensed contractor, deemed employer, ESA 13
- definition, ESA 1
- liability for transportation costs, ESA 30.1
- liability for wages, ESA 30
- licence, ESR 13, 39
  - appeal, ESR 10–12
  - application, ESR 5
  - cancellation, ESR 7, 10
  - duties, ESR 6
  - exemption, ESR 39
  - officers, directors, ESR 8
  - required, ESA 13
- payroll records, ESA 28, 30
  - definition, ESA 1
- producer
  - definition, ESA 1
  - liability for wages, ESA 30

### Farm workers

- minimum wage, ESR 18

**Final offer vote**, LRC 78

**Financial statements**, LRC 151

### Fire and police services, *see also*

Bargaining agent; Bargaining rights; Collective agreement; Collective bargaining; Definitions; Employee; Labour Relations Board; Lockout; Strike; Successorship; Trade union; Unfair labour practice; Voluntarily recognized units; Votes

- arbitration, FPS 3, 4
- Labour Relations Code, FPS 2
- referral, FPS 5

**Fire fighters**, *see* Fire and police services

**First collective agreement**, LRC 55, FCB 10, *see also* Collective bargaining

**Fisher**, ESR 1, 37

### Fishing industry, FCB 2, *see also*

Bargaining agent; Bargaining rights; Collective agreement; Collective bargaining; Definitions; Employee; Labour Relations Board; Lockout; Strike; Successorship; Trade union; Unfair labour practice; Voluntarily recognized units; Votes

- bargaining unit
  - appropriate, FCB 9
- certification
  - effect, FCB 12
  - price changes, FCB 11
- collective agreement
  - dismissal, FCB 8
  - first, FCB 10
  - price change, FCB 11
- collective bargaining, FCB 11
- freeze, FCB 11
- Labour Relations Board, jurisdiction, FCB 14
- Labour Relations Code, FCB 3
- lockout, FCB 7, 13
- refusal to purchase, FCB 13
- strike, FCB 7
- successorship, FCB 6
- unfair labour practice, FCB 5

## Index

### Fishing industry (*cont'd*)

- voluntary recognition, FCB 4

### Freedom of Information and Protection of Privacy Act

- application to Administrative Tribunals Act, ATA 61
- committees of the Executive Council, CECR 1
- fees, FIPPR 13
- general provisions, FIPPA 66
- health care information, FIPPA 69.1, FIPPR 7
- Information and Privacy Commissioner, FIPPA 37
  - complaint against, FIPPA 60
  - powers of, FIPPA 42, 43, 44
  - liability of, FIPPA 48
  - orders of, FIPPA 58, 59, 59.01
  - restrictions on disclosure by, FIPPA 47
  - review by, FIPPA 52, 56
- information rights, FIPPA 4
  - exceptions to disclosure, FIPPA 12
  - mandatory disclosure in public interest, FIPPA 25
  - notice of disclosure to third parties, FIPPA 23
- personal information
  - accuracy of, FIPPA 28, 29
  - disclosure of, FIPPA 33, 35, 36
  - method of collection, FIPPA 27
  - purpose of collection, FIPPA 26
  - retention of, FIPPA 31
  - storage and access, FIPPA 30.1, 30.2
  - unauthorized disclosure, FIPPA 30.4–30.5
  - use of, FIPPA 32

### Freeze, term of employment, *see* Employment

## G

### Garnishment, *see* Employment standards

### Gender, *see* Human rights

### General holidays

- collective agreement, ESA 44
- definition, ESA 1
- employer duty to keep records, ESA 28
- entitlement, ESA 44
- exemptions, ESR 36
- holiday pay, ESA 45
- substitution, ESA 48
- work on, ESA 46

### General powers, Labour Relations Board, LRC 140

### Government, documents filed on behalf of, PSLR 4

### Government Personnel Services Division, PSL 3

### Gratuities

- defined, ESA 1
- employer's duties re, ESA 30.3
- redistribution, ESA 30.4

### Group termination, *see* Employment; Employment standards

### Guidelines, LRC 132

## H

### Handicapped person, *see* Human rights

### Health authorities, *see also* Community health councils; Health sector labour relations; Regional health boards

- appointment of public administrator, HAA 18
- provincial standards for provision of health services, HAA 1, 3
- transfer of facilities from provincial government, HAA 17

### Health industry

- public sector employers, HER 2

## Index

### Health sector labour relations

- bargaining agents
  - • associations of, HAA 19.9, 19.921
  - • • application of existing collective agreement, HAA 19.91
- bargaining units
  - • addition of, HCA 19.5
  - • appropriate, HAA 19.4
  - • appropriateness, continued, HAA 19.5
  - • exclusion from, HAA 19.11
  - • review of, HAA 19.5
- certifications
  - • review of, HAA 19.6
- health services and support
  - • appropriate bargaining unit, HAA 19.4(1)(d), (e)
  - • association of bargaining agents, HAA 19.9, 19.921, CSA 3–4
  - • collective agreement
    - • • existing agreement applies, 19.91(3)
- Labour relations board powers, HAA 19.5
- Labour Relations Code, application of, HAA 19.2
- transitional provisions
  - • associations of trade unions, HAA 19.921

### High technology

- definitions, ESR 37.8(1)
- exclusions, ESR 37.8

### Hours of work

- banking, overtime, ESA 42
- definitions
  - • overtime wage, ESA 1, 40
  - • regular wage, ESA 1
  - • week, ESA 1
- eating periods, ESA 32
- employer records, ESA 27
- excessive hours

- • prohibited, ESA 39
- exemptions, ESR 1–44
- flexible work schedule, ESA 37
- hours free from work
  - • between shifts, ESA 36(2)
  - • each week, ESA 36(1)
  - • eating periods, ESA 32
  - • exceptions to, ESR 37.6
- split shift, ESA 33
- variation, ESA 72, 73
- maximum hours of work, ESA 35
- meal breaks, ESA 32
- minimum daily pay, ESA 34, ESR 43
- minimum standards, ESA 4
- notice, hours of work, ESR 42
- overtime pay
  - • banking, ESA 42
  - • farm workers, ESR 34.1
  - • flexible work schedule, ESR 44
  - • generally, ESA 40, ESR 44
  - • livestock brand inspectors, ESR 34.2
  - • residential care workers, ESR 22
- split shift, ESA 33
- variances, ESA 72, 73, ESR 30, 30.2

### Human rights

- complaints
  - • assignment, HRC 27.1
  - • commissioner and other intervenors, HRC 22.1
  - • commissions, investigations and mediations
    - • • complaints, HRC 21
    - • • • deferral, HRC 25
    - • • • dismissal, HRC 27, 38
  - • deferral, HRC 25
  - • dismissal, HRC 27, 27.5
  - • evidence, HRC 27.2
  - • generally, HRC 21
  - • powers of tribunal to make rules and orders, HRC 27.3

## Index

### Human rights (*cont'd*)

- • protections, HRC 43
- • time limits, HRC 22
- conflicts with other legislation, HRC 4
- delegation, powers, HRC 46
- disclosure, HRC 40(2)
- discrimination
  - • advertisement, employment, HRC 11
  - • age, definition, HRC 1
  - • associations, occupational, HRC 1
    - • • definition, HRC 1
  - • definition, HRC 1
  - • employment, HRC 11–13
    - • • definition, HRC 1
  - • exceptions
    - • • generally, HRC 41
    - • • special programs, HRC 42
  - • person, definition, HRC 1
  - • prohibited employee associations, LRC 31
  - • property, HRC 9
  - • public facilities, HRC 8
  - • publications, HRC 7
  - • replacement worker, LRC 68(3)
  - • rights, exercise, LRC 5(1)
  - • tenancy, HRC 10
  - • trade unions, LRC 12, 31, HRC 14
  - • unfair labour practice, LRC 6, PSL 6
  - • wages, HRC 12
- offences, HRC 48
- protection, complainants and others, HRC 38
- purposes of Code, HRC 3
- regulations, HRC 49
- style of cause, HRC 44
- Supreme Court, HRC 39
- technicalities, HRC 45
- time limits, HRC 22, 47

