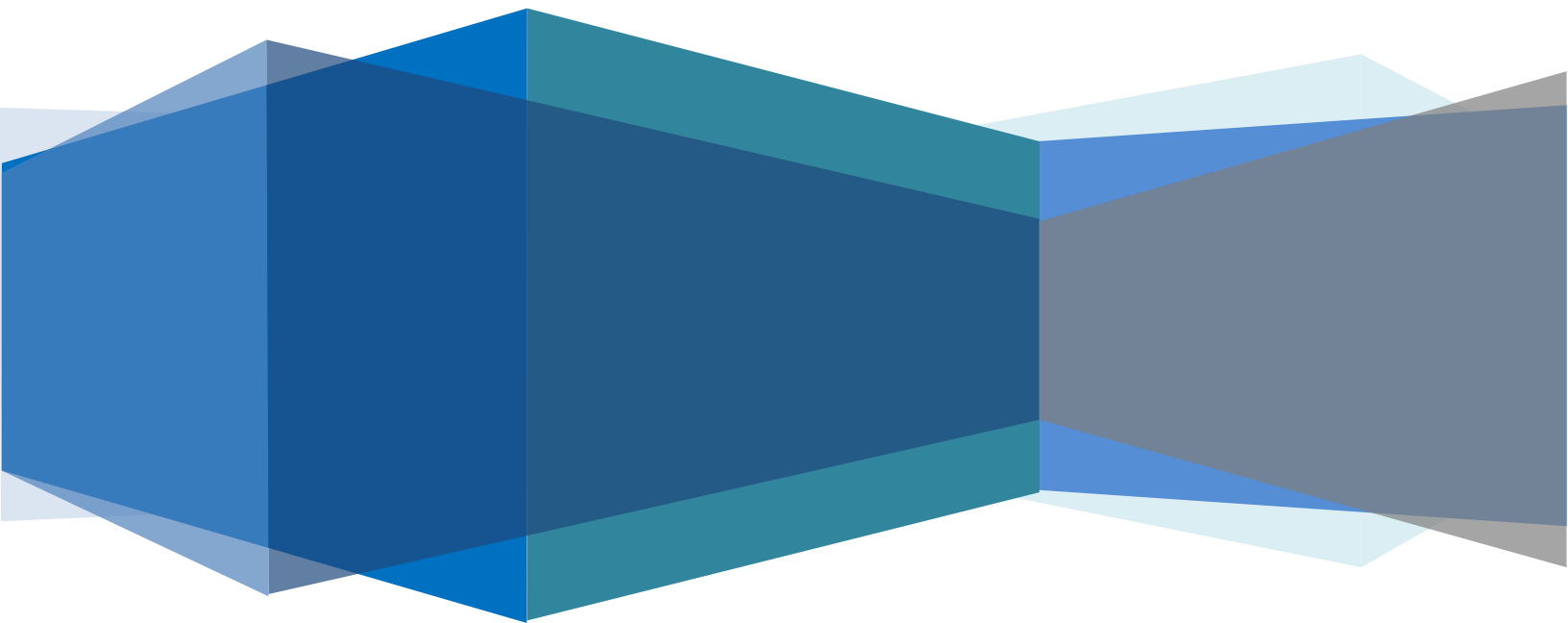




*Industry Training Appeal Board*  
*2020-2021 Annual Report*

*Covering the reporting period  
from April 01, 2020, to March 31, 2021*





# Industry Training Appeal Board

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January 24, 2022

The Honourable David Eby  
Ministry of Attorney General  
Room 232, Parliament Buildings  
Victoria, British Columbia  
V8V 1X4

Dear Attorney General:

**Re: Industry Training Appeal Board 2020-2021 Annual Report**

On behalf of the Industry Training Appeal Board, I respectfully submit the Annual Report of the Industry Training Appeal Board.

Sincerely,

Gordon Armour  
Chair  
Industry Training Appeal Board

Enclosure

## *Message from the Chair*

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I am pleased to submit the Annual Report of the Industry Training Appeal Board (ITAB) for the fiscal year beginning April 1, 2020 and ending March 31, 2021. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

### ***COVID-19 and Pandemic Response***

This reporting period saw many changes occur within the Board's operations and within the justice sector as a whole in British Columbia. The continuation and intensification of the COVID-19 pandemic challenged us all to adapt and step up to meet the legal and practical needs of British Columbians. The unique challenges posed by the pandemic simultaneously kept people apart from each other, and brought us closer together through our shared desire to keep each other safe and work through to a "new normal".

