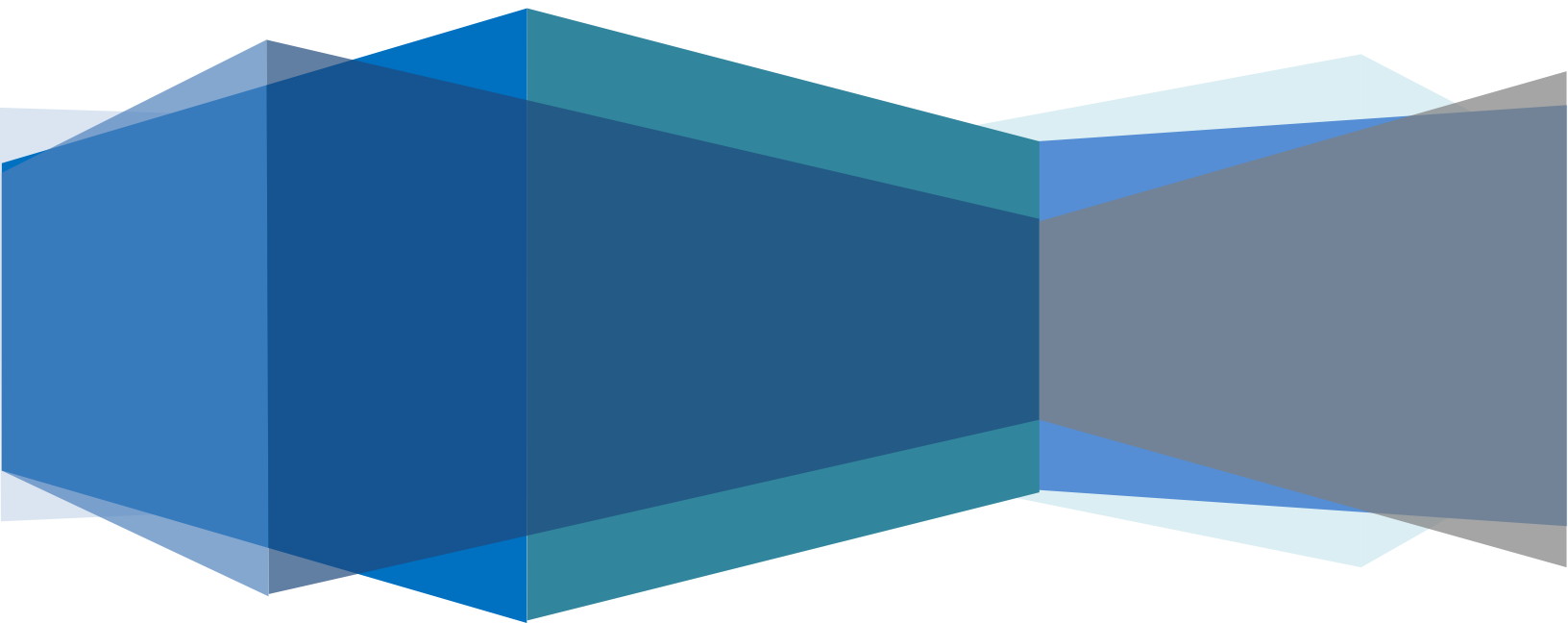




Skilled Trades BC Appeal Board

2022-2023 Annual Report

*Covering the reporting period
from April 1, 2022 to March 31, 2023*





Skilled Trades BC Appeal Board

Fourth Floor, 747 Fort Street, Victoria BC V8W 3E9

Tel: (250) 387-3464

Fax: (250) 356-9923

info@stbcab.ca

www.stbcab.ca

June 22, 2023

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

Dear Attorney General:

Re: Skilled Trades BC Appeal Board 2022-2023 Annual Report

I am pleased to submit to you the Annual Report of the Skilled Trades BC Appeal Board (formerly, the Industry Training Appeal Board) for the fiscal year beginning April 1, 2022 and ending March 31, 2023.

Sincerely,

Gordon Armour
Chair

Encl.

Message from the Chair

On December 1, 2022, the new *Skilled Trades BC Act* came into force. As a result of this legislation, the Industry Training Appeal Board was renamed the Skilled Trades BC Appeal Board. I am pleased to submit the Annual Report of the Skilled Trades BC Appeal Board (the “STBCAB” or the “Board”) for the fiscal year beginning April 1, 2022 and ending March 31, 2023. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

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.