**Human Rights Advisory Council**, HRC 47.08

### **Human Rights Commission**, *see also* Human rights — complaint

- Cabinet information protected, HRC 47.18
- commissioner
  - • acting commissioner, HRC 47.03
  - • annual report, HRC 47.23
  - • appointment, HRC 47.01
  - • delegation, HRC 47.07
  - • enforcement of orders, HRC 47.19
  - • inquiry, HRC 47.15, 47.16, 47.20, 47.21
  - • non-compellability, HRC 47.10
  - • oath, HRC 47.05
  - • offences, HRC 47.22
  - • personal liability protection, HRC 47.11
  - • powers, HRC 47.12
  - • provision of tribunal records to, HRC 47.13
  - • referrals, HRC 47.14
  - • resignation, suspension, removal, HRC 47.02
  - • restrictions on disclosure by, HRC 47.09
  - • salary, expenses, benefits, HRC 47.04
  - • special reports, HRC 47.24
  - • staff of, HRC 47.06
- commissioner of investigation and mediation
  - • delegation, HRC 46
- definition, HRC 1
- deputy chief commissioner
  - • delegation, HRC 46
- delegation, HRC 46
- disclosure, HRC 40(2)
- evidence, HRC 40(2)
- expenses reimbursement, HRC 47.17

**Human Rights Council**, *see* Human rights

### **Human Rights Tribunal**

- chair, HRC 31

## Index

- Human Rights Tribunal (*cont'd*)
  - consultants and experts, HRC 33
  - delegation, HRC 46
  - disclosure, HRC 40(2)
  - employees, HRC 33
  - establishment, HRC 31
  - evidence, HRC 40(2)
  - members, HRC 31
  - powers to make rules and orders, HRC 27.3
  - protection and privileges
    - dismissal, HRC 37
    - enforcement, HRC 39
    - modification of orders, HRC 38
  - Rules of Practice and Procedure
    - Amendments, HRTR 24 and 26
    - Applications, generally, HRTR 28
    - Application to dismiss complaint without hearing, HRTR 19
      - Limitation, HRTR 19
      - Time limit, generally, HRTR 19
      - Time limit, extension of, HRTR 19
    - Case conferences, HRTR 27
    - Communicating with Tribunal, HRTR 10
    - Complaints, generally, HRTR 12–19
      - Adding or clarifying allegations, HRTR 12
      - Alleging contravention of Code, HRTR 12
      - Amendment, HRTR 24
      - Deferral, HRTR 16
      - Fast-tracking, HRTR 17
      - Making complaint, HRTR 12
      - Mediation, HRTR 14
        - Confidentiality of settlement discussions, HRTR 14
        - Mediation agreements, HRTR 14
        - Mediator, HRTR 14
        - Request for, HRTR 14
- Participants, HRTR 13
  - Adding party to complaint, HRTR 21
  - Notification of parties, HRTR 13
  - Affected persons or organizations, HRTR 13
  - Intervenors, HRTR 13
- Responding to complaints, generally, HRTR 18–19
  - Adding or clarifying response, HRTR 18
  - Amendments, HRTR 26
  - Application to dismiss without hearing, HRTR 19
    - Limitation, HRTR 19
    - Time limit, generally, HRTR 19
    - Time limit, extension of, HRTR 19
  - Failure to respond, HRTR 18
  - Responding, HRTR 18
  - Time limits, generally, HRTR 18
    - Time limits, extension of, HRTR 18
- Settlement and withdrawal, HRTR 15
- Time limit for filing, HRTR 12
- Costs
  - Application for, HRTR 4
  - Payable immediately, HRTR 4
- Decisions, generally, HRTR 33–36
  - Certified copy of, HRTR 34
  - Correcting decisions and orders, HRTR 35
  - Effective date of, HRTR 33
  - Reconsideration, generally, HRTR 36
    - Application for reconsideration, HRTR 36

## Index

- Human Rights Tribunal (*cont'd*)
  - • • • Implication of application for reconsideration on time for judicial review, HRTR 36
  - • • • Limited power of reconsideration, HRTR 36
  - • • • Time limit, HRTR 36
  - • Deferral of complaint, HRTR 16
  - • Definitions, HRTR 3
  - • Delivery, generally, HRTR 8-9, 11
    - • • Address for, HRTR 8
    - • • Communications to participants, HRTR 11
    - • • Time for filing and, HRTR 9
  - • Disclosure, generally, HRTR 20–23.1
    - • • Applications to delay or limit disclosure, HRTR 20.2
    - • • Copies, cost of, HRTR 20.2
    - • • Disclosure by complainant, HRTR 20
    - • • Disclosure by respondent, HRTR 20
    - • • Document, definition of, HRTR 20
    - • • Expert evidence, generally, HRTR 21
      - • • • Expert report, HRTR 21
      - • • • Expert witness, HRTR 21
      - • • • Qualifications, HRTR 21
    - • • Ongoing obligation, HRTR 20.2
    - • • Remedies, disclosure of, HRTR 20.1
    - • • Requirements for disclosure, HRTR 20
    - • • Due dates, HRTR 20, 20.2
    - • • Witnesses, disclosure of, HRTR 20.2
  - • Expert evidence, generally, HRTR 21
    - • • Expert report, HRTR 21
    - • • Expert witness, HRTR 21
    - • • Qualifications, HRTR 21
  - • Fast-tracking of complaints, HRTR 17
    - • • Filing materials with Tribunal, HRTR 10
    - • Hearings, generally, HRTR 29–32
      - • • Adjourment of hearing, HRTR 30
        - • • • Time limit for requesting, HRTR 30
      - • • Affirmations or oaths, HRTR 32
      - • • Date of hearing, setting of, HRTR 29
      - • • Documents and authorities, copies of, HRTR 32
      - • • Non-appearance by participant, HRTR 32
      - • • Oaths or affirmations, HRTR 32
      - • • Participation by phone or video, HRTR 31.1
      - • • Recording, HRTR 32
      - • • Transcript, HRTR 32
      - • • Witnesses
        - • • • Order to attend, HRTR 31
        - • • • Request to set aside order to attend, HRTR 31
        - • • • Requiring witnesses to attend hearing, HRTR 31
        - • • • Service of order to attend, HRTR 31
    - • Mediation, HRTR 14
      - • • Confidentiality of settlement discussions, HRTR 14
      - • • Mediation agreements, HRTR 14
      - • • Mediator, HRTR 14
      - • • Request for, HRTR 14
    - • Non-compliance, effect of, HRTR 4
    - • Orders, generally, HRTR 33–36
      - • • Certified copy of, HRTR 34
      - • • Correcting decisions and orders, HRTR 35
      - • • Effective date of, HRTR 33
      - • • Reconsideration, generally, HRTR 36
        - • • • Application for reconsideration, HRTR 36

## Index

### Human Rights Tribunal (*cont'd*)

- • • • Implication of application for reconsideration on time for judicial review, HRTR 36
- • • • Limited power of reconsideration, HRTR 36
- • Time limit, HRTR 36
- • Parties, HRTR 13, 21
- • Public access to complaint file and proceedings, HRTR 5
- • Reconsideration, generally, HRTR 36
- • • Application for reconsideration, HRTR 36
- • • Implication of application for reconsideration on time for judicial review, HRTR 36
- • • Limited power of reconsideration, HRTR 36
- • • Time limit, HRTR 36
- • Representation, generally, HRTR 7
- • • Withdrawal of representative, HRTR 7
- • Settlement of complaint, HRTR 15
- • Technical non-compliance, HRTR 4
- • Tribunal, powers of, HRTR 1
- • Withdrawal of complaint, HRTR 15

## I

**Illness or injury leave**, ESA 49.1

**Industrial Inquiry Commission**, LRC 79

**Industrial Relations Council**, LRC 115

**Industry councils**, LRC 80

**Information**, *see also* Occupational health and safety

- communication of, not picketing, LRC 64
- confidential, LRC 146

**Insolvency**, *see* Bankruptcy

**Interference, contractual relations etc.**, LRC 66

**Interference, unfair labour practice**, LRC 6, PSL 6

**Interim decision, order**, LRC 133(5), 134

### Intimidation

- communication, respect to business, LRC 8
- exercise of statutory rights, ESA 83
- prohibited, threats regarding dismissal etc., LRC 5(1), 68(3)
- replacement worker, LRC 68(3)
- unfair labour practice, LRC 6(3)(d), 9
- union membership, LRC 9

**Interpretation**, *see* Definition

**Issue**, LRC 81

## J

**Joint consultation**, LRC 53

**Jury duty**, ESA 55, *see also* Employment standards

**Just cause**, *see* Employment

## L

### Labour Mobility Act

- agreement does not become law, LMA 7
- application of Act to nurse practitioners, LMA 6.1
- application of agreement, LMA 3
- approved measures, LMA 2
- conflicts, LMA 6
- definitions, LMA 1
- mobility, LMA 5
- prohibition on private cause of action, LMA 8
- regulations, LMA 9
- reviews, LMA 4

**Labour Relations Board**, LRC 115

- appeal, *see* reconsideration of decisions
- application of Administrative Tribunals Act to, LRC 115.1

