

Reviews and Appeals Policy (EXTERNAL)

External Policy No. E.05.2022

Purpose

Under the *Skilled Trades BC Act* (the “Act”), a person who is the subject of certain types of decisions or orders made by SkilledTradesBC may request a review by the SkilledTradesBC Review Officer (the “Review Officer”).

This policy outlines the requirements and processes for requesting such a review.

In Scope

This policy applies 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 (an “Applicant”).

Requests for review may only be submitted by Applicants as they relate to decisions or orders that are set out in the Act as being available for review (a “Reviewable Decision”), and only on grounds for review that are set out in the *Minister’s Skilled Trades BC Regulation* (“Grounds for Review”). Reviewable Decisions and Grounds for Review are discussed in further detail below.

Out of Scope

For clarity, this policy does not apply to:

- Decisions or orders that do not fall within the Reviewable Decision categories; or
- Disputes that an Applicant wishes to make to a decision or order that do not involve any of the Grounds for Review.

Policy

- Where there is any conflict between this policy and the Act, its regulations, or any other applicable legislation as amended from time to time, the provisions of the applicable legislation apply.

1. REQUESTING A REVIEW

- 1.1. Applicants may request a review of the following categories of decisions or orders made by SkilledTradesBC (“Reviewable Decisions”):
 - a. Refusal by SkilledTradesBC to award a person an industry training credential

- b. Refusal by SkilledTradesBC to determine that a person qualifies as a trade qualifier
 - c. Suspension or cancellation by SkilledTradesBC of a person's industry training credential
 - d. Refusal by SkilledTradesBC to register a person as an apprentice
 - e. Cancellation by SkilledTradesBC of a person's registration as an apprentice
 - f. Examination or assessment by SkilledTradesBC of a person's training
 - g. Refusal by SkilledTradesBC to issue a temporary authorization to work in a skilled trades certification trade under section 31 of the Act
 - h. Refusal by SkilledTradesBC to grant a supervision ratio adjustment under section 33 of the Act
 - i. Issuance of a written warning by a SkilledTradesBC compliance officer (also referred to as a Skilled Trades Certification Advisor) under section 37 of the Act
 - j. Issuance of a compliance order by a SkilledTradesBC compliance officer (also referred to as a Skilled Trades Certification Advisor) under section 38 of the Act
 - k. The imposition by a SkilledTradesBC compliance officer (also referred to as a Skilled Trades Certification Advisor) or another officer or employee of SkilledTradesBC of an administrative monetary penalty under section 39 of the Act
- 1.2. Applicants may only request a review of a Reviewable Decision on one or more the following grounds ("Grounds for Review"):
- a. An error in a matter of fact or law
 - b. New evidence
 - c. A failure to observe the principles of natural justice and procedural fairness in making the decision
 - d. Any other grounds for review on which a review may be requested in accordance with the express wording of the Act or its regulations as amended from time to time
- 1.3. A Request for Review Form (see Appendix A to this policy) must be completed and submitted to the Review Officer, along with all supporting documentation, within 30 days of the Applicant receiving written notice of the decision or order
- 1.4. A notice or document under the Act may be delivered, in accordance with section 48 of the Act and its regulations:
- a. By personal service of a copy of the notice or document, or
 - b. By sending a copy by ordinary mail, email or fax to the address, email or fax number of the person contained in SkilledTradesBC's registry.

- 1.5. If the copy of the notice or document is sent by ordinary mail, it is deemed to be received on the date that is the 5th business day after the day it is mailed. If the copy of the notice or document is sent by email or fax, it is deemed to be received on the date that is the first business day after it was sent.

2. APPEALS

- 2.1. A person who is dissatisfied with a decision of the Review Officer may commence an appeal to the SkilledTradesBC Appeal Board by filing a notice of appeal within 30 days of receiving written notice of the decision. For more information visit, <https://www.bcitab.ca/> or call: from Victoria: 250-387-3464; from elsewhere in B.C. 1-800-663-7867 and request a toll-free transfer.