Judicial Reviews during the Reporting Period

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

The number of appeals filed with the Board during this reporting period was zero. Historically, the average number of appeals for the Board has been only one appeal every few years. However, the new *Skilled Trades BC Act* – which expands on the types of decisions that can be appealed - and the move to mandatory certification in BC are expected to result in a potentially significant increase in the volume of appeals in the 2023-2024 reporting period and beyond.

During the 2022-2023 reporting period, the Board was focused on recruitment of Board members (currently ongoing) to prepare for this anticipated increase in the volume of appeals. In the upcoming reporting period, the Board will focus on onboarding and training of Board members in anticipation of increased appeals starting in late 2023 or early 2024.

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, which the Board considers unusual given the high number of tradespeople practising their trades and attaining certification in the province of British Columbia. As noted above, the Board expects appeal volumes to increase as a result of the new *Skilled Trades BC Act* and the move to mandatory certification in BC.

Plans for improving the Board's operations

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

As noted above, the Board is in the process of recruiting additional members and will focus on onboarding and training of these new Board members in the upcoming reporting period, in anticipation of increased appeals.

During the reporting period, the Board rolled out its new website (www.stbcab.ca), with ongoing work being done to improve the accessibility of the information that is available to the public and to ensure that the information remains up to date in light of legislative changes and changes in SkilledTradesBC's processes.

In the upcoming reporting period, the Board will review and update its rules and practice directives to align with the new legislation and appeal volumes. These activities will be reported on further in the next annual report.



Gordon Armour
Chair

Mandate

The Skilled Trades BC Appeal Board was established under the *Industry Training Authority Act*, SBC 2003, c. 34, and has been continued and renamed under section 42 of the *Skilled Trades BC Act*, SBC 2022 c. 4 (the “Act”).

- 42 (1) The Industry Training Appeal Board is continued as the Skilled Trades BC Appeal Board 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) section 27 [*staff of tribunal*]
 - (e) Part 8 [*Immunities*];
 - (f) Section 59.1 [*surveys*];
 - (g) Section 59.2 [*reporting*].

The *Administrative Tribunals Act*, S.B.C. 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.

The *Act’s* public policy purpose is one of long standing - to support the development and training of skilled trades workers to support BC industries. In 2003, compulsory skills trade certification was eliminated in BC. With the *Act*, the certification requirement has been reinstated. The stated rationale for the *Act* is to “establish a made-in-B.C. system to support and train apprentices and modernize the Crown agency responsible for trades training...”¹

The ten trades identified for skilled trades certification are:

Phase 1:

- Mechanical: gasfitter Class A and B, steamfitter/pipefitter, refrigeration and air-conditioning mechanic, and sheet metal worker.
- Electrical: powerline technician, industrial electrician and electrician(construction)

¹ [New act supports good trades jobs, economic recovery | BC Gov News](#)

Phase 2:

- Automotive: heavy-duty equipment technician, automotive service technician and autobody and collision technician.

Phase one of Skilled Trades Certification focused on seven trades in electrical and mechanical sectors. Uncertified trade workers in these trades will be required to register as an apprentice or pass a certification exam before December 1, 2023. Three additional automotive trades will be introduced as Skilled Trades Certification trades in 2024 when phase 2 begins and will also have one year to transition.²

As with appeals under the *Industry Training Authority Act*, appeals under the new *Act* cannot be brought unless the interested party first applies for review under section 43. Reviews are handled by a review officer, designated by the board of directors of SkilledTradesBC under s.7(2). The following matters listed in section 43 are subject to the review process:

- (a) a refusal to award a person an industry training credential;
- (b) a refusal to determine that a person is a trade qualifier;
- (c) the suspension or cancellation of a person's industry training credential;
- (d) a refusal to register a person as an apprentice;
- (e) the cancellation of a person's registration as an apprentice;
- (f) an examination or assessment of a person's training;
- (g) a refusal to issue a person a temporary authorization;
- (h) a refusal to grant a supervision ratio adjustment;
- (i) the issuance by a compliance officer of a warning or a compliance order;
- (j) the imposition by a compliance officer or another officer or employee of an administrative monetary penalty;
- (k) a decision or order prescribed by the minister.

