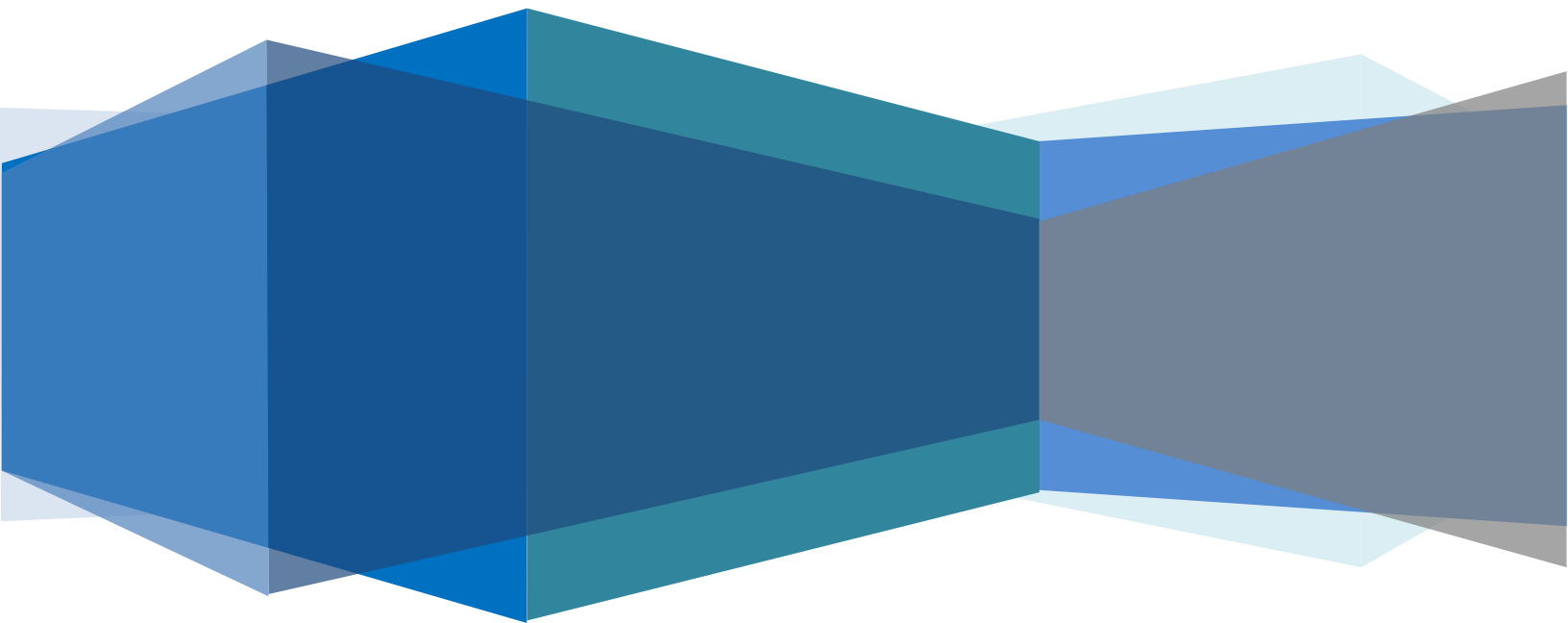




Industry Training Appeal Board

2021-2022 Annual Report

*Covering the reporting period
from April 1, 2021 to March 31, 2022*





Industry Training Appeal Board

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December 30, 2022

Honourable Nikki Sharma, K.C.
Attorney General
Victoria, British Columbia V8V 1X4

Dear Attorney General:

Re: Industry Training Appeal Board 2021-2022 Annual Report

I am pleased to submit to you the Annual Report of the Industry Training Appeal Board¹ for the fiscal year beginning April 1, 2021 and ending March 31, 2022.

Sincerely,

Gordon Armour
Chair

Encl.

¹ NOTE: On December 1, 2022, the Industry Training Appeal Board was renamed the Skilled Trades BC Appeal Board. However, we have continued to refer to the Industry Training Appeal Board in this report to reflect the name during the current reporting period. Developments occurring after March 31, 2022 will be reported on in the next annual report.