See the following for more information:

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

For assistance, contact SkilledTradesBC Customer Service at the information listed below.

Customer Service

T: 778-328-8700

Toll Free in BC: 1-866-660-6011

customerservice@skilledtradesbc.ca

Date Approved: December 1, 2022

Appendix A

Request for Review of Decision or Order Form

Important: Requests for review can only be made for certain kinds of SkilledTradesBC decisions and orders and can only be made on certain grounds. A request must be made within 30 days of receiving written notice of the decision or order.

Please visit the following webpages for more important information or contact SkilledTradesBC Customer Service at the information listed below:

T: 778-328-8700

Toll Free in BC: 1-866-660-6011

customerservice@skilledtradesbc.ca

The following documents are available at: <https://www.skilledtradesbc.ca/about-skilledtradesbc/policies-bylaws>

- SkilledTradesBC Requests for Review Factsheet
- SkilledTradesBC Requests for Review Policy
- Skilled Trades BC Act
- Minister’s Skilled Trades BC Regulation
- Skilled Trades BC Regulation

1) Applicant Information

I am an Apprentice an Employer a Worker Other _____
(please describe)

2) Contact Information (Please contact SkilledTradesBC in writing if this information changes)

Last Name	First Name	Middle Name	SkilledTradesBC ID # <small>(if applicable)</small>
_____	_____	_____	_____

Mailing Address:

City	Province	Postal Code	Email Address
_____	_____	_____	_____

Mobile phone number <small>(include area code)</small>	Business phone number <small>(include area code)</small>	Fax number <small>(include area code)</small>
_____	_____	_____

3) Request for Review

1. Indicate in Section 3A what kind of SkilledTradesBC decision or order you wish to request a review of, by checking the appropriate box.
2. Attach a copy of the decision or order in question to this form.
3. Describe the grounds for review that you believe apply to your request in Section 3B, by checking the appropriate box or boxes.
4. Include a summary of your reasons for requesting a review in Section 3C (if further space is required, please attach additional pages).
5. Include any records or other evidence you have to support your request. This may include additional documentation, signed statements, affidavits, or any other evidence that you believe is relevant to your request for review.
6. Complete all other sections of this form.

A. Category of SkilledTradesBC Decision or Order

I am requesting a review of, the following SkilledTradesBC decision or order (*Please check only one box below. If you wish to request a review of more than one decision or order, please complete a separate form for each decision or order.*)

	A refusal by SkilledTradesBC to award an industry training credential
	A refusal by SkilledTradesBC to determine that a person is a trade qualifier
	The suspension or cancellation by SkilledTradesBC of a person’s industry training credential
	A refusal by SkilledTradesBC to register a person as an apprentice
	Cancellation by SkilledTradesBC of a person’s registration as an apprentice
	An examination or assessment by SkilledTradesBC of a person’s training
	A refusal by SkilledTradesBC to issue a person a temporary authorization under section 31 of the <i>Skilled Trades BC Act</i>
	A refusal by SkilledTradesBC to grant a supervision ratio adjustment under section 33 of the <i>Skilled Trades BC Act</i>
	The issuance by a SkilledTradesBC compliance officer (also referred to as a Skilled Trades Certification Advisor) of a written warning under section 37 of the <i>Skilled Trades BC Act</i> for contravening any of the following requirements of the <i>Skilled Trades BC Act</i> :

