

Legally speaking...

# Did you know?

June 2009

This fact sheet contains legal information, not advice and is accurate as at the above date.  
For legal advice, please contact a lawyer.

**Subject: Employment**

## EMPLOYMENT STANDARDS BRANCH - FILING A COMPLAINT

The Employment Standards Act in BC is the law that outlines the rights of employees, and the responsibilities of employers.

The Employment Standards Branch (ESB) deals with complaints related to the Employment Standards Act. They have a Self-Help Kit which can be used to solve issues quickly. If you have tried to resolve your issue with your employer using the Self-Help kit and have not been successful, then you can make a formal complaint to the Employment Standards Office.

### When can I make a complaint to the Employment Standards Office?

If your employer does not respond to your request within 15 days, you may file a formal complaint.

You have six months from the time the problem took place or your employment ended to file a complaint.

### What is the complaint process?

You should send photocopies of records you may have, including hours of work, pay stubs and any other evidence that deals with your complaint.

Once a complaint is accepted, the Branch will notify your employer and ask the employer to provide information. If the employer resolves

the issue at this point and pays any money owing, then no further action will be taken.

### What if the issue is still not resolved?

If the issue is still not resolved, the Branch will try to resolve the issue through mediation. If mediation also does not work, then the Branch will either investigate further or arrange for a hearing. The employee and employer must attend the hearing with any witnesses that they may have. After the hearing, the Branch will issue a decision called a **Determination**. If the Determination finds that the employer has to pay money owed, or has broken the Act, then the Employment Standards Branch will **include one or more mandatory fines**. A Determination can be appealed to the Employment Standards Tribunal.

### For More Information

#### Employment Standards Branch

Information Line: 1-800-663-3316 (toll-free in BC)

Web site: [www.labour.gov.bc.ca/esb](http://www.labour.gov.bc.ca/esb)

Prince George area: 250-612-4100

Victoria: 200 - 880 Douglas Street

Phone: 250-952-0469

Lower Mainland:

Surrey: 101 - 10475 138 Street

Phone: 604-586-4251

Burnaby: Deer Lake Centre

210 - 4946 Canada Way

Phone: 604-660-4946



**North Shore  
Community Resources**

*Connecting You to Community Services!*