Following a review (or if referred directly to the Board under section 43(3)), the review officer's decision may be appealed to the Board pursuant to section 45(1) by "a person dissatisfied with" the decision. Pursuant to section 45(2), the Board is empowered to do one or more of the following:

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

² [Skilled Trades Certification | SkilledTradesBC](#)

Following from the above, the Board can hear appeals on 11 subjects respecting which a review may be requested. This is an increase from five subjects that were set out under the *Industry Training Authority Act*.

Board Membership

The STBCAB membership during the reporting period consisted of:

TRIBUNAL MEMBER	ROLE	TERM EXPIRY
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 Chair of the Skilled Trades BC Appeal Board and the past Coordinator of Transition, Training and Trades for School District 27, Cariboo Chilcotin (Williams Lake). Mr. Armour 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. Previously he was a Senior Instructor in Construction Trades with School District 27. Active in his community, Mr. Armour was a Member of the Community Care and Assisted Living Appeal Board, Thompson River University Community Education Advisory Committee, the Williams Lake Work Placement Committee, and the Williams Lake Community Futures Training Sub Committee. He also served as Board Chair of the BC Health Association, Cariboo Park Lodge, and Cariboo Memorial Hospital. Mr. Armour has a Bachelors of Education from the University of British Columbia.

MARTHA DOW, MEMBER - Dr. Martha Dow is an Associate Professor in the Department of Social, Cultural and Media Studies at the University of Fraser Valley (UFV). Previously, 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, a Member of the UFV Bachelor of Arts Program Advisory Committee, and Chair of the UFV's Instructional Probationary Evaluation Committee for the Department of Social, Cultural, and Media Studies. Dr. Dow also was a Member of the United Way Campaign Cabinet. Dr. Dow holds a Doctor of Philosophy in Educational Studies from the University of British Columbia, Master of Sociology and a Bachelor of Arts in Sociology from the University of Western Ontario.

RICHARD GROUNDS, MEMBER - Richard Grounds is an Adjudicator for the Federal Mediation and Conciliation Service and an Adjudicator for the Indian Residential Schools Adjudication Secretariat. Mr. Grounds has also worked as an investigator on matters relating to oversight of the RCMP. He is active in his community as a member of the Industry Training Appeal Board and the Employment Standards Tribunal. He was previously a panel member of the Employment and Assistance Appeal Tribunal. Mr. Grounds holds a Bachelor of Laws from the University of Alberta.

Operations

The administrative support functions of the STBCAB are consolidated with the Environmental Appeal Board/Forest Appeals Commission Appeals Office (Appeals Office) in Victoria.

In addition to the STBCAB, 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 STBCAB 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 STBCAB, which in turn enables the Board to effectively and efficiently fulfill its mandate to the public.

Contact Information

MAILING ADDRESS:

Skilled Trades BC Appeal Board
PO Box 9425 Stn Prov Govt
Victoria BC V8W 9V1

LOCATION: 4th Floor, 747 Fort Street
Victoria BC V8W 3E9

TELEPHONE: 250 387-3464

FAX: 250 356-9923

EMAIL: info@stbcab.ca

WEBSITE: <http://www.stbcab.ca/>

Appeal Activity and Decisions Issued

There were no new appeals filed during this reporting period and 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 Board 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 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, 2023)

In fiscal year 2022/2023, the STBCAB incurred expenses as detailed below in this six-year comparative chart.

<i>Direct Expenses</i>	2017/2018 \$	2018/2019 \$	2019/2020 \$	2020/2021 \$	2021/2022 \$	2022/2023 \$
Salaries and Benefits	0	0	0	0	0	0
Member Fees & Expenses	19,519	9,674	6,585	3,250	4,814	10,001
Professional Services	0	0	7,517	3,403	3,132	983
Office and Venue Expenses	962	13	10,563	10,720	10,600	11,751
Other	0	0	0	0	0	0
Total Expenses	\$20,481	\$9,687	\$24,665	\$17,373	\$18,546	\$22,735

The average total annual expenses (as shown above for the past 6 years) for the STBCAB were **\$18,915**. The total direct expenses for the STBCAB in 2022-2023 were **\$22,735**.