	<ul style="list-style-type: none"> • Requirements to only work, or only employ a person, in a skilled trades certification trade with the appropriate registration or authorization in place (section 26 of the <i>Skilled Trades BC Act</i>) • Requirements to maintain, and produce upon request, records of skilled trades certification trade qualifications (section 30(2) of the <i>Skilled Trades BC Act</i>) • Requirements to comply with established supervision ratios (section 32 of the <i>Skilled Trades BC Act</i>), or supervision ratio adjustments (section 33 of the <i>Skilled Trades BC Act</i>)
	The issuance by a SkilledTradesBC compliance officer (also referred to as a Skilled Trades Certification Advisor) of a compliance order under section 38 of the <i>Skilled Trades BC Act</i>
	The imposition by a SkilledTradesBC compliance officer (also referred to as a Skilled Trades Certification Advisor) or another officer or employee of SkilledTradesBC of an administrative monetary penalty under section 39 of the <i>Skilled Trades BC Act</i>

I have included a copy of the SkilledTradesBC decision or order related to the request for review.

B. Grounds for Review

My request for review is based on one or more of the following grounds (*check all that apply*):

	An error in a matter of fact or law
	New evidence
	A failure to observe the principles of natural justice and procedural fairness in making the decision

Please see the SkilledTradesBC Request for Reviews Factsheet for more information on the grounds for review.

C. Summary of Reasons for Requesting a Review

Please be specific about your reason for requesting a review, referencing the ground(s) that you have indicated above as they relate to the SkilledTradesBC decision or order that you are requesting be reviewed. You can add up to an addition 5 pages if you need more space.

4) Identify who will communicate with SkilledTradesBC about this request for review (Please contact SkilledTradesBC in writing if this information changes)

Please check (✓) only one.

I will communicate with SkilledTradesBC regarding this request for review.

The person named in Appendix A of this Request for Review of Decision or Order Form will communicate with SkilledTradesBC on my behalf regarding this request for review. *(If this option is selected, please complete and submit Appendix A of this form.)*

5) Applicant's Confirmation and Consent:

The information I have provided in this form is true and accurate to the best of my knowledge and belief.

I understand that SkilledTradesBC collects, uses, and discloses personal information for purposes relating to processing, addressing, and determining requests for review, and that SkilledTradesBC may obtain and view, for these purposes, a copy of any and all records relating to the decision or order for which I am requesting a review or that are relevant to my request for review.

I consent to the collection, use, and disclosure of my personal information by SkilledTradesBC as reasonably necessary for the purposes of this request for review.

Applicant's Name
(Please print)

Applicant's Signature

Date Signed
(yyyy-mm-dd)

Once completed, please send your form and all attachments to:

Review Officer, SkilledTradesBC
 8100 Granville Avenue, Richmond, BC. V6Y 3T8
 Facsimile: 778-785-2401
 Email: reviewofficer@SkilledTradesBC.ca

SkilledTradesBC Review Officer will respond to your request for review within **120 days** from the date of receipt of your request. SkilledTradesBC Review Officer may also request more information from you.

Please see the SkilledTradesBC Requests for Review Factsheet and Policy for more information on how the Review Officer addresses requests for review.

APPENDIX A – Representative Authorization

(Complete this Appendix A if you are authorizing another person to communicate with SkilledTradesBC on your behalf for the purposes of your request for review of a SkilledTradesBC decision or order.)

I, _____ (*please print name of Applicant*), authorize _____ (*please print name of representative*) to communicate with SkilledTradesBC on my behalf for my request for review to SkilledTradesBC as set out in the Request for Review of Decision or Order form to which this Representative Authorization is attached. I consent to SkilledTradesBC disclosing to my representative my personal information for the purposes of processing, addressing, and determining my request for review. This authorization will remain in effect for the duration of time needed for SkilledTradesBC to address my request for review, unless I notify SkilledTradesBC in writing that the authorization is to be cancelled.

Signature of Applicant

Date

Witness
(The witness must be someone other than the Representative)

Date

Representative Information

Last Name First Name Business Name (if applicable)

Relationship with Applicant:

Mailing Address:

City	Province	Postal Code	Email Address
_____	_____	_____	_____

Business phone number <small>(include area code)</small>	Home phone number <small>(include area code)</small>	Fax number <small>(include area code)</small>
_____	_____	_____