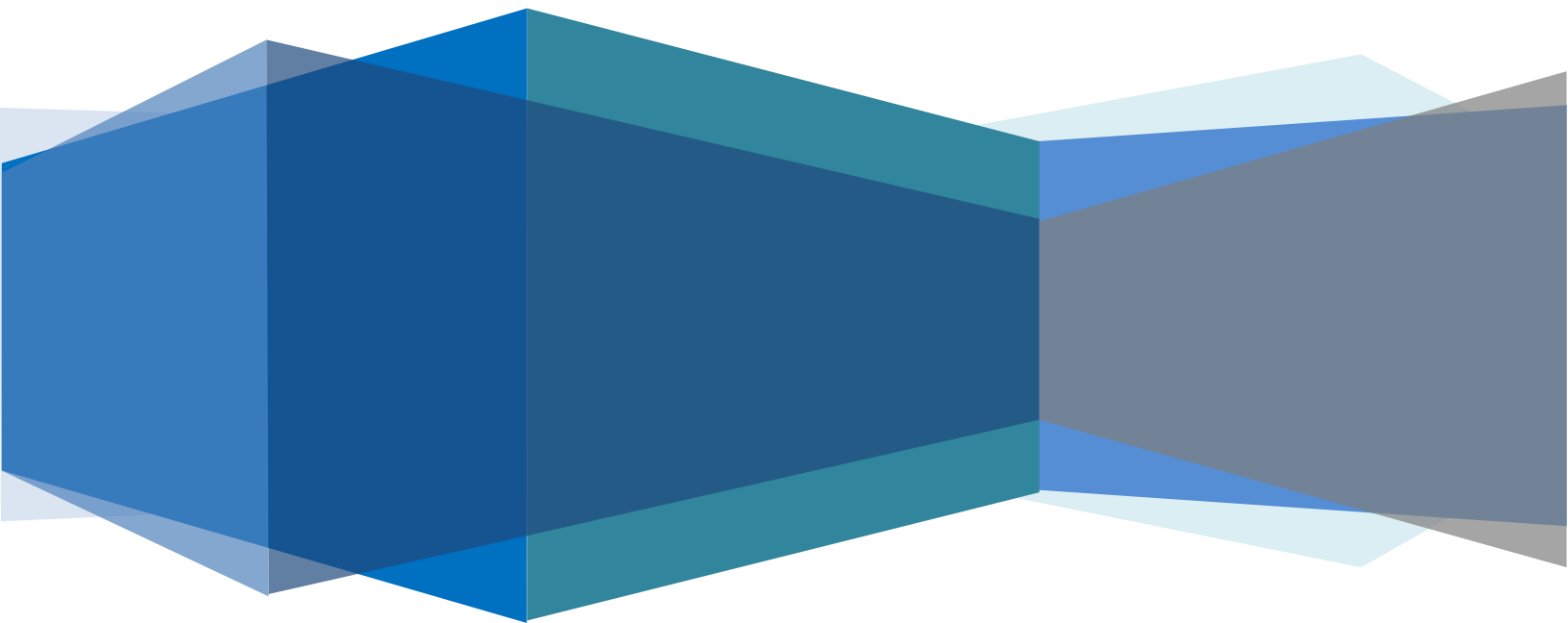




Skilled Trades BC Appeal Board

2024-2025 Annual Report

*Covering the reporting period
from April 1, 2024 to March 31, 2025*





Skilled Trades BC Appeal Board

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Message from the Chair

I am pleased to present the Annual Report of the Skilled Trades BC Appeal Board (the “STBCAB” or the “Board”) for the fiscal year beginning April 1, 2024 and ending March 31, 2025. This report is submitted pursuant to section 59.2 of the *Administrative Tribunals Act*.

Appeals During Reporting Period

Section 59.2(c) of the *Administrative Tribunals Act* requires the Board to report the number of applications received by the Board during the reporting period. There were no appeals outstanding before the Board at the beginning of the reporting period. During this reporting period, there were two new appeals filed with the Board. Both appeals were dismissed at early stages; one because the appellant withdrew their appeal and the other because the appellant failed to diligently pursue their appeal.

Judicial Review

There were no applications for judicial review of Board decisions 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

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 Board is a quasi-judicial administrative tribunal that hears appeals of decisions made by SkilledTradesBC related to tradespeople and their education, qualifications, and certification. The Board has not heard any appeals in recent years, however the volume of appeals may increase as the regulations under the *Skilled Trades BC Act* continue to expand the list of trades that are subject to mandatory certification in BC (and therefore within the jurisdiction of SkilledTradesBC).