In response to the ongoing pandemic, the Board operated with the guidance of the Provincial Health Officer, and within the framework of its business continuity plan (BCP). The Board's BCP focusses on ensuring ongoing service delivery to the users of the Board, while maintaining health and safety of Board staff and members.

By April 2020, staff members supporting the board and the broader tribunal cluster were working almost exclusively from home, and this method of operation continued throughout the reporting period. Because the tribunal cluster employed a remote work program prior to the onset of the pandemic, this transition was seamless and did not result in any service disruption. Although the physical Board office limited public access on several occasions, the Board continued to conduct business and matters were processed electronically and/or via mail.

As reported in the last fiscal period, as a result of restrictions on in-person meetings and the province-wide mandate for appropriate social distancing, the Board shifted its operations from primarily paper-based to primarily electronic. The public was advised of the modification of Tribunal Rules to allow for electronic filings, and were encouraged to flag pressing and/or sensitive matters to tribunal staff so that the ITAB could prioritize such matters in case of service disruption.

Thanks to the dedication and flexibility of staff in the tribunal cluster, and to the adaptability of Board members to a new way of working and interacting, the Board did not suffer significant service disruptions or adverse health consequences related to the pandemic during this reporting period. I would, again, like to take this opportunity to extend my sincere thanks to all the individuals in the cluster who have worked hard to keep the Board open and accessible to the

public it serves. This pandemic has continued for longer than most of us expected, and you work as government employees and appointees has been consistent, professional, adaptive, and exceptional.

At the time of publication of this report the pandemic remains ongoing, and the Board continues to adapt to ever changing circumstances. As such, the Board will report on additional pandemic-related measures and outcomes in the next reporting period.

### ***Appeals during Reporting Period***

Section 59.2(a) of the *Administrative Tribunals Act* requires the Board to provide a review of its operations during the preceding reporting period. During this reporting period, there were no new appeals filed with the Board. Further, there were no appeals outstanding before the Board at the commencement of the reporting period.

### ***Appeals at the End of the Reporting Period***

There are currently no outstanding appeals before the Board.

### ***Judicial Reviews during the Reporting Period***

There were no applications for judicial review of ITAB decisions filed in or issued by the BC Supreme Court in this reporting period.

### ***Forecast of workload for the next reporting year and trends noted***

Section 59.2(f) of the *Administrative Tribunals Act* requires the Board to provide a forecast of the workload for the succeeding reporting period. The number of appeals filed with the Board during this reporting period was zero. Historically, the average number of appeals for the ITAB is one appeal every two years, so the Board's workload for the 2021-2022 fiscal year reporting period is expected to remain relatively constant, with no significant increase or decrease from the average number seen in the past 10 years.

Section 59.2(g) of the *Administrative Tribunals Act* requires the Board to report any trends or special problems it foresees. Over the past several years, the Board has not received any appeals or queries about the ITAB appeal process. The Board considers it unusual that with the high number of tradespeople both practising their trades and attaining certification in the province of British Columbia, there aren't a higher number of persons challenging adverse decisions made by the Industry Training Authority (ITA) affecting their credentials and apprenticeship. In an effort to better understand potential causes of the low number of appeals, during this reporting period the Board has undertaken outreach and consultation on this issue. In particular, the Board consulted

with the ITA directly to query the internal processes leading up to potential appeals to the Board. Through this initial consultation the Board became concerned that the ITA may not be advising affected individuals of their right to have certain adverse decisions reconsidered, and, therefore, may not be providing such individuals with a meaningful opportunity to exercise their reconsideration and appeal rights. Consultation with the ITA on this issue was ongoing as of the close of this reporting period and will be reported on more fully in the Board's next annual report.

### ***Plans for improving the Board's operations***

Finally, section 59.2(h) of the *Administrative Tribunals Act* requires the Tribunal to report its plans for improving operations in the future. During this reporting period, the appeals office cluster responsible for providing administrative support to the Board continued its in-depth review of service delivery which has resulted in several organizational realignments within the cluster. Registry staff have been increased, providing greater case management capacity for all the tribunals within the cluster, including the ITAB. Notably, in June 2020, the Tribunal Cluster welcomed a new Vice Chair of Service Delivery<sup>1</sup>, who has been providing administrative support with respect to cluster wide service-delivery initiatives.