## Index

- Labour Relations Board (*cont'd*)
- applications to, LRR 2
  - appointments
    - • chair, vice chair, members, LRC 115
  - arbitration board, reference, LRC 98
  - associate chair, designation, LRC 116(2)
  - authorization
    - • alter terms and conditions during freeze, LRC 32(2), 45(4)
  - chair
    - • appointment, LRC 115(3)
    - • definition, LRC 1(1), 1(3)
    - • delegation, LRC 121
    - • designated chair, LRC 115(4)
  - complaint
    - • hearing, LRC 133
    - • filing, LBFR 2
  - conditions and undertakings, LRC 134
  - confidentiality
  - continuation, certification or accreditation, LRC 142, LBFR 2
  - council of trade unions, LRC 41, *see also* construction industry
  - decisions
    - • filing in court, LRC 135
    - • final, LRC 138
    - • prescribed time periods, B.C. Reg. 49/2012
    - • priority, wages, ESA 15(1.1)
    - • publication, LRC 128
  - declaratory opinion, LRC 70, 71, 143
  - definition, LRC 1(1)
  - delegation, LRC 121, 140(j)
  - designation
    - • associate chair, LRC 116(3)
    - • chair, LRC 115(4)
    - • change, LRC 116(4)
  - discovery of documents, LRC 125, 140(a)
  - divisions of board, LRC 116(1)
  - documents, *see* discovery of documents; filing
  - employees of the board, LRC 122, 146(3)
  - employers' organization, LRC 43
  - enforceability of decisions, *see* decisions
  - essential services, LRC 72, 73
  - establishment of a panel, LRC 117(1)
  - evidence, admissible, LRC 124(1), LBR 16
  - fees, LBFR
  - filing, LRC 127(2), LBR 5, 8
  - fishing industry, *see* Fishing industry
  - forms, LRC 126(2), LBR 3
  - groups of persons, applications involving, LRC 7
  - guidelines, LRC 132
  - hearing, *see* powers
  - Industrial Relations Council continued, LRC 115
  - information, display or provision of, LRC 123.1
  - information officer, LRC 122
  - inquiry into dispute or difference, LRC 88
  - interim orders, LRC 133(5), 134
  - jurisdiction
    - • enforcement, LRC 135
    - • fishing industry, FCB 14
    - • health sector, HAA 19.5
    - • of board, generally, LRC 136, 139
    - • of court, LRC 137
    - • privative clause, LRC 138
    - • public education, PEL 3(2)
  - members, others, not compellable witnesses, LRC 146(3)
  - members, payment, LRC 147
  - oath of office, LRC 129
  - offices of board, LRC 127, 146(3)
  - panels, LRC 117
    - • consist of, LRC 117(4)

## Index

- Labour Relations Board (*cont'd*)
  - • establishment, LRC 117(1)
  - • reference to, LRC 117(3)
  - • termination of appointment, LRC 117(5)
  - • two or more, LRC 117(2)
  - penalty, LRC 157
  - person, LRC 1
  - picketing, LRC 65
  - powers
    - • add parties, LRC 140(n)
    - • adjournment, LRC 140(k)
    - • compel, LRC 145.1
    - • complaint
      - • • generally, LRC 133
      - • • unfair labour practice, LRC 14, 133
    - • contempt proceeding, LRC 145.3
    - • enter, inspection, LRC 140(g)
    - • examination documents, LRC 140(d)
    - • examination, trade union membership evidence, LRC 140(c)
    - • hearings, alternate forms of, LBR 17C
    - • inquiries, LRC 140(e)
    - • interim orders, conditions, LRC 133(5), 134
    - • oaths, LRC 140(b)
    - • order representation votes, LRC 140(h), 140(i)
    - • practice and procedure, LRC 126, 140
      - • • board determines, LRC 126(1)
      - • • general guidelines, LRC 132
      - • • generally, LRC 140
      - • • may make rules, LRC 126(2)
      - • • rules, *see also* practice and procedure
    - • regulations, LRC 159, 159.1
    - • shorten, lengthen time, LRC 140(l)
    - • summons, LRC 125, 140(a)
    - • technological change, PSL 16–17
    - • practice and procedure
      - • • abridgment, enlargement, *see* timeliness
      - • • adjournment, LRC 140(k), LBR 17, 21
      - • • adverse witness, LBR 20
      - • • amendment, LRC 140(m), LBR 11
      - • • application, complaint, LRC 14, 133, PSL 2, LBR 1, 2, 7, 17, 23–32
      - • • arbitration board, powers, LRC 92
      - • • authorization to file, LBR 9
      - • • burden of proof
        - • • • ally status, LRC 65(2)
        - • • • certain unfair labour practices, LRC 14(7)
        - • • • discontinuance of operations, LRC 63(2)
      - • • commencement of proceedings, LBR 2
        - • • • forms, LBR 3, 32
      - • • conditions and undertakings, LRC 134
      - • • confidentiality, LRC 124(3)–(4), 146
      - • • consolidation of proceedings, LBR 13
      - • • costs, LRC 14, 133
      - • • court reporter, LBR 19
      - • • decision
        - • • • enforcement, LRC 135(2)
        - • • • filing in court, LRC 135
        - • • • form, date, notification, LBR 22
        - • • • non-compliance, LBR 22A
        - • • • publication, LRC 128
      - • • defect, LBR 11
      - • • discovery, LRC 125, 140, LBR 18
      - • • documents, LRC 125, 140, LBR 18
        - • • • evidentiary effect of documents, LRC 155
      - • • enlargement, abridgement, *see* timeliness
      - • • entry, inspection, LRC 140(g)

## Index

- Labour Relations Board (*cont'd*)
- • essential services, variation, LRC 73(3)
  - • evidence, admissible, LRC 124(1), PSL 2, LBR 16, 17, 18
  - • examination, records, LRC 140(c)–(l), PSL 2
  - • filing, LBR 5, 9
  - • first collective agreement, LRC 55
  - • forms, LRC 126(2), LBR 3
  - • guidelines, LRC 132
  - • hearing, LBR 17–17C, PSL 2
  - • interim order, LRC 133(5), 134
  - • leave, reconsideration, LRC 141
  - • mailed notice presumed received, LRC 152(1)
  - • notice
    - • • adjustment plan, LRC 54
    - • • adverse witness, LBR 20
    - • • certification, LBR 24–25
    - • • commencement, strike or lockout, LRC 75
    - • • hearing, LBR 11, 16, 17–17C
    - • • lockout, LRC 61, PSL 14, LBR 27
    - • • mailed notice presumed received, LRC 152, PSL 21
    - • • of proceeding, generally, LBR 14
    - • • picketing, LBR 27
    - • • posting, LRC 140(f), LBR 15
    - • • strike, LRC 60, PSL 14, LBR 27
    - • • technological change, PSL 15
  - • oaths and affirmations, LRC 140(b)
  - • panels, LRC 117
  - • particulars, LRC 125, LBR 2(4), 4
  - • party, LBR 1, 8
  - • power, general, LRC 126, 140
  - • pre-hearing conference, LBR 17A
  - • prima facie case, LRC 12
  - • proceeding, LRC 119
  - • question of law, LRC 121
  - • quorum, LRC 118
  - • records, examination, PSL 2
  - • regulations, LRC 159
  - • remedies, LRC 14, 133
  - • reply, LBR 4
  - • review, LRC 141
  - • rules, LRC 126(2)
  - • service, delivery, LRC 153, LBR 6
    - • • mailed notice, LRC 152
  - • settlement conference, LBR 17B
  - • standing
    - • • court, LRC 100
    - • • interested party, LBR 8, 14
    - • • intervenor, LBR 8, 14
    - • • reconsideration, LRC 141(1), LBR 29
    - • • review, arbitration decision, LRC 99(1)
  - • statutory declaration, LBR 10
  - • summons, LRC 125, 140(a), LBR 18, 20
  - • technicalities, LRC 156
  - • timeliness, LRC 140(e), LBR 12
  - • transcript, LRC 19
  - • witnesses, LRC 140, LBR 20
  - proceedings, LRC 119
  - commencing, LBR 3
  - public education, *see* Public education
  - purposes of Code, LRC 2
  - question of law, LRC 120
  - quorum, LRC 118
  - reconsideration of decisions, LRC 141, LBR 29
  - board power, LRC 141(7)
  - compliance with regulations, LRC 141(8)
  - cross appeal, LRC 141(6)
  - grounds, LRC 141(2)
  - leave required, LRC 141(1), 141(3)
  - limitation period, LRC 141(5)
  - reconsideration of reconsideration, LRC 141(4)