Trends Noted

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 many appeals, which the Board considers unusual given the high number of tradespeople practising their trades and seeking certification in the province of British Columbia. As noted above, the Board continues to expect appeal volumes to increase as the regulations under the *Skilled Trades BC Act* expand the list of trades that are subject 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.

In the prior reporting period, the Board made several updates and revisions to its public-facing rules and policies, including updates to the following:

- Rules for Appeal
- Practice Directive No. 1: Usual Time Period for Completing Appeals and Issuing Decisions
- Practice Directive No. 2: Recording of Hearings and Ordering Transcripts
- Notice of Appeal Form
- Order to Compel a Witness to Attend a Hearing Form

The Board will continue to monitor its Rules, Practice Directives, and forms of communication with potential appellants, with the goal of ensuring that processes are cost-effective, relevant, efficient, and accessible to British Columbians.

Gordon Armour
Chair, Skilled Trades BC Appeal Board



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Board Membership

The STBCAB membership during the reporting period consisted of:

<u>TRIBUNAL MEMBER</u>	<u>ROLE</u>	<u>TERM EXPIRY</u>
Gordon Armour	Chair	31/07/2025
Martha Dow	Member	31/07/2026
Richard Grounds	Member	26/11/2025
Gavin Hoekstra	Member	10/07/2025
Daniel Smythe	Member	10/07/2025
Joel Feenstra	Member	10/07/2025

Section 42 of the *Act* provides that a Chair and other members are to be appointed by the Lieutenant Governor in Council after a merit-based process. The membership is a mix of lawyers and subject matter experts, primarily certified tradespeople who are also trade educators. Board hearings are oral hearings before a three-member panel, usually chaired by a legally trained member, with subject matter experts as side-panelists.

The Board thanks all its members for their service during the reporting period.

Biographies of members are provided in **Appendix 1** to this report.

Mandate

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

The Board is a quasi-judicial administrative tribunal that hears appeals of decisions made by SkilledTradesBC related to tradespeople and their education, qualifications, and certification. The Board is at arms-length from SkilledTradesBC and operates under the umbrella of the BC Ministry of Attorney General.

Section 43 of the *Act* sets out 11 specific types of decisions by SkilledTradesBC which may be appealed. These 11 different types of appealable decisions are a significant increase compared to the 5 types of appealable decision that were set out under the prior *Industry Training Authority Act*.

1. a refusal to award a person an industry training credential;
2. a refusal to determine that a person is a trade qualifier;
3. the suspension or cancellation of a person's industry training credential;
4. a refusal to register a person as an apprentice;
5. the cancellation of a person's registration as an apprentice;
6. an examination or assessment of a person's training;
7. a refusal to issue a person a temporary authorization;
8. a refusal to grant a supervision ratio adjustment;
9. the issuance by a compliance officer of a warning or a compliance order;
10. the imposition by a compliance officer or another officer or employee of an administrative monetary penalty;
11. a decision or order prescribed by the minister.

If a person is dissatisfied with the outcome of one of these 11 types of decisions, they must first ask the SkilledTradesBC Review Officer to review it. If they are dissatisfied with the outcome of that internal review, they may appeal to the Board.

Pursuant to section 45 of the *Act*, the Board is empowered to do one or more of the following when dealing with an appeal:

1. dismiss the appeal,
2. allow the appeal and give directions, if any, the board considers appropriate;
3. vary a decision or order;
4. set terms and conditions to which the order is subject.

Turning to the nature of the appeals dealt with by the Board, it is worth noting that section 12(1) of the *Minister's Skilled Trades BC Regulation*, BC Reg 256/2022, explicitly defines the grounds for review of a SkilledTradesBC decision as including any of the following:

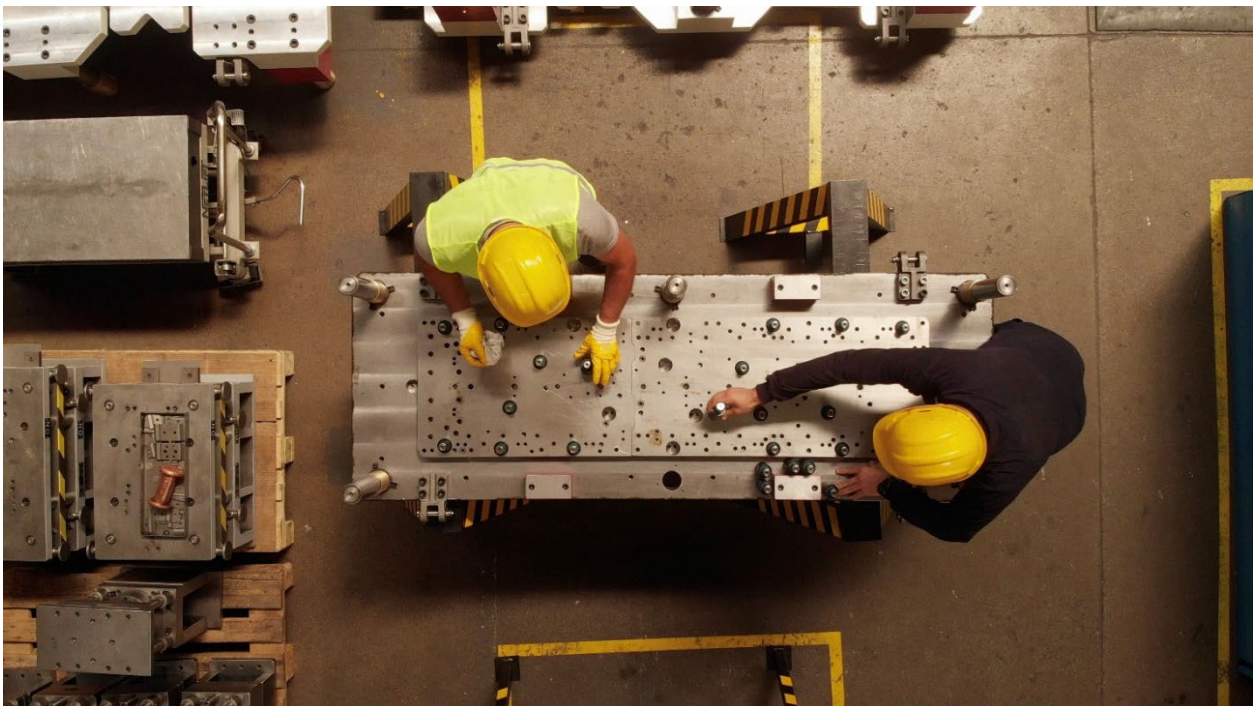
1. an error of fact or law,
2. new evidence, or,
3. a failure to observe the principles of natural justice and procedural fairness.

In other words, appeals are not constrained to the interpretation or application of a technical code or an evaluation of a tradesperson's skill – appeals also examine the legality and fairness of the process and the resulting decision.

Section 45 of the *Act* gives the Board a broad appellant mandate to conduct an appeal by way of rehearing. An appeal by way of rehearing means that the record of the decision below is examined and considered, but the tribunal may also freely hear new evidence and need not give any deference to the SkilledTradesBC Review Officer's findings and decision.

Taken together, the grounds for appeal set out in the *Minister's Skilled Trades BC Regulation*, and the Board's broad appellant mandate, mean that the Board must grapple with both the technical subject matter of an appeal, but also analyze and apply principles of law, including those relevant to evidence, natural justice, and procedural fairness. For this reason, the Board's membership is a mix of both lawyers and subject matter experts in the trades and trades education.

Board hearings take place before a three-member panel, which is typically chaired by a legally trained member, with the subject matter experts sitting as side-panelists. This balance of technical and legal expertise ensures that Board decisions are impartial, based on fact, legally sound, and align with the statutory scheme set out in the *Act*.



Legislative Developments

The name of the Board's enabling Act has changed over the years, but its longstanding public policy purpose remains the same: supporting the development and training of skilled trades workers in BC.

When the *Industry Training Authority Act* was enacted in 2003, it established the Board and eliminated compulsory certification for the trades in BC. This change made the traditional apprenticeship model entirely optional. Two decades later in 2022, the Act was renamed the *Skilled Trades BC Act* and certification requirements, and the apprenticeship model were reinstituted. Mandatory certification means that to call oneself an electrician, for example, that person must actually be certified as an electrician by SkilledTradesBC.

The stated goal of the 2022 *Act* was a return to the mandatory certification model, and through that, to create higher-paying jobs for British Columbians and increase the skill level of the trade's workforce across the province.¹

Mandatory certification for all skilled trades did not happen immediately upon the *Act* coming into force in 2022. Instead, the Minister identified a list of specific skilled trades where mandatory certification would be required as of December 1, 2023. At the same time, the Minister also announced a second list of trades that is under consideration for mandatory certification in the future.

Phase 1 (mandatory certification effective December 1, 2023):²

1. construction electrician;
2. industrial electrician;
3. powerline technician;
4. sheet metal worker;
5. gasfitter — Class A and Class B;
6. steamfitter/pipefitter;
7. refrigeration and air conditioning mechanic.