Service delivery will continue to be reviewed over the next reporting period, and further technological and organizational change is expected to occur. The Board will continue to capitalize on technological improvements over the next reporting period.



Gordon Armour  
Chair, Industry Training Appeal Board

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<sup>1</sup> The Vice Chair Service Delivery is cross-appointed, by OIC, to the Environmental Appeal Board, Forest Appeals Commission, and Oil and Gas Appeal Tribunal, and is not a member of the ITAB. However, this position assists with oversight of registry functioning for the tribunal cluster overall.

## *Mandate*

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### **INDUSTRY TRAINING PUBLIC POLICY**

The Industry Training Appeal Board is established under the *Industry Training Authority Act*, SBC 2003, c 34 (“the Act”). The Act is relatively new, but its public policy purpose is one of long standing, namely, to support the development and training of skilled trades workers to support BC industries.

A discussion paper issued by the Ministry of Advanced Education in December 2002 emphasized the importance of properly planning workforce development to address current and projected skills shortages, to encourage youth to choose industry training as a career path, to develop a new skills training model that is accessible, flexible and portable, and to ensure that industry itself plays a prominent role in the process.

The discussion paper suggested that the role of government should be focused on maintaining end point standards while allowing industry focused training; government would no longer determine the curriculum or develop classroom materials; on-the-job training as an apprentice would not be the only way to get trained; learners would pay tuition fees and enroll with the public or private trainer of their choice:

As government’s role in the development and delivery of industry training narrows to a focus on maintaining provincial standards and credentials, industry’s role will broaden to incorporate promotion and marketing of industry careers to youth and others who can help to solve skills shortages. Industry will also take a larger role in identifying training needs and working with institutions to develop programs that meet these needs. Finally, employers and industry groups and associations will be expected to take a leadership role in strategic planning, including K-12 links.

*Discussion Paper: A New Model for Industry  
Training in British Columbia (December 2002), p. 10*

Under the Act, the Industry Training Authority is the body tasked with implementing these public policy objectives. The Industry Training Authority is responsible for leading and coordinating the skilled trades training and credentialing system for the province. It provides strategic leadership, policy support and customer services to help apprentices, employers and industry. The Industry Training Authority sets program standards, maintains credential records and issues the Interprovincial Red Seal and B.C. Certificate of Qualifications (C of Q) credentials.

## **ROLE OF THE APPEAL BOARD**

In contrast, the Industry Training Appeal Board is part of the statute’s “accountability” mechanisms, providing a means for individuals to challenge certain adverse decisions made by the Industry Training Authority affecting their credentials and apprenticeship. The Appeal Board is established under section 10(1) of the *Act*:

### **Appeal board established**

**10** (1) The Industry Training Appeal Board is established, consisting of the following members appointed after a merit based process:

- (a) a member appointed and designated as the chair by the Lieutenant Governor in Council;
- (b) other members appointed by the Lieutenant Governor in Council after consultation with the chair.

(2) The following provisions of the *Administrative Tribunals Act* apply to the appeal board:

- (a) Part 1 [*Interpretation and Application*];
- (b) Part 2 [*Appointments*];
- (c) Part 3 [*Clustering*];
- (d) Part 8 [*Immunities*];
- (e) section 59.1 [*surveys*];
- (f) section 59.2 [*reporting*].

The *Administrative Tribunals Act*, SBC 2004, c 45 is a provincial statute that describes various matters regarding administrative tribunal appointments, powers and procedures. Many of the *Administrative Tribunals Act*’s provisions are made applicable to the Board.

A person may not appeal to the Board unless they first apply to the Industry Training Authority’s chief executive officer for reconsideration. The only matters which are subject to the reconsideration process are those five matters described in s. 11(1) of the *Act*:

**11** (1) An individual who is affected by any of the following decisions under this Act may request, within 30 days of receiving written notice of the decision, a reconsideration of the decision by the chief executive officer:

- (a) a refusal by the authority to award an industry training credential or industry training recognition credential;
- (b) the suspension or cancellation of an industry training credential or industry training recognition credential;
- (c) a refusal to register an individual as a trainee;
- (d) the cancellation of the registration of an individual as a trainee;
- (e) the revocation of, or cancellation of the registration of, an industry training agreement.