## Index

### Labour Relations Board (*cont'd*)

- • variation, continuation
- • • accreditation, LRC 142
- • • certification, LRC 142
- reference to a panel, LRC 117(3)
- registrar, LRC 116(2), LBR 1–2
- remedies, LRC 14, 133
- returns, LRC 149
- review by court, board decision, LRC 138
- rules, LRC 126(2)
- Rules, effect of non-compliance, LBR 22A
- summons, LRC 125
- variation, certification or accreditation, LRC 142
- vice chair, LRC 115, 116, 117, 146(3)

### Last offer vote, LRC 78

### Legislature

- Oath, prescribed form of, OLSOR 1
- “office of the Legislature staff member”, definition of, OLSOR 1

### Lien, *see* Employment standards

### Lieutenant Governor

- regulations, LRC 159, PSL 22

### Lockout, *see also* Essential services; Strike; Construction industry

- action rights, LRC 66, 69
- benefits, continue during lockout, LRC 62
- combination, LRC 69
- commencement, notice to chair, LRC 75
- complaint, LBR 27
- declaratory opinion, LRC 70, 71
- definition, LRC 1, 139(w), PSL 1
- discontinuance of operations
  - • burden of proof, LRC 63(2)
  - • not lockout, LRC 63(1)
- duty to bargain, *see also* Collective bargaining

- • before lockout, LRC 59(1)
- essential services, LRC 72, 73
- final offer vote, LRC 78
- fishing industry, FCB 7, 13
- interference with contractual relations, trade or business, LRC 66
- mediation officer, LRC 61(3)
- notice
  - • board, union, LRC 61(3)
  - • extension, notice period, LRC 61(3), 61(6)
  - • notice, commencement, LRC 75
- perishable property, LRC 56
- picketing, *see also* Strike
  - • generally, LRC 65, 139(w)
  - • restricted, LRC 67
- prohibited
  - • before bargaining and vote, LRC 59
  - • before notice, LRC 60(3)
  - • before vote, LRC 60(1), 60(2)
  - • during term of collective agreement, LRC 57(2), 58
  - • first collective agreement application, LRC 55
- public education, PEL 8(4)
- public service, PSL 14
- replacement workers, LRC 68
- strike, response to, LRC 59(2)
- suspension of operations, *see* discontinuance of operations
- trespass, LRC 66
- votes, *see* Votes

## M

### Marital status, *see* Human rights

### Maternity leave, *see* Parental leave

### Mediation

- essential services, LRC 72
- fact finder, LRC 77
- first collective agreement, LRC 55

## Index

### Mediation (*cont'd*)

- mediation-arbitration, LRC 105, LBFR 2
- Mediation Division, LBR 32
- mediation officer, LRC 60(3), 74, 146(3)
- mediation services, LRC 74
- mediator, not compellable witness, LRC 146(3)
- public service, dispute settlement, PSL 14
- special mediator, LRC 76

### **Mental disability**, *see* Human rights

### **Merger**, LRC 37

### **Minister**

- committee of special advisors to be appointed, LRC 3(3)–(5)
- confidential information, LRC 146
- health industry, *see* Health industry
- inspection, LRC 145
- notice concerning disputes, LRC 152
- occupational health and safety, *see* Occupational health and safety
- powers of minister, LRC 144, 145
- regulations, LRC 3(2)
- report, LRC 157, PSL 18
- workers compensation, *see* Workers compensation

## N

### **Natural justice**

- internal union affairs, LRC 10(1)

### **Nonpayment of wages, benefits**, *see* Employment standards; Wages

### **Nurse Practitioners**

- application of Labour Mobility Act to, LMA 6.1
- exclusion from bargaining unit, HAA 19.11

## O

### **Oath of office**, LRC 129, WCA 89(4)

### **Occupational association**, *see* Human rights

### **Occupational health and safety**

- agriculture, B.C. Reg. 296/97 Part 28
- aircraft operations, B.C. Reg. 296/97 Part 29
- asbestos, B.C. Reg. 296/97 Part 6
- biological agents, B.C. Reg. 296/97 Part 6
- blasting operations, B.C. Reg. 296/97 Part 21
- board
  - • cooperation agreements and arrangements, WCA 18
  - • inspections
    - • • assistance, WCA 79
    - • • authority to conduct, WCA 75
    - • • costs of inspections, WCA 107
    - • • credentials to be produced on request, WCA 77
    - • • person questioned entitled to have another person present, WCA 80
    - • • reports to be posted by employer, WCA 82
    - • • representation on inspection, WCA 78
    - • • restrictions on access to private residences, WCA 76
    - • • seizure of evidence without warrant, WCA 81
  - • investigations
    - • • warrants, WCA 81.1
- jurisdiction, WCA 19–20
- mandate, WCA 17
- resolving disagreements within joint committee, WCA 38
- certification, WCA 55–59
- chemical and biological agents, B.C. Reg. 296/97 Part 5
- confined spaces, B.C. Reg. 296/97 Part 9

## Index

- Occupational health and safety (*cont'd*)
  - construction, excavation and demolition, B.C. Reg. 296/97 Part 20
  - costs of investigations, inspections, other services, WCA 107
  - court orders for access, WCA 106
  - cranes and hoists, B.C. Reg. 296/97 Part 14
  - cytotoxic drugs, B.C. Reg. 296/97 Part 6
  - de-energization and lockout, B.C. Reg. 296/97 Part 10
  - definitions, WCA 13
  - diving, fishing and other marine operations, B.C. Reg. 296/97 Part 24
  - electrical safety, B.C. Reg. 296/97 Part 19
  - employer accident reporting and investigation
    - • costs of investigations, WCA 107
    - • employer must not attempt to prevent reporting, WCA 73
    - • immediate notice of certain accidents, WCA 68
    - • incident requiring investigation, WCA 69
    - • investigation process, WCA 70
    - • • full investigation, WCA 72
    - • • preliminary investigation, WCA 71
  - enforcement
    - • administrative penalties, WCA 94–95, B.C. Reg. 194/2015
    - • compliance agreements with employers, WCA 83
    - • court injunction, WCA 97
    - • orders
      - • • general authority to make, WCA 84, 85
      - • • may require compliance reports, WCA 88
      - • • posting by officer, WCA 86
      - • • stop using or supplying unsafe equipment, WCA 89
      - • • stop-work, WCA 90–93
    - • • variation or cancellation, notice, WCA 87
    - • suspension or cancellation of certificates, WCA 96
  - evacuation and rescue, B.C. Reg. 296/97 Part 32
  - exceptions, WCA 3
  - fall protection, B.C. Reg. 296/97 Part 11
  - firefighting, B.C. Reg. 296/97 Part 31
  - forestry operations and similar activities, B.C. Reg. 296/97 Part 26
  - general conditions, B.C. Reg. 296/97 Part 4
  - general duties
    - • directors and officers of corporation, WCA 27
    - • employers, WCA 21
    - • general obligations not limited by specific obligations, WCA 28
    - • multiple-employer workplaces, WCA 24
    - • obligations where more than one role, WCA 29
    - • owners, WCA 25
    - • responsibility when obligations apply to more than one person, WCA 30
    - • right to refuse unsafe work
      - • • definition, WCA 46.1
      - • • effect, WCA 46.8–46.9
      - • • investigation, WCA 46.6
      - • • report, WCA 46.3
      - • • response to report, WCA 46.4
  - supervisors, WCA 23
  - suppliers, WCA 26
  - workers, WCA 22
- information requirements
  - • confidential information, WCA 53
  - • medical emergency, WCA 54
  - • posting required, WCA 51
  - • summary, WCA 52
- joint committees and worker representatives