Phase 2 (implementation date unknown):³

1. heavy-duty equipment technician
2. automotive service technician
3. autobody and collision technician

¹ British Columbia, *Official Report of Debates of the Legislative Assembly (Hansard)*, 42nd Parl, 3rd Sess, No 147 (14 February 2022) (Honourable Anne Kang, Minister of Advanced Education and Skills Training) at p 4545-4546.

² Section 7 of the *Skilled Trades BC Regulation*, BC Reg 252/2022.

³ BC Government press release: "New act supports good trades jobs, economic recovery" (14 February 2022): <https://news.gov.bc.ca/releases/2022AEST0007-000215>.

In phase one of the shift to mandatory certification the Minister identified seven trades in electrical and mechanical sectors. Uncertified workers in these trades (i.e. those who are *not* registered apprentices or certified journey people) were required to register as an apprentice, or pass a certification exam, or, plan to transition away from hands-on trades work.

It is significant that the list of trades that are subject to mandatory certification has expanded from 0 to 7, and that the number of SkilledTradesBC decision types that are appealable has increased from 5 to 11. It follows that SkilledTradesBC is being called on to make an increased number of decisions about the education, qualifications, and certification of these tradespeople than in the past, and, by extension, that the Board should also receive an increased number of appeals.

Operations

Section 59.2(a) of the *Administrative Tribunals Act* requires the Board to provide a review of the Board's operations during the reporting period.

The administrative support functions of the Board are consolidated with the Environmental Appeal Board cluster of tribunals (the "EAB cluster") in Victoria.

In addition to the STBCAB, the EAB cluster provides administrative support to six other tribunals. This clustering of administrative support for a total of 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. In addition to the STBCAB and the Environmental Appeal Board, the other clustered tribunals are the:

- Community Care and Assisted Living Appeal Board;
- Energy Resource Appeal Tribunal;
- Financial Services Tribunal;
- Forest Appeals Commission;
- Health Professions Review Board; and the
- Hospital Appeal Board.

This clustering has resulted in significant savings to government through a shared services approach. This arrangement has proven to be an effective and efficient means for providing administrative support to the Board, which in turn enables the Board to effectively and efficiently fulfill its appellate mandate to the public.

Appeal Activity

Appeals Received

Section 59.2(c) of the *Administrative Tribunals Act* requires the Board to report on the nature and number of appeals received during the reporting period.

There were no appeals outstanding before the Board at the beginning of the reporting period. During this reporting period, two new appeals were filed with the Board. A summary of each appeal and its status at the end of the reporting period is provided below.

1. **STB-STBCA-24-A001, FILED AUGUST 18, 2024** – Appeal from an August 1, 2024, decision of the SkilledTradesBC Review Officer regarding an application for trade qualifier status⁴ in the Heavy-Duty Equipment Technician trade. This appeal was dismissed on September 4, 2024, following a withdrawal by the appellant.
2. **STB-STBCA-24-A002, FILED AUGUST 29, 2024** - Appeal from an August 29, 2024, decision of the SkilledTradesBC Review Officer regarding the administration of a Professional Cook Level 2, Certificate of Qualification exam.⁵ This appeal was dismissed on October 2, 2024, following a determination that the appellant failed to diligently pursue their appeal.

Judicial Reviews

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 elapsed time from filing to the date of final decision.

The Board was not called on to hold any hearings or issue any final decisions during this reporting period and so there is no information to report in this category. Nonetheless, both new appeals that were filed during this reporting period received a substantive acknowledgement and response from the Board on the same day they were received, or the next business day.

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

⁴ Section 1(1) of the *Act* defines a trade qualifier as a person who has experience that provides the person with qualifications equivalent to those acquired through completed training in an apprenticeship program.

⁵ Section 1(1) of the *Act* defines a certificate of qualification as a certificate awarded to a trade qualifier by SkilledTradesBC to attest that a person is qualified for the trade for which the certificate is awarded.

each party within 120 days from receiving the last submissions of the parties in an appeal that proceeds to a hearing on the merits. This practice directive fulfills the requirement set out in section 12(1) of the *Administrative Tribunals Act*.



Surveys

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

Public Interest Disclosure Act Reporting

The *Public Interest Disclosure Act (PIDA)* provides employees of some public bodies with protection from reprisal if they bring forward concerns about specific kinds of serious wrongdoing (i.e. whistleblower protection). The Board is one of the public bodies subject to *PIDA*.