Message from the Chair

I am pleased to submit the Annual Report of the Industry Training Appeal Board (the “ITAB” or the “Board”) for the fiscal year beginning April 1, 2021 and ending March 31, 2022. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

During the reporting period, the COVID-19 pandemic continued to be a factor in the delivery of services. The Board operated within the guidance of the Provincial Health Officer, and within the framework of its Business Continuity Plan (BCP).

Thanks to the ongoing flexibility of staff in the tribunal cluster, and the ongoing adaptability of Board members to new ways of working and interacting, the Board did not suffer any significant service disruptions related to the pandemic during this reporting period. The office in Victoria remained open to the public throughout the reporting period, with steps taken to limit the risk of COVID-19 spread (i.e. limiting the number of staff in the office at any given time).

As a result of the ongoing pandemic and larger continuing trends, the Board’s operations continued to be primarily electronic as opposed to paper based. In addition, the Board implemented a more secure and efficient way of sharing materials with members during the reporting period, improving data security.

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. There were also no appeals outstanding before the Board at the commencement of the reporting period, and there were no outstanding appeals before the Board at the end of the reporting period.

Judicial Reviews during the Reporting Period

There were no applications for judicial review of ITAB decisions filed in the BC Supreme Court during this reporting period, and there were no judicial review decisions issued.

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 few years, and appeal volumes for the 2022-2023 fiscal year reporting period are expected to remain low.

However, changes to the governing legislation² are expected to result in a potentially significant increase in the volume of appeals in the 2023-2024 reporting period (starting from late 2023). In the upcoming 2022-2023 reporting period, the Board will be focused on recruitment and training of Board members to prepare for this anticipated increase in the volume of appeals. These activities will be reported on in the next annual report.

Section 59.2(g) of the *Administrative Tribunals Act* requires the Board to report any trends or special problems it foresees.

Over the past few 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 practising their trades and attaining certification in the province of British Columbia, there are not a higher number of persons challenging adverse decisions made by the Industry Training Authority (ITA)³ affecting their credentials and apprenticeship.

As reported on in the last reporting period, in an effort to better understand potential causes of the low number of appeals, the Board has consulted with the ITA to query the internal processes leading up to potential appeals to the Board. Consultation on this issue continued during this reporting period and will continue in the next reporting period as the new legislation goes into effect.

Plans for improving the Board's operations

Section 59.2(h) of the *Administrative Tribunals Act* requires the Tribunal to report its plans for improving operations in the future.

Service delivery will continue to be reviewed over the next reporting period, and the Board will continue to capitalize on technological improvements. Of particular note, the Board has been working on a new website, to be rolled out in the next reporting period, with ongoing work being done to improve the accessibility of the information that is available to the public. Further work will also be done to update the Board's Rules and public resources in light of the upcoming

² The *Skilled Trades BC Act* came into force on December 1, 2022, after the current reporting period.

³ After the current reporting period, the Industry Training Authority was renamed Skilled Trades BC. However, we have continued to refer to the Industry Training Authority in this report to reflect the name during the reporting period.

changes to the Board's name and the governing legislation. These activities will be reported on in the next annual report.

A handwritten signature in black ink, appearing to read 'G. Armour', written in a cursive style.

Gordon Armour
Chair

Mandate

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*’s 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 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 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 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 Board can deal with relate to the Industry Training Authority's decisions about individuals rather than general matters relating to policy. To date the 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

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

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

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

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, 2022)

In fiscal year 2021/2022, the ITAB incurred **\$18,546** in direct expenses, as detailed below in this six-year comparative chart.

<i>Direct Expenses</i>	2016/2017 \$	2017/2018 \$	2018/2019 \$	2019/2020 \$	2020/2021 \$	2021/2022 \$
Salaries and Benefits	0	0	0	0	0	0
Board Member Fees & Expenses	4,449	19,519	9,674	6,585	3,250	4,814
Professional Services	0	0	0	7,517	3,403	3,132
Office and venue Expenses	150	962	13	10,563	10,720	10,600
Other	12	0	0	0	0	0
Total ITAB Expenses	\$4,611	\$20,481	\$9,687	\$24,665	\$17,373	\$18,546