## Index

- Occupational health and safety (*cont'd*)
  - • disagreements within, resolving, WCA 38
  - • duties and functions, WCA 36
  - • educational leave, WCA 41
  - • employer obligations to committee, WCA 42, 44
  - • membership, WCA 33–35
  - • procedure, WCA 37
  - • recommendations, employer to respond, WCA 39
  - • reports, WCA 43
  - • requirement for committee, WCA 31–32
  - • time from work, WCA 40
  - • worker health and safety representative, WCA 45, 46
  - laboratories, B.C. Reg. 296/97 Part 30
  - ladders, work platforms, scaffolds, movable work platforms, B.C. Reg. 296/97 Part 13
  - lead, B.C. Reg. 296/97 Part 6
  - mobile equipment, B.C. Reg. 296/97 Part 16
  - noise, vibration, radiation and temperature, B.C. Reg. 296/97 Part 7
  - offences
    - • contravention of OHS provision, regulation or order, WCA 98
    - • defences, WCA 100–101
    - • limits on prosecutions, WCA 99
    - • penalties, WCA 102–103, 105
    - • • collection by assessment or judgment, WCA 108
    - • sentencing, additional powers, WCA 104
    - • victim impact statement, WCA 104.1
  - oil and gas, B.C. Reg. 296/97 Part 23
  - personal protective clothing and equipment, B.C. Reg. 296/97 Part 8
  - pesticides, B.C. Reg. 296/97 Part 6
  - prohibited actions
    - • complaint, WCA 49
    - • definition, WCA 47
    - • response to complaint, WCA 50
    - • worker protection, WCA 48
    - provisions, generally
    - • purpose, WCA 14
    - • relationship with compensation provisions, WCA 16
    - • review, WCA 15
    - • scope, WCA 2
  - regulations, WCA 109–117, B.C. Reg. 296/97
  - respirable crystalline silica and rock dust, B.C. Reg. 296/97 Part 6
  - rigging, B.C. Reg. 296/97 Part 15
  - rights and responsibilities, B.C. Reg. 296/97 Part 3
  - rope access, B.C. Reg. 296/97 Part 34
  - tools, machinery and equipment, B.C. Reg. 296/97 Part 12
  - toxic process gases, B.C. Reg. 296/97 Part 6
  - traffic control, B.C. Reg. 296/97 Part 18
  - transportation of workers, B.C. Reg. 296/97 Part 17
  - underground workings, B.C. Reg. 296/97 Part 22
  - variance orders, WCA 60–67
  - wood products manufacturing, B.C. Reg. 296/97 Part 27
  - Workplace Hazardous Materials Information System (WHMIS), B.C. Reg. 296/97 Part 5
- Offence**, PSL 23, HRC 48, ESA 124, 125, WCA 98, LRC 158.1, TFWPA 80
- Officers Labour Relations Board**, LRC 116
- Offices, Labour Relations Board**, LRC 127
- Organizing activities**
  - employer's place of employment, LRC 7(1)

## Index

- Organizing activities (*cont'd*)
  - organization freeze, LRC 6(3)
- Overtime pay**, *see* Employment standards; Hours of work; Wages
- Oil and gas**, ESR 37.5, 37.51, 37.6, 37.61–37.65
- P**
- Parental leave**, *see also* Employment standards
  - change of terms of employment, prohibited, ESA 54
  - • burden of proof, ESA 126
  - employer required leave, ESA 50
  - employment, continuous during leave, ESA 56
  - family responsibility leave, ESA 52
  - maternity, ESA 50
  - • combined with parental, ESA 51
  - minimum standard, ESA 4
  - parental, ESA 51
  - • combined with maternity, ESA 51
  - pregnancy, *see* maternity
  - termination of employment, prohibited, ESA 55
  - • burden of proof, ESA 126
- Pay**, *see* Wages
- Penalty**, LRC 158, PSL 20, ESA 98, 125, ESR 29, WCA 94–95, 102–103, 236, 261, B.C. Reg. 194/2015
- Person**
  - definition, LRC 1(1)
- Pension plans**
  - access to benefits, restrictions on, PBSA 67–72
  - additional voluntary contributions, PBSA 84
  - administration of plans
    - • administrator
    - • • appointment on plan termination or winding-up, PBSA 108–109
  - • • duties, generally, PBSA 35–41
  - • • policies established, PBSA 42–44
  - • • transfer of assets for purchase of annuity, PBSA 89.1
  - • fundholders, PBSA 50–51
  - • participating employers, PBSA 45–49
  - • plan requirements, PBSA 33–34
  - amendment
    - • plan text documents, PBSA 17–24
    - • registration, PBSA 27–28
    - • supporting plan documents, PBSA 25–26
  - ancillary and phased retirement benefits, PBSA 82–83
  - • optional ancillary contributions, PBSA 84
  - appeal, PBSA 127
  - application, PBSA 2–3
  - benefits may be affected, PBSA 73–77
  - changes in plan benefit type or plan structure, PBSA 90–95
  - commuted value, transfer by members, PBSA 85–89
  - contributions to plan, PBSA 56–59
  - death benefits, PBSA 78–81
  - definitions, PBSA 1
  - enforcement, PBSA 116–117
  - funding of plan, PBSA 52–55
  - investing plan assets, PBSA 60–61
  - jurisdictional issues, PBSA 128–129
  - membership, PBSA 29–32
  - monitoring, PBSA 110–115
  - offences and penalties, PBSA 118–124
  - pension eligibility date, PBSA 64–66
  - pension plan requirements, PBSA 8–11
  - reconsideration, PBSA 125–126
  - registration, PBSA 12–16, 27–28
  - regulations, PBSA 133
  - standards regulations, B.C. Reg. 71/2015
  - Superintendent of Pensions
  - • appointment, PBSA 4

## Index

### Pension plans (*cont'd*)

- • authority to extend time limits, PBSA 4
- • authority to impose terms and conditions, PBSA 6
- • personal liability protection, PBSA 7
- termination of plan
  - • after effective date of termination, PBSA 99–103
  - • by direction of superintendent, PBSA 98
  - • voluntary, PBSA 97
- use of actuarial excess and surplus, PBSA 62–63
- winding-up of plan
  - • allocation and distribution of assets, PBSA 106
  - • surplus, PBSA 107
  - • transfer of rights, PBSA 105
  - • when plan must be wound up, PBSA 104

### Personal Information Protection Act

- commissioner, PIPA 36–44
- general, PIPA 54–60
- personal information
  - • access to, PIPA 23–24
  - • administration, PIPA 25–32
  - • care of, PIPA 33–35
  - • collection of, PIPA 10–13
  - • consent to provide, PIPA 6–9
  - • deceased persons, PIPR 3
  - • disclosure of, PIPA 17–22
  - • health care information, PIPR 5
  - • minors and others, PIPR 2
  - • nearest relative, PIPR 4
  - • organizations, PIPA 4–5
  - • public information, PIPR 6
  - • use of, PIPA 14–16

**Physical disability,** *see* Human rights

**Picket,** *see* Strike

**Place of origin,** *see* Human rights

**Police,** *see* Fire and police services

**Pregnancy,** *see* Parental leave

**Proceedings,** LRC 119

**Professional employee,** LRC 139(u), 139(v)

**Proper cause,** *see* Employment

**Property purchase,** *see* Human rights

**Public education,** *see also* Accreditation; Bargaining agent; Bargaining rights; Collective agreement; Collective bargaining; Criminal records; Definitions; Employers' organization; Employment; Labour Relations Board; Lockout; Strike; Trade union

- bargaining agent
  - • change of, PEL 6(2)
  - • employees, PEL 6
  - • employer, PEL 1, 4, 11, Sch. 2
- bargaining unit, PEL 1, 5
- collective agreement
  - • content, PEL 7, 8, 10, Sch. 2, ECA 2–4
- collective bargaining, PEL 1, 7, 8
- Labour Relations Board, jurisdiction, PEL 3(2)
- lockout, PEL 8(4), 19
- Public Sector Employers Act, PEL 1, Sch. 2
- purpose of act, PEL 2
- Regulations, PEL 9, 12
- strike, PEL 8(4), 19
- termination, teacher, ESA 65
- trade union, PEL 1, 6, Sch. 2

**Public facilities,** *see* Human rights

**Public sector compensation**

**Public sector employee,** PSE 1

- base salary regulation, B.C. Reg. 319/2002

## Index

- Public sector employee (*cont'd*)
  - exempt employees, PSE 14.1–15.1
  - • compensation information, PSE 14.5–14.8
  - • compensation standards, PSE 14.2–14.3
  - • compliance, PSE 15.1
  - • definitions, PSE 14.1
  - • termination standards, PSE 14.4
  - • tribunal exclusions, PSE 14.9

**Public Sector Employers' Association,**  
*see also* Health industry; Social service

- definition, PSE 1
- formation, PSE 6–9.1

**Public Sector Employers Council,** PSE 3–5

- definition, PSE 1

**Public Sector Termination Standards,**  
PSE 1, 14.4, B.C. Reg. 379/97

**Public service**

- agency head
- • access to facilities and records, PSA 7
- • appointment of, PSA 5(2)
- • annual report, PSA 5.2
- • delegation prohibited, PSA 6(b)
- • duties, PSA 5.1, 5.2, 6(b)
- appointment, Lieutenant Governor, PSA 15
- appointment, merit principle, PSA 8
- • appeals, PSA 18
- • exceptions, PSA 10
- COVID-19
- • termination of employment, PSCVR 3
- • vaccination policy, PSCVR 2
- definitions, *see* Definitions
- deputy minister, PSA 12, 14, 16
- • hours of service, B.C. Reg. 154/78
- • pensions, PSA 13
- merit commissioner, PSA 19–20.1

