

Section 3: Civil Law

Lesson Plan 2: Administrative and Labour Law

SNAPSHOT

Grade Level	8-10
Duration	2 periods

Introduction

This lesson will provide an introduction to administrative law and labour law. Administrative law refers to the application of government laws and the resolution of disputes that involve these laws. If you do not agree with a decision that a particular government agency has made that affects you, your complaint can be heard by an administrative tribunal.

The Residential Tenancy Act of British Columbia lists the rights and responsibilities of landlords and tenants. The Residential Tenancy Office is a tribunal that works to resolve issues that arise between tenants and landlords. Some tribunals make decisions about a person's rights or benefits. The Employment Standards Tribunal is an administrative tribunal established under the *Employment Standards Act*. This is an important legislation under BC labour law.

Objectives

By the end of this lesson, students will:

- Define administrative law and identify the tribunals that hear cases
- Describe the procedures and process used by administrative tribunals
- Learn about a specific type of tribunal: The Residential Tenancy Office
- Define labour law and explain how it applies to employment standards
- Describe the employment standards tribunals
- Identify and describe employers' and employees' rights and responsibilities
- Identify the labour practices and standards in regard to their own jobs

Focus Questions

1. What is administrative law?
2. What is the function of an administrative tribunal?
3. What types of administrative tribunals are there?
4. What is the Residential Tenancy Act and what is the purpose of the Residential Tenancy Office?
5. What are some of the rights and responsibilities of employers and employees under BC labour law?
6. What should you do if your rights have been breached by your employer?

Teaching Summary

Topic 1: Explaining Administrative Law

Students are introduced to administrative law and labour law. To begin with they will watch a short video that outlines what administrative law is and how it works here in BC. Then they will play an engaging active game to see how much they learned from the video. Activities 1 and 2 cover this topic.

Topic 2: Types of Administrative Tribunals

This topic is covered in Activity 3. Another short video will introduce them to administrative tribunals after which they will have the opportunity to discover what type of tribunals exist here in BC by completing a matching activity which can be collected for completion marks.

Topic 3: Residential Tenancy Office

There is a special focus on Residential Tenancy Office, which is the administrative tribunal for Landlords and Tenants. This will be covered in Activity 3. There are eight short videos for students to watch. Afterwards, students will research some of the decisions that the Residential Tenancy Office has made.

Topics 4 & 5: Explaining Labour Law & Employee Rights and the Employment Standards Act

Students will learn about how labour law and the *Employment Standards Act of British Columbia* impact their life. To begin, students will receive a brief introductory teacher led lesson on labour law in Canada. Then the lesson transitions to an interactive gallery walk where students are given relevant questions about working in British Columbia and then they are asked to hunt for answers around the classroom.

CONTENT

Topic 1: Explaining Administrative Law

What is Administrative Law?

All levels of government make laws and regulations that affect us every day. In addition, there are many agencies, boards and commissions that make