Section 38 of *PIDA* requires the Board to report the number of disclosures of wrongdoing that were received and the results of any investigations undertaken in response. During this reporting period the Board did not receive any *PIDA* disclosures. The Board is unaware of any reports in which it, its staff, or its members (past or present) is alleged to have committed any wrongdoing.

Financial Statement

(For the fiscal year ending March 31, 2025)

In fiscal year 2024/2025, the STBCAB incurred expenses of **\$28,442** as detailed below in this 5-year comparative chart.

Direct Expenses	2020/2021 \$	2021/2022 \$	2022/2023 \$	2023/2024 \$	2024/2025 \$
Salaries and Benefits	0	0	0	0	0
Member Fees & Expenses	3,250	4,814	10,001	18,547	13,643
Professional Services	3,403	3,132	983	4,424	6,269
Office and Venue Expenses	10,720	10,600	11,751	12,844	8,530
Total Expenses	\$17,373	\$18,546	\$22,735	\$35,815	\$28,442

Salaries and Benefits encompasses the full-time staff who support the Board. This number is zero because the Board's staff are shared with a cluster of other tribunals who bear that cost instead.

Member Fees and Expenses reflects the remuneration and expenses for the Chair and five appointed members of the Board. Outside of hearings and decision writing, remuneration may be incurred for time spent on case management, engaging in approved professional development, attending the Board's annual general meeting, improving the Board's processes and operations, and engaging with routine operational matters and meetings as required. The Chair and members are appointed on an as-and-when needed basis and are paid a per diem for the time they work in accordance with [Treasury Board Directive 1/24](#) and the BC Ministry of Attorney General's [Tribunal Performance Framework and Remuneration Plan](#). Members are also reimbursed for any authorized expenses according to those same policies. Pursuant to section 8.5.3 of Treasury Board Directive 1/24, the Board publishes actual remuneration and reimbursement information on its website at: www.stbcab.ca/home/annual-report.

Professional Services reflects the cost of retaining outside legal counsel to provide professional development to members at the Board's annual general meeting, and to provide legal advice on operational or case management matters throughout the year. Outside legal counsel are drawn from a prequalified list provided by the BC Ministry of

Attorney General and are paid standard government rates. This category also encompasses outside professional services such as court recorders in the event of an oral hearing.

Office and Venue Expenses reflects the direct costs incurred by the Board when it meets in-person for a hearing or an annual general meeting, routine office expenses at its registry, and any registration fees for professional development, such as training opportunities offered by the BC Council of Administrative Tribunals or the Council of Canadian Administrative Tribunals. This line also reflects the Board's IT infrastructure, including its website, case management system, and standard office software applications.

Appendix 1: Biographies of Board Members

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.

GAVIN HOEKSTRA, MEMBER - Gavin Hoekstra works for the Law Society of British Columbia as a lawyer. Prior to joining the Law Society, he was the manager of litigation for the Workers' Compensation Board of British Columbia ("WorkSafeBC"). Prior to WorkSafeBC, Gavin was a litigator in private practice for over three years. Gavin is active in the community. He has volunteered with Big Brothers of Greater Vancouver since 2012 by spending time with youth who do not otherwise have male role models in their lives. He has served as a moot court judge at the Peter A. Allard School of Law at UBC most years between 2013 and 2023.

DANIEL SMYTHE, MEMBER - Daniel Smythe is an Associate Professor at the University of the Fraser Valley. He instructs all levels of the electrical apprenticeship training program as well

as the master electrician program. Active in his community Mr. Smythe is a Director with the board of Technical Safety BC. He holds a Red Seal Endorsement and a BC Master Electrician (FSR B) certification. Mr. Smythe has worked across the residential, commercial, and industrial sectors of the electrical trade and has owned and operated an electrical contracting company. He holds a Bachelor of Integrated Studies from University of the Fraser Valley and has completed the Governance Essentials Program through ICD-Rotman Business School.

JOEL FEENSTRA, MEMBER - Joel Feenstra is an Associate Professor at the University of the Fraser Valley teaching electrical apprentices. Previously he was the principal of Feenstra Electric Ltd. Mr. Feenstra has been active in his community serving as a Chair of the BC Electrical Instructors Provincial Curriculum committee, Director of the University of the Fraser Valley Alumni Association, and Member of the Canadian Standards Association. He holds a number of designations including a Red-Seal Endorsed electrical journeyman (RSE) and BC Master Electrician (TSBC). Mr. Feenstra also completed his training as a provincial instructor with the Vancouver Community College and as an electrician at the University of the Fraser Valley.