- • appointment of, PSA 5.01
- • expenses of, PSA 5.3
- oaths, PSA 21, PSR 228/2007, OLSOR 1
- probation, PSA 9
- • appeals, PSA 18
- • decision, PSA 20
- • establishment, PSA 12
- • powers, PSA 19
- • staff, PSA 17
- Public Service Employee Relations Commission
- • access, facilities and records, PSA 7
- • commissioner, PSA 5
- • delegation, PSA 6
- • establishment, PSA 5
- regulations, PSA 25
- termination, suspension of employment, PSA 22

**Public Service Act,** LRC 122(1)

- application, PSA 3
- consultation, PSA 4
- purposes, PSA 2
- review of staffing decisions regulation, B.C. Reg. 443/2003

**Purposes of statute, regulation or rule,**  
LRC 2, LBR 2, ESA 2, WCA 14

## Q

**Question of law,** LRC 120

**Quorum,** LRC 118

## R

**Race,** *see* Human rights

**Receivership,** *see* Bankruptcy

**Reconsideration of decisions,** LRC 141,  
LBR 29

**Regional health boards**

- amalgamation

## Index

### Regional health boards (*cont'd*)

- • directions concerning, HAA 15.5
- • effects of, HAA 15.2, 16.2
- • with designated corporation, HAA 16
- applicable legislation, HAA 19
- benefits, HAA 11
- composition, HAA 4
- differences over priorities, resolving, HAA 9
- duties
  - • compliance with directions from Senior Financial Officer, HAA 15.5
  - • compliance with general or special directions, HAA 7.1
- establishment, HAA 4
- exemption from fees and taxes, HAA 15
- financial administration, HAA 10
- liability of members, HAA 14
- powers and procedures, HAA 8
- purposes, HAA 5
- remuneration of members, HAA 4
- staff, HAA 11
- vacancy, effect of, HAA 4

**Register of arbitrators**, LRC 83

**Registrar**, LBR 1, 2

**Regulations**, LRC 159, PSL 22, ESA 126, HRC 49, WCA 110–117

- appeal of arbitration decision, LRC 99(2)

**Religion**, *see* Human rights; Trade union

**Religious objection**, LRC 17

**Replacement workers**, *see* Employment; Strike

**Report**, LRC 157

**Resident caretaker**, ESR 17, 35

**Residential care worker**, ESR 22

**Returning officer**, LRR 7–8, 13

**Review of LRC, continuing**, LRC 3

## S

**Sale of Business**, *see* Successorship

**Scrutineer**, LRR 9

**Settlement officer**

- appointment, LRC 87
- definition, LRC 81
- expedited arbitration, LRC 104

**Severance pay**, ESA 63, 64

**Sex**, *see* Human rights

**Sexual orientation**, *see* Human rights

**Shares, employee ownership of**, EIA 2–7

**Silviculture**, ESA 1, 12.1

- contractor, ESA 1
- worker, ESR 1, 37.9

**Social service**

- public sector employer, SSE 2

**Special advisors**, LRC 3(1)

**Special apparel**, ESA 25

- deemed wages, ESA 25
- variation, ESA 72, 73

**Special mediator**, LRC 76, 146(3), *see also* Mediation

**Special officer**

- appointment, LRC 106, 111, 113
- definition, LRC 1(1)
- evidence, LRC 110
- interim order, LRC 108
- not compellable witness, LRC 146(3)
- order, LRC 107, 112
- other provisions of Code, LRC 114
- powers, LRC 109

**Spouse**, *see* Human rights

**Statutory declaration**, LBR 10, 27, 28

**Statutory holiday**, *see* General holidays

## Index

- Strike**, *see also* Essential Services;  
Lockout; Votes; Construction industry
- action rights
  - • other acts, LRC 69
  - • petty trespass, interference, LRC 66
  - application, vote, LRR 12
  - bargaining agent, duty, LRR 15, 17
  - benefits, continue during strike, LRC 62
  - collective agreement, LRC 63(3)
  - combination, LRC 69
  - complaint, LBR 27
  - declaratory opinion
  - • generally, LRC 70
  - • order refused, LRC 71
  - definition, LRC 1(1)
  - duty to bargain, LRC 59(1), *see also* Collective bargaining
  - employee, duty, LRR 10
  - employer, duty, LRR 10
  - essential services, LRC 72, 73
  - • jurisdiction, board, LRC 139(p)
  - final offer vote, LRC 78
  - fishing industry, FCB 7
  - interference with contractual relations, trade or business, LRC 66
  - jurisdiction, board, LRC 139(w)
  - lockout, LRC 59(2)
  - mediation officer, LRC 60(3)
  - notice, LRC 60
  - notice of commencement, LRC 75
  - perishable property, LRC 56
  - picket, picketing, LRC 65
  - • ally
  - • • burden of proof, LRC 65(2)
  - • • definition, LRC 65(1)
  - • • jurisdiction, LRC 139(t)
  - • common site
  - • • definition, LRC 65(1)
  - • • restricted, LRC 65(4), 65(6)
  - • complaint, LBR 27
  - • definition, LRC 1(1)
  - • information, not picketing, LRC 64
  - • interference with contractual relations, business or trade, LRC 66
  - • jurisdiction, LRC 139(w)
  - • permissible, LRC 65(3)–(5)
  - • • board discretion to permit, LRC 65(4)–(5)
  - • • • common site, LRC 65(4), 65(6)
  - • • employer's place of business etc., LRC 65(3)
  - • • • jurisdiction, LRC 139(s)
  - • restricted, generally, LRC 67
  - • separate divisions, separate employers, LRC 65(7)
  - • trespass, LRC 66
  - prohibited
  - • before bargaining and vote, LRC 59
  - • before notice, LRC 60(3)
  - • before vote, LRC 60(1), (2)
  - • during term of collective agreement, LRC 57(1), 58
  - • extension of notice, LRC 60(4)–(6)
  - • first collective agreement application, LRC 55
  - • public education, PEL 8(4)
  - • public service, PSL 14
  - replacement workers
  - • intimidation, discrimination, LRC 68(3)
  - • jurisdiction, LRC 139(q)
  - • other employees, struck work, LRC 68(2)
  - • prohibited, LRC 68(1)
  - • unfair labour practice, LRC 6(3)(e)
  - safety, health of employees, not strike, LRC 63(3)
  - trespass, LRC 66
  - votes, *see* Votes
- Successorship**, LRC 35, FCB 6, ESA 97
- common employer, LRC 38, ESA 95

## Index

- Successorship (*cont'd*)
  - federal-provincial, LRC 36
  - merger or amalgamation, union, LRC 37
  - rights and obligations, LRC 35, ESA 97

**Summons**, LRC 125

**Supreme Court**, LRC 135, 137, ESA 91, 120, HRC 39

**Suspension**, *see* Employment

## T

**Technological change**, PSL 1, 15

- current, PSL 16
- future, PSL 17
- notice, PSL 15

**Temporary Foreign Worker Protection Act**

- appeals, TFWPA 68–72
- certificates of registration for employers of foreign nationals
  - amendment, suspension, cancellation, TFWPA 13, 15
  - application, TFWPA 11
  - issuance or refusal, TFWPA 12
  - reconsideration, TFWPA 16–19
- definitions, TFWPA 1
- director
  - cannot be required to give evidence in other proceedings, TFWPA 76
  - power to delegate, TFWPA 73
- Employment Standards Tribunal, TFWPA 64–67
- enforcement
  - demand on third party, TFWPA 52, 53
  - enforcement as judgment, TFWPA 54
  - lien for amounts owing, TFWPA 50
  - money paid to director, TFWPA 60
  - payment of interest, TFWPA 51, TFWPR 6–7
  - penalties, TFWPR 4–5

- publication of violators' names, TFWPA 62
- searching records, TFWPA 62, TFWPR 8
- security to ensure compliance, TFWPA 61
- seizure of assets, TFWPA 55–57
- evidence and burden of proof, TFWPA 81
- information sharing, TFWPA 30
- inspection powers, warrant to carry out, TFWPA 75
- investigations, complaints and determinations, TFWPA 31–49
- irregularities, TFWPA 78
- licences for foreign worker recruiters, TFWPA 3–9
  - reconsideration, TFWPA 16–19
  - security with application, TFWPR 2
- limitation period, TFWPA 79
- offences, TFWPA 80
- reconsiderations re licences and certificates of registration, TFWPA 16–19
- recruiter and employer obligations, TFWPA 20–28
- registry, TFWPA 29, TFWPR 3
- regulations, TFWPA 82
- right to sue preserved, TFWPA 74
- service, TFWPA 77
- waiver of requirements of Act, TFWPA 2