(2) The chief executive officer may

- (a) hear the request,

- (b) delegate the hearing of the request to a senior officer of the authority or a senior officer of another authority, or
- (c) refer the matter directly to the appeal board.

(3) The chief executive officer or person to whom the hearing is delegated under subsection (2) (b) may confirm or vary a decision referred to in subsection (1).

Accordingly, the right of appeal to the Appeal Board is tied to the reconsideration decision, as set out in section 11(4) of the Act:

(4) An individual who is dissatisfied with a decision under subsection (3) may commence an appeal to the appeal board by filing a notice of appeal, in the form provided by the minister, within 30 days of receiving written notice of the decision being appealed.

The Act is relatively concise in setting out the Appeal Board's mandate. The relevant provisions are set out in ss. 11(5) – 11(8):

(5) The appeal board, by order, may do one or more of the following in respect of an appeal under this section:

- (a) dismiss the appeal;
- (b) allow the appeal and give directions, if any, that the appeal board considers appropriate in the circumstances;
- (c) vary the decision appealed from;
- (d) set terms and conditions to which the order is subject.

In summary then, the Appeal Board is limited to hearing appeals on the five subjects respecting which reconsideration may be requested as follows:

- a refusal by the authority to award an industry training credential or industry training recognition credential - *Authority's power: ss. 8(1)(g) and (h)*
- the suspension or cancellation of an industry training credential or industry training recognition credential - *Authority's power: s. 8(1)(n)*
- a refusal to register an individual as a trainee - *Authority's power: s. 9(1)(b)*
- the cancellation of the registration of an individual as a trainee - *Authority's power – s. 9(2)*
- the revocation of, or cancellation of the registration of, an industry training agreement - *Authority's power – s. 9(3).4*

As is evident from the list above, the subjects the Appeal Board can deal with relate to the Industry Training Authority's decisions about individuals rather than general matters relating to policy. To date the Appeal Board has only received appeals in regard to the first two bullets above. In hearing appeals regarding these types of decisions, it is apparent that the legislature intended the Board to exercise a broad appellate mandate.



## Board Membership

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The ITAB membership during the reporting period consisted of:

<i>TRIBUNAL MEMBER</i>	<i>ROLE</i>	<i>TERM EXPIRY</i>
Gordon Armour	Chair	2025-07-31
Martha Dow	Member	2026-07-31
Richard Grounds	Member	2025-11-26

## BIOGRAPHIES

**GORDON ARMOUR, CHAIR** - Gordon Armour is the past Coordinator of Transition, Training and Trades for School District #27, Cariboo Chilcotin (Williams Lake). During his tenure, he was responsible for the development of career education programs and coordination of work experience programs and apprenticeship training in partnership with post-secondary institutions and industry. He served with the School District for 43 years following a brief employment with School District 47 (Powell River) for three years where he started his career. Mr. Armour represented the K - 12 education sector on the BC Mining HR Task Force and acted as the Chair of their Education Sub-Committee during the tenure of the Task Force. He also represented the Mining Task Force on the steering committee of the newly appointed Centre for Training Excellence in Mining. Mr. Armour is the Past President of the Career Education Society of BC and a mentor for the Ministry of Education to work with school districts in the review, development and strategic planning of career development for school districts. Past adjudication and governance experience has seen Mr. Armour as the Chair of the Hospital Appeal Board from 1996 until 2003. During that time he was also Chair of Cariboo Memorial Hospital, Cariboo Park Lodge, BC Health Association, Cariboo Chilcotin Child Development Centre and Task Force on Physician Credentialing. He was also a member of the Community Care and Assisted Living Appeal Board. Mr. Armour resides in Williams Lake, BC.

**MARTHA DOW, MEMBER** - Martha Dow is a professor at the University of the Fraser Valley, where she teaches in the Department of Social, Cultural and Media Studies and previously in the School of Criminology and Criminal Justice. Additionally, Dr. Dow was the Independent Chairperson to the Correctional Service of Canada (Pacific Region), with the Solicitor General of Canada. Active in her community, she was a Member of the Abbotsford Police Department's Chief Constable's Diversity Advisory Committee and is currently Chair of the Social, Cultural, and Media Studies program at UFV. Dr. Dow holds her Bachelor of Arts in Sociology and her Master of Sociology from the University of Western Ontario, as well as her Doctor of Philosophy (Ph. D.) in Educational Studies from the University of British Columbia (UBC).

