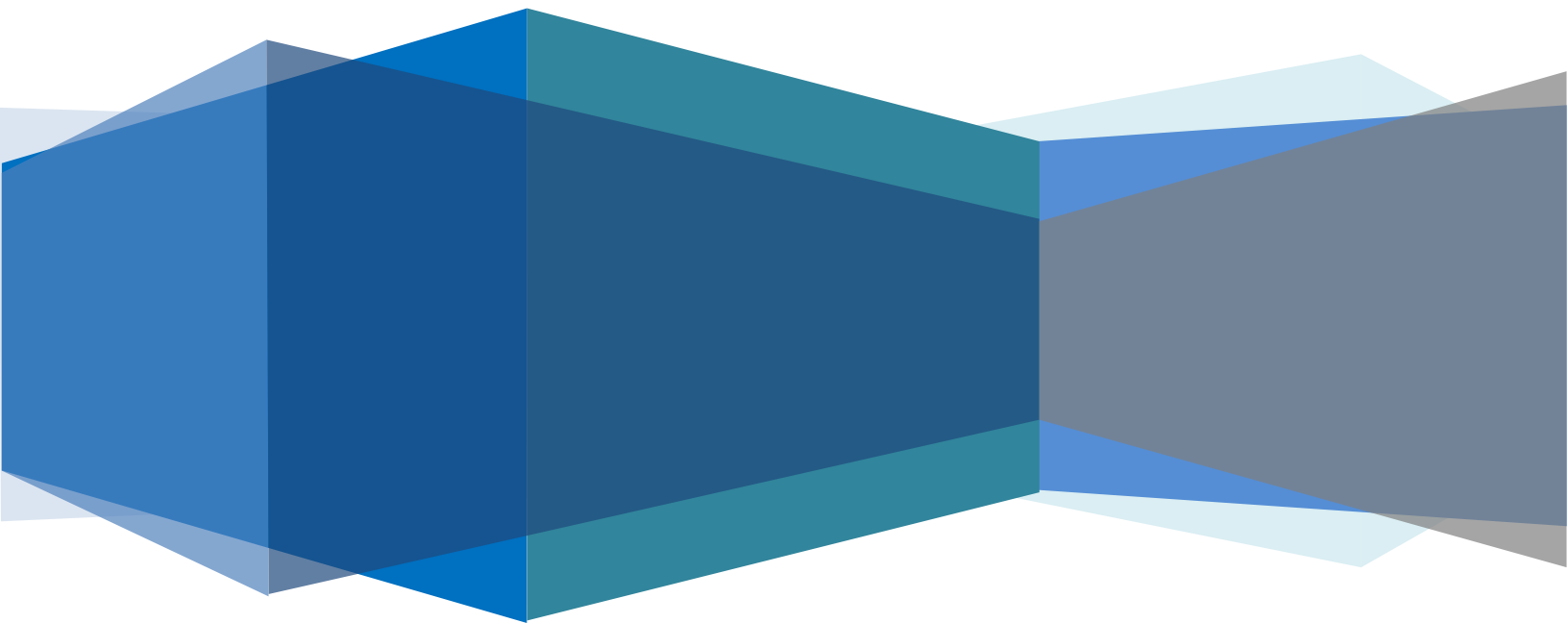




# Skilled Trades BC Appeal Board

## 2023-2024 Annual Report

*Covering the reporting period  
from April 1, 2023 to March 31, 2024*



## *Message from the Chair*

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I am pleased to submit the Annual Report of the Skilled Trades BC Appeal Board<sup>1</sup> (the “STBCAB” or the “Board”) for the fiscal year beginning April 1, 2023 and ending March 31, 2024. 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 this reporting period, there were no new appeals filed with the Board. There were also no appeals outstanding before the Board at the beginning of the reporting period.

### ***Judicial Reviews During the Reporting Period***

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 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 expanded the types of decisions that can be appealed, and the move to mandatory certification in BC for a growing list of trades, are expected to result in a potentially significant increase in the volume of appeals in the 2024-2025 reporting period and beyond.

During the prior reporting period, the Board was focused on recruitment of new Board members (now complete) to prepare for this anticipated increase in the volume of appeals. During the current reporting period, Board has been focusing on onboarding and training these new members in anticipation of increased appeals starting in late 2024 or early 2025.

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

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<sup>1</sup> 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.

noted above, the Board expects appeal volumes to increase because 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 has completed the process of recruiting additional members and has been focusing on onboarding and training these new Board members in anticipation of increased appeals.

During the current reporting period, the Board updated many of its Rules, Forms, and Practice Directives to better align with the new legislation, potential appeal volumes, and current best practices in case management. Effective January 3, 2024, the following were updated:

- 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 review, assess, and update its Rules, Practice Directives, and forms of communication with potential appellants in order to facilitate smooth and appropriate operations of the board.