**Tenancy**, *see* Human rights

**Time period for review**, B.C. Reg. 164/2015

**Trade union**, *see also* Bargaining agent; Bargaining rights; Collective bargaining; Council of trade unions; Employment; Employment standards; Health industry; Public education; Unfair labour practice; Construction industry

- arbitration decision, LRC 95

## Index

- Trade union (*cont'd*)
- collective agreement, binding, LRC 48, 49, PEL 6
  - collective bargaining, LRC 45, 46, 47, PEL 6
  - definition, LRC 1(1), ESA 1
  - dues, PSL 13
  - duty of fair referral, *see also* Human rights
    - • generally, LRC 12(2)
    - • hiring preferences, LRC 12(2)
    - • procedure, complaint, LRC 13
    - • remedies, LRC 14, 133
  - duty of fair representation, *see also* Human rights
    - • generally, employers' organization, LRC 12(3)
    - • generally, trade union, LRC 12(1)
    - • procedure, complaint, LRC 13
    - • remedies, LRC 14, 133
  - financial statements, LRC 151
  - internal union affairs
    - • fees, dues, LRC 10(3), *see also* Trade union — membership
    - • membership, LRC 10(2)
    - • natural justice principles, LRC 10(1)
  - intimidation, *see* Intimidation; Unfair labour practice
  - jurisdiction, board, LRC 139(b)
  - legal entity, LRC 154
  - limitations on activities, LRC 7
  - membership
    - • criteria, LRC 22(3), LRR 3, 4, 10
    - • dues, fees, LRC 10, 15–17, PSL 13
    - • information, LRC 124(3), (4), LBR 24
    - • penalties, LRC 10(2)
    - • provided in collective agreement, LRC 15, 17
    - • revocation, LRR 4, PEL 6(2)
    - • religious objection
      - • • dues, assessments, LRC 17(1)(b)
      - • • membership, LRC 17(1)(a)
      - • • vote, LRC 17(2)
  - merger or amalgamation, LRC 37
  - prohibited employee associations, LRC 1(1), 31
  - public education, PEL 1, 6, Sch. 2
  - public service, PSL 2(1)
  - return may be required, LRC 149
  - rights
    - • communications, respect to business, LRC 8
    - • lawful activities, LRC 4(1)
    - • strike vote, *see* Votes
  - trusteeship, local trade unions, LRC 150, LBR 30
  - votes, *see* Votes
- Transfer**, *see* Employment
- Transitional**, LRC 160
- Trespass**, LRC 66
- Tribunals**, *see* Administrative Tribunals Act
- Trusteeship, local trade unions**, LRC 150
- ## U
- Undertakings and conditions**, LRC 134
- Unfair labour practice**, *see also* Trade union
- automatic certification, LRC 14(4)(f)
  - burden of proof, certain practices, LRC 14(7)
  - communication, respect to business, LRC 8
  - complaint, LBR 23
  - discrimination, LRC 6(3), PSL 6
  - dismissal, discipline etc., LRC 6(3)(a)
  - duty of fair referral, *see* Trade union
  - duty of fair representation, *see* Trade union
  - fishing industry, FCB 5

## Index

- Unfair labour practice (*cont'd*)
- freeze, terms of employment, *see also* Employment
  - • unfair labour practice, LRC 6(3)(b)
  - interference, trade union, LRC 6, PSL 6
  - intimidation, coercion, LRC 5(1), 6(3)(d), 9, PSL 6(2)
  - practice and procedure
  - • dismissal of complaint, LRC 14(6)
  - • expedited procedure, terminations etc., LRC 5(2)
  - • hearing of complaint, LRC 14, 133
  - • inquiry, LRC 14
  - • remedies, LRC 14, 133
  - proper cause, LRC 6(3), 6(4)
  - public service, PSL 6
  - replacement workers, LRC 6(3)(e), 68
  - restrain exercise of rights, LRC 5(1), 6(3)(c)
  - reverse onus of proof, *see* burden of proof
  - summary dismissal of complaint, LRC 14(6)
  - union dues, LRC 6(3)(f)

**Unit**, *see* Bargaining rights

## V

**Vacation**, *see* Annual vacation

**Variation, certification or accreditation**, LRC 142

**Variation, ESA**, ESA 72, 73, ESR 30, 30.2

**Venture capital Plans**, EIA 8–26

**Vice chair**, *see* Labour Relations Board

**Voluntarily recognized units**

- application for certification, LRC 18(4)
- fishing industry, FCB 4
- revocation, LRC 34

**Votes**

- amalgamation, LRC 37(2)

- application, LRR 5, 12, 16
- board supervision, LRR 6
- collective agreement, ratification, LRC 40
- compliance with regulations, LRC 39(3)
- directed by
- • board, LRC 39, LRR 5–11, 18–20, Sch. 1–2
- • minister, LRC 39, LRR 5–11, 18–20, Sch. 1–2
- employee, duties, LRR 10
- employer, duties, LRR 10
- entitlement to vote, LRC 39, 40
- • religious objection, LRC 17(2)
- lockout, LBR 31, LRC 39, 40, 55(1), 59(2), 61, LRR 12–20, Sch. 1–2
- mail vote, LRC 40(3)
- merger, LRC 37
- representation vote, LRC 24, 25, 140(k), PSL 5
- result of vote, distribution, LRR 11
- returning officer, LRR 7–8, 13
- scrutineer, LRR 9, 8(f)
- secret ballot, LRC 39(1)
- strike vote, LBR 31, LRC 39, 40, 55(1), 59(2), 60, LRR 12–16, 18–20, Sch. 1–2
- • public service, PSL 14
- trade union, duties, LRR 10
- voting requirements, LRC 39, 40

## W

**Wages**, *see also* Employment standards; Health industry; Hours of work; Overtime pay

- assignments
- • deductions, assignments, ESA 21, 22
- • employer duty to pay, ESA 23
- • revocation, ESA 24
- • statement, ESA 27
- burden of proof, cheque, ESA 126
- deductions, *see* assignments

## Index

### Wages (*cont'd*)

- definitions
  - • overtime, ESA 1, 40
  - • regular, ESA 1
  - • wage, ESA 1
- discrimination, HRC 14
- employee cannot be located, ESA 19
- employer records
  - • definition, ESA 1
  - • holidays, ESA 28
  - • vacation, ESA 28
  - • wages, hours, ESA 27
- farm workers, ESR 18
- general holidays, *see* General holidays
- inspection, ESA 85
- lien, ESA 87
- minimum daily pay, ESA 34
- minimum daily wage, ESR 16, 17
- minimum hourly wage, ESR 15
- nonpayment, *see* Employment standards
- overtime, *see* Hours of work
- payment
  - • form, ESA 20
  - • time, ESA 17, 18, ESR 40
  - • to others, by employer, ESA 26
- severance pay, ESA 18
- statement of wages, ESA 27
- stop supplying/using unsafe equipment order, pending, WCA 93
- stop work order, pending, WCA 93
- termination of employment, ESA 18
- vacation pay, *see* Annual vacation

**Wage Protection**, *see* Wages

**Waiver**, *see* Employment standards

### Workers' advisers

- appointment, WCA 350
- information and confidentiality rules, WCA 353
- lay advocates, WCA 354

- role, WCA 351

### Workers compensation

- accident fund
  - • additional assessment amounts, WCA 242
  - • amounts needed, WCA 240
  - • annual employer assessment, WCA 241, 243
  - • class accounts, WCA 248
  - • classification of industries, WCA 244
  - • continued and maintained, WCA 239
  - • employer obligation to provide payroll estimates and reports, WCA 245
  - • use of payroll information, WCA 246
  - • variation of assessment rates, WCA 247
- alternative dispute resolution, WCA 345
- appeals to appeal tribunal
  - • annual report to minister, WCA 286
  - • appeal panels, WCA 285
  - • compensation of tribunal members, B.C. Reg. 359/2002
  - • confidentiality obligations, WCA 314
  - • definitions, WCA 277, 287
  - • exclusive jurisdiction, WCA 308
  - • payment obligations, effect of appeal on, WCA 313
  - • payment of compensation following appeal, WCA 312
  - • procedure
    - • • application of Administrative Tribunals Act, WCA 296
    - • • application of policies of board of directors, WCA 304
    - • • decision, WCA 303, 306, 307, 309
    - • • deemed employer, WCA 300
    - • • evidence, WCA 298
    - • • health professional assistance to tribunal, WCA 301, 302
    - • • policies and records, WCA 295

