

## FACTSHEET: Request for Reviews

Under the *Skilled Trades BC Act* and its regulations, you may submit to SkilledTradesBC Review Officer, a request for review of specific decisions or orders made by SkilledTradesBC.

### Who Should Use this Factsheet?

This factsheet is of interest to individuals who are the subject of a decision or order made by SkilledTradesBC and who wish to request a review of that decision or order (Applicants). Requests for review may only be submitted as included in the Skilled Trades BC Act as available for review and only on grounds as included in the Minister's Skilled Trades BC Regulation. Further information is noted below.

### What Categories of Decisions or Orders Can Be Reviewed?

Applicants may request a review of **only** the following categories of decisions or orders made by SkilledTradesBC:

- A. Refusal by SkilledTradesBC to award an industry training credential
- B. Refusal by SkilledTradesBC to determine that an individual qualifies as a trade qualifier
- C. Suspension or cancellation by SkilledTradesBC of an industry training credential
- D. Refusal by SkilledTradesBC to register an individual as an apprentice
- E. Cancellation by SkilledTradesBC of an apprentice's registration
- F. Examination or assessment by SkilledTradesBC of an individual's training. (Note: This does not include examinations or assessments by external training providers.)
- G. Refusal by SkilledTradesBC to issue a temporary authorization to work in a skilled trades certification trade
- H. Refusal by SkilledTradesBC to grant a supervision ratio adjustment
- I. Issuance of a written warning by a SkilledTradesBC Skilled Trades Certification Advisor of a contravention of any of the following:
  - Requirements to only work, or only employ a person, in a skilled trades certification trade with the appropriate registration or authorization in place
  - Requirements to maintain, and produce upon request, records of skilled trades certification trade qualifications
  - Requirements to comply with established supervision ratios or supervision ratio adjustments
- J. Issuance of a compliance order by a Skilled Trades Certification Advisor of a contravention as described in I. above.
- K. The imposition by a Skilled Trades Certification Advisor or other officer or employee of

SkilledTradesBC of an administrative monetary penalty as it relates to section I. above, or a failure to comply with a compliance order as described in J. above.

## What are Accepted Grounds for Review?

Applicants may only request a review of a SkilledTradesBC decision or order in the categories listed above on only one or more the following grounds:

1. An error in a matter of fact or law
2. New evidence

**What is new evidence?** New evidence can only be considered in a review if the Review Officer is satisfied that the new evidence:

- a. is substantial and material to the review, and
  - b. did not exist when the decision or order was made, or did exist but was not discovered and could not, through the exercise of reasonable diligence (e.g. being careful and thorough), have been discovered.
3. A failure to observe the principles of natural justice and procedural fairness in making the decision

**What do the principles of natural justice and procedural fairness involve?** The principles of natural justice and procedural fairness generally revolve around the idea that the process, and how decisions are made, should be fair to the people involved. This includes, but may not be limited to, the right of a person to be heard (to present their case and to have a fair opportunity to respond in the process), to have their case decided by a person free of bias, to receive the reasons for the decision, and other rights related to the principles of natural justice and procedural fairness.

## How is a Review Request Submitted?

A **Request for Review Form** must be completed and submitted to the Review Officer **within 30 days** of receiving written notice of the SkilledTradesBC decision or order. This form may be found on SkilledTradesBC's website on the forms page or as attached to SkilledTradesBC Request for Review Policy, Appendix A.

The Request for Review Form outlines what information to include in the form as well as how and where to submit the form to SkilledTradesBC Review Officer.

## When and How is a Response Received?

The SkilledTradesBC Review Officer will respond to a request for review within **120 days** from the date the request is received. The Review Officer's decision will be in writing and will include the reasons for

their decision, and information regarding right to appeal to the Skilled Trades BC Appeal Board.

## Corrections or Clarifications of Decisions

Once a review request decision is made, the Review Officer may do any of the following if they consider it to be just and reasonable in the circumstances:

1. Correct a typographic, grammatical, arithmetic, or other similar errors included in the decision
2. Clarify the decision
3. Deal with an obvious error or inadvertent omission in the decision.

The steps above can be taken by the Review Officer on their own initiative. They can also be requested by the Applicant – however, please note that requests to clarify the decision, or to deal with an obvious error or inadvertent omission, must be made **within 15 days** of the Applicant receiving the review request decision.

## When am I considered to have received a notice or document?

If a notice or document under the *Skilled Trades BC Act*, including in relation to a review request decision made by the Review Officer, is sent by ordinary mail, it is considered to be received by the 5th business day after it is mailed.

If a notice or document under the *Skilled Trades BC Act* is sent by email or fax, it is considered to be received on the first business day after it was sent.

## What if I am Dissatisfied with the Outcome of the Review?

A person who is dissatisfied with a decision of the Review Officer may appeal the decision with the Skilled Trades BC Appeal Board by filing a notice of appeal **within 30 days** of receiving written notice of the decision from the Review Officer.

Information about the Appeal Board and the appeal process is available at: <https://www.bcitab.ca/> or by calling from Victoria 250-387-3464 or toll free through Enquiry BC at 1-800-663-7867.

## Is There Any Other Information Available?

Applicants may find the following resources helpful:

- SkilledTradesBC Requests for Review of Decision or Order Form available at: <https://www.skilledtradesbc.ca/apply-apprenticeship/forms>

- The following documents are available at: <https://www.skilledtradesbc.ca/about-skilledtradesbc/policies-bylaws>
  - SkilledTradesBC Reviews and Appeals Policy
  - Skilled Trades BC Act
  - Minister's Skilled Trades BC Regulation
  - Skilled Trades BC Regulation
- SkilledTradesBC Appeal Board website available at: <https://www.bcitab.ca/>

If you do not have access to the webpages noted above, please contact SkilledTradesBC Customer Service at the contact information listed below for assistance.

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If you have any questions about this factsheet, please contact **SkilledTradesBC Customer Service** by phone at: 778-328-8700 or toll free in B.C.: 1-866-660-6011 or by email at: [customerservice@skilledtradesbc.ca](mailto:customerservice@skilledtradesbc.ca)

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