Gordon Armour  
Chair

## Mandate

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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*, 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 applicable to the Board.

The Act’s longstanding public policy purpose is to support the development and training of skilled trades workers which support BC industries. In 2003, compulsory skills trade certification was eliminated in BC. With the new Act however, the certification requirement was 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...”<sup>2</sup>

The skilled trades identified for mandatory certification are:

Phase 1 (effective December 1, 2023):<sup>3</sup>

1. construction electrician;

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<sup>2</sup> BC Government press release: “New act supports good trades jobs, economic recovery” (14 February 2022): <https://news.gov.bc.ca/releases/2022AEST0007-000215>

<sup>3</sup> Section 7 of the *Skilled Trades BC Regulation*, BC Reg 252/2022.

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):<sup>4</sup>

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

Phase one of Skilled Trades Certification focused on seven trades in electrical and mechanical sectors. Uncertified workers in these trades (i.e. those who are *not* registered apprentices or certified journeypeople) were required to register as an apprentice, or, pass a certification exam, or, make a plan to transition away from hands-on trades work.

Three additional automotive trades will be introduced as Skilled Trades Certification trades in the future when phase 2 begins.<sup>5</sup>

As with appeals under the *Industry Training Authority Act*, appeals under the new *Act* cannot be brought to the Board unless the interested party first applies for review from SkilledTradesBC's Review Officer under section 43. The following 11 matters listed in section 43 are subject to the review process:

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;

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<sup>4</sup> BC Government press release: "New act supports good trades jobs, economic recovery" (14 February 2022): <https://news.gov.bc.ca/releases/2022AEST0007-000215>

<sup>5</sup> See further, from SkilledTradesBC: <https://skilledtradesbc.ca/skilledtradescertification>

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.

The resulting decision by the Review Officers may then be appealed to the Board pursuant to section 45(1) by “a person dissatisfied with” that 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.

The 11 different types of matters which can be appealed to the Board is a significant increase compared to the five types of matters for appeals that were set out under the prior *Industry Training Authority Act*.

## Board Membership

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The STBCAB membership during the reporting period consisted of:

TRIBUNAL MEMBER	ROLE	TERM EXPIRY
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

### 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.

**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 since 2013.

**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.

## *Operations*

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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 adjudicative tribunals. This clustering of 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. In addition to the STBCAB and the Environmental Appeal Board, the other clustered tribunals are:

- Community Care and Assisted Living Appeal Board;
- Energy Resource Appeal Tribunal;<sup>6</sup>
- 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.

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<sup>6</sup> Formerly the Oil and Gas Appeal Tribunal and renamed as of September 1, 2023.



## 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 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

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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.

No matters were before the Board during this reporting period and so 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 appeals. Oral are primarily conducted in-person or online, before a three-person panel.

Where circumstances are appropriate, hearings may be heard in writing. The Board may also explore 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 120 days from receiving the last submissions of the parties in an appeal that proceeds to a hearing on the merits.

### *Performance Indicators and Timelines*

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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*

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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 government bodies subject to *PIDA*.

Section 38 of *PIDA* requires the Board to report the number of disclosures of wrongdoing we receive and the results of any investigations we undertake each year. 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.

*Statement of Financial Performance*

(For the fiscal year ending March 31, 2024)

In fiscal year 2023/2024, the STBCAB incurred expenses as detailed below in this six-year comparative chart.

<i>Direct Expenses</i>	<b>2018/2019</b> \$	<b>2019/2020</b> \$	<b>2020/2021</b> \$	<b>2021/2022</b> \$	<b>2022/2023</b> \$	<b>2023/2024</b> \$
Salaries and Benefits	0	0	0	0	0	<b>0</b>
Member Fees & Expenses	9,674	6,585	3,250	4,814	10,001	<b>18,547</b>
Professional Services	0	7,517	3,403	3,132	983	<b>4,424</b>
Office and Venue Expenses	13	10,563	10,720	10,600	11,751	<b>12,844</b>
Other	0	0	0	0	0	<b>0</b>
<b>Total Expenses</b>	<b>\$9,687</b>	<b>\$24,665</b>	<b>\$17,373</b>	<b>\$18,546</b>	<b>\$22,735</b>	<b>\$35,815</b>

Salary and Benefits encompass 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. The Chair and members are appointed on an as-and-when needed basis and only paid for the time they work in accordance with the BC Ministry of Attorney General’s *Tribunal Performance Framework and Remuneration Plan*.

Professional Services reflects the cost of retaining outside legal counsel to support professional development and to provide legal advice where needed. It also encompasses outside professional services such as court recorders for hearings.

Office and Venue Expenses reflects both the direct costs incurred by the Board when it meets in-person (i.e. meeting space and refreshments), routine office expenses, and the IT infrastructure which support’s the Board’s website and case management system.