## Index

- Workers compensation (*cont'd*)
  - • • proceedings, WCA 297
  - • • production of information, WCA 299
  - • • suspension of proceedings pending Board decision, WCA 305
  - • • witnesses, WCA 299
  - • reconsideration of decision, WCA 310
  - • regulations, WCA 315, B.C. Reg. 321/2002
  - • request for certification to court, WCA 311
  - • rights, WCA 288–294
  - • tribunal
    - • • chair, WCA 280, 281
    - • • compensation, WCA 283
    - • • end of appointment to, WCA 279
    - • • finances for administration and operation, WCA 284
    - • • membership, WCA 278
    - • • staff, WCA 282
  - application
    - • fishing industry, WCA 8, B.C. Reg. 674/76
    - • general application, WCA 4
    - • public interest undertakings, WCA 5
    - • vocational or training programs, WCA 6
    - • work study and other programs, WCA 7
  - average net earnings of worker
    - • determination, WCA 222
    - • long-term compensation, WCA 221
    - • short-term compensation, WCA 220
  - claim suppression, WCA 73
  - collection of assessments
    - • annual adjustment of assessments, WCA 254
    - • assessment where injury not reported, WCA 262
  - • change in owners or employers, WCA 256
  - • contractor and other liability for assessment, WCA 258
  - • default
    - • • court order restraining industry, WCA 266
    - • • employer payment for compensation during default period, WCA 263
    - • • penalty for default in payment, WCA 261
  - • demand on third party, WCA 255.1, 255.2
  - • director's liability, WCA 258.1
  - • employer liable if assessment not made, WCA 259
  - • interest on amounts owed, WCA 255
  - • legal action or certificate, by, WCA 264
  - • municipal contractors, WCA 257
  - • notice to employers, WCA 252, 253
  - • priority of amounts due to Board, WCA 265
  - • temporary industries, WCA 260
  - communicable disease, testing, WCA 144
  - compensation system, generally
    - • legal proceedings
      - • • amounts awarded, WCA 133
      - • • Board's right of action if compensation claimed, WCA 130
      - • • compensation paid after action settled, where, WCA 129
      - • • constraint on recovery, WCA 131
      - • • limitations, WCA 127, 132
      - • • worker or dependant may bring action or elect to claim compensation, WCA 128
    - • rules, WCA 118–121
  - death of worker
    - • Board authority, WCA 189

## Index

- Workers compensation (*cont'd*)
- • change in circumstances, WCA 181–185
  - • definitions, WCA 165
  - • dependants, WCA 168, 172–174, 177
  - • dependants, proof of status, WCA 188
  - • dependent spouse, WCA 169–171, 178–180, 187
  - • dependent spouse or foster parent, lump sum payment, WCA 167
  - • foster parent and dependent children, WCA 176
  - • funeral and related expenses, WCA 166
  - • more than one worker, WCA 186
  - • non-dependants, WCA 175
  - definitions, WCA 1, 13, 47, 126, 135, 139, 165
  - earnings, average and capacity
  - • apprentice or learner, WCA 216
  - • average earnings
    - • • determination of maximum wage rate, WCA 209
    - • • long-term compensation, WCA 211
    - • • short-term compensation, WCA 210
  - • casual worker, WCA 214
  - • determination, WCA 208–209
    - • • where multiple rules apply, WCA 219
  - • employer or independent operator with purchase coverage, WCA 215
  - • exceptional circumstances, WCA 218
  - • worker employed less than 12 months, WCA 217
  - • worker in public interest undertaking, WCA 213
  - • worker with no earnings, WCA 212
  - emergency care by physician or qualified professional, WCA 158
  - employers' advisers
  - appointment, WCA 350
  - • information and confidentiality rules, WCA 353
  - • lay advocates, WCA 354
  - • role, WCA 352
  - firefighters, WCA 139–140, B.C. Reg. 125/2009
  - health care for injured worker, WCA 156
    - • Board powers, WCA 157–161
    - • employer authority and obligations, WCA 159
    - • obligations of service providers, WCA 164
  - hearing loss, non-traumatic, WCA 145
  - injury or disease where pre-existing disability, WCA 146
  - liability in industries not within scope of provisions
    - • application, generally, WCA 9
    - • common law rules, override and application of, WCA 12
    - • legal actions, WCA 10–11
  - lung disease from exposure to dust conditions, WCA 142, 143
  - mental disorder, WCA 135, B.C. Reg. 136/2018
  - mining industry silicosis, WCA 141
  - non-traumatic hearing loss, WCA Sch. 2
  - occupational disease, WCA 136–138, B.C. Reg. 71/99
  - occupational health and safety, *see* Occupational health and safety
  - payments
    - • Board authority, WCA 232, 237
    - • confidentiality, WCA 235
    - • deduction where payments from employer, WCA 233
    - • payment of compensation following review of Board's decision, WCA 275
    - • penalties, WCA 236
    - • periodic or lump sum, WCA 230
    - • regulations, WCA 238

## Index

### Workers compensation (*cont'd*)

- • restrictions where warlike actions caused injury or death, WCA 234
- • specific circumstances, WCA 231
- personal injury or death, WCA 134
- physicians and qualified practitioners, duties, WCA 163
- prescribed work, OPWR 2
- reconsideration of prescribed claims, RPCCR 2-3
- reporting injury and making claim, WCA 149–154, B.C. Reg. 713/74
- retirement services and supports where total disability, WCA 162
- review of Board's decisions, WCA 267–276, B.C. Reg. 164/2015
- special assessment rules
- • apportionment in other circumstances, WCA 250
- • compensation charged to different employer class or subclass, WCA 249
- • levy of contribution from specific employer, WCA 251
- transitional and related matters, WCA 223–229
- vocational rehabilitation, WCA 155
- work outside British Columbia, WCA 147–148
- worker disability
  - • deductions re Canada Pension Plan disability benefit, WCA 202
  - • general rules, WCA 190
  - • maximum compensation where further disability, WCA 200
  - • non-traumatic hearing loss, WCA 198
  - • partial disability
    - • • permanent, WCA 195–197
    - • • recurrence more than 3 years after injury, WCA 193
    - • • temporary, WCA 192
  - • payment period, WCA 201
  - • permanent disfigurement, WCA 199
  - • reconsideration of claims, WCA 203
  - • retirement benefit, WCA 204–207
  - • total disability
    - • • permanent, WCA 194, 197
    - • • recurrence more than 3 years after injury, WCA 193
    - • • temporary, WCA 191
  - workers' advisers
- • appointment, WCA 350
- • information and confidentiality rules, WCA 353
- • lay advocates, WCA 354
- • role, WCA 351

### Workers Compensation Board

- administration
  - • annual report to minister, WCA 326
  - • annual service plan, WCA 325
  - • audit requirement, WCA 328
  - • financial management, WCA 327
  - • officers and other employees may be appointed, WCA 329, 330
  - • protection for Board, directors, officers, employees, WCA 332
  - • superannuation fund, WCA 331
- board of directors, WCA 316–324, 332
- inquiry powers, WCA 346–349
- jurisdiction
  - • authority to reconsider previous decisions, WCA 123
  - • authority to reopen matter, WCA 125
  - • authority to set aside decision or order, WCA 124
  - • exclusive re compensation provisions, WCA 122
- occupational health and safety
  - • cooperation agreements and arrangements, WCA 18
- inspections
  - • • assistance, WCA 79
  - • • authority to conduct, WCA 75
  - • • credentials to be produced on request, WCA 77

## Index

- Workers Compensation Board (*cont'd*)
- • • person questioned entitled to have another person present, WCA 80
  - • • reports to be posted by employer, WCA 82
  - • • representation on inspection, WCA 78
  - • • restrictions on access to private residences, WCA 76
  - • • seizure of evidence without warrant, WCA 81
  - investigations
    - • • warrants, WCA 81.1
  - jurisdiction, WCA 19–20
  - mandate, WCA 17
  - resolving disagreements within joint committee, WCA 38
  - powers and duties
    - • authority to discontinue, suspend or otherwise deal with compensation payments, WCA 232
    - • authority to reconsider previous decisions, WCA 123
    - • authority to reopen matter, WCA 125
    - • authority to set aside decision or order, WCA 124
  - • generally, WCA 333–337
  - • provision of health care, WCA 157–161
  - practice and procedure, WCA 338–344
  - review of decisions
    - • conduct of review, WCA 272
    - • definitions, WCA 267
    - • effect of review on employer payment obligations, WCA 276
    - • payment of compensation following review, WCA 275
    - • reconsideration directed by chief review officer, WCA 273–274
    - • requests for, WCA 268–271
    - • right of action if compensation claimed, WCA 130
- Workers Compensation Review Board**
- general, WCA, B.C. Reg. 31/81, B.C. Reg. 32/86
  - time extension, WCA, Reg. 322/2002