BRITISH COLUMBIA
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December 1, 2011

Mike Falkiner
Executive Director
BC Timber Sales

Dear Mr. Falkiner:

I am writing to you with respect to concerns arising out of complaints filed by some employees in the silviculture industry. As you are aware, the mandate of the Employment Standards Branch (the Branch) includes ensuring that employees in British Columbia receive at least basic standards of compensation and conditions of employment. The *Employment Standards Act* (the Act) sets out not only what wages must be paid, but also the time period in which those wages are to be paid.

In investigating these complaints, it has become apparent that some silviculture contractors are paying the correct amount of wages owed but are failing to pay those wages in a timely manner. In some instances, it would appear wages are not being paid until the contractor has been paid by the party who tendered the contract. The Act requires that an employer must pay wages at least semi-monthly, and all wages earned must be paid within 8 days after the end of the pay period. This requirement applies regardless of any financial difficulties a silviculture contractor is experiencing as a result of any particular contract. The Employment Standards Branch will not accept financial hardship as an excuse for late payment of wages.

I am requesting that you include this information with the silviculture contractors' tender packages you send out, to remind all contractors of their obligation to pay wages in a timely fashion. The Branch receives complaints from tree planters or third parties and may undertake audits even without a complaint being filed. The Branch takes the position that employers who are late in paying wages are in contravention of the Act. In such instances employers will be subject to an administrative penalty for the delayed payment. Under the Act, the penalty for a contravention starts at $500 for the first occurrence and escalates to a maximum of $10,000.

Ministry of
Labour, Citizens' Services
and Open Government

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As you are aware, delaying payment of wages for extended periods of time can make it more difficult for employees to recover those wages. It is important that information regarding a contractor's failure to pay wages reaches the Branch in a timely fashion, whether it is received by way of complaint from employees or third parties.

I recognize that the silviculture contractors will want to ensure they comply with the provisions of the Act and are interested in supporting a level playing field amongst all employers in the industry.

If you or any silviculture contractor have any questions about the Act and/or how it applies, they can phone our toll-free number at 1-800-663-3316 or 250-612-4100 from within the Prince George area or outside the province.

Chris Johnson,
Executive Director, Employment Standards Branch
Ministry of Labour, Citizens' Services and Open Government