**RICHARD GROUNDS, MEMBER** - Richard Grounds worked in the forestry and construction industries before becoming a lawyer. He has worked with different trades on many different types of construction sites and mill maintenance shutdowns. Mr. Grounds started his legal career working as a federal and provincial prosecutor. Mr. Grounds is an adjudicator on unjust dismissal and residential schools claims. He was previously a panel member of the Employment and Assistance Appeal Tribunal and is a current panel member of the Employment Standards Tribunal. Mr. Grounds has also worked as an investigator on matters relating to oversight of policing, employee misconduct and student misconduct.

## *Operations*

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The administrative support functions of the ITAB are consolidated with the Environmental Appeal Board/Forest Appeals Commission Appeals Office (Appeals Office) in Victoria. In addition to the ITAB, the Appeals Office provides administrative support to five other adjudicative tribunals. This clustering of the administrative support for eight independent appellate tribunals has been done to assist government in achieving economic and program delivery efficiencies by allowing greater access to resources while, at the same time, reducing administration and operating costs. The additional tribunals include the:

- Community Care and Assisted Living Appeal Board;
- Financial Services Tribunal;
- Health Professions Review Board;
- Hospital Appeal Board;
- Oil and Gas Appeal Tribunal.

This consolidation has resulted in significant savings to government for the operation of the ITAB through a shared services cluster approach which takes advantage of synergy and assists government in achieving economic and program delivery efficiencies. This arrangement has proven to be an effective and efficient means for providing administrative support to the ITAB which in turn enables the Board to effectively and efficiently fulfill its mandate to the public.

## *Contact Information*

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## *Appeal Activity and Decisions Issued*

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There were no new appeals filed during this reporting period. Further, there were no appeals outstanding at the commencement of this reporting period. No judicial reviews were filed during this reporting period, and no decisions were issued by any level of court regarding ITAB decisions during this reporting period.

## *Performance Indicators and Timelines*

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Section 59.2(b) and (d) of the *Administrative Tribunals Act* requires the Board to report on performance indicators, and provide details of the time from filing to decision of matters disposed of by the Board in the reporting period. As no matters were before the Board during this reporting period, the Board has no information to report in this category.

However, generally speaking the ITAB's appeal process has been designed to be a timely, efficient and cost effective means to hear these important matters. Hearings are primarily conducted in person with a three person panel, however, where circumstances are appropriate, hearings may be heard in writing. Where appropriate, the Board explores with the parties the possibility of mediation or some other form of collaborative resolution of the issues on appeal.

The Board's Practice Directive #1, available on the Board's website, provides that the Board will endeavour to issue a copy of the final decision or order, including written reasons, to each party within 90 days from receiving the last submissions of the parties in an appeal that proceeds to a hearing on the merits.

Finally, section 59.2(e) of the *Administrative Tribunals Act* requires the Board to report the results of any surveys carried out by the Boards during the reporting period. The Board did not conduct any surveys during this reporting period.

## Statement of Financial Performance

(For the fiscal year ending March 31, 2021)

In fiscal year 2020/2021, the ITAB incurred expenses as detailed below in this six-year comparative chart. As indicated in the chart below, the expenses of the Board fluctuate in years where the Board processes one or more appeals. Additionally, in the previous reporting period the ITAB took on responsibility for a proportionate share of the shared services expenses of the cluster, in particular, the cluster's newly implemented case management system

<i>Direct Expenses</i>	<b>2015/2016</b> \$	<b>2016/2017</b> \$	<b>2017/2018</b> \$	<b>2018/2019</b> \$	<b>2019/2020</b> \$	<b>2020/2021</b> \$
Salaries and Benefits	0	0	0	0	0	<b>0</b>
Board Member Fees & Expenses	8,344	4,449	19,519	9,674	6,585	<b>3,250</b>
Professional Services	0	0	0	0	7,517	<b>3,403</b>
Office and venue Expenses	1,597	150	962	13	10,563	<b>10,720</b>
Other	12	12	0	0	0	<b>0</b>
<b>Total ITAB Expenses</b>	<b>\$9,953</b>	<b>\$4,611</b>	<b>\$20,481</b>	<b>\$9,687</b>	<b>\$24,665</b>	<b>\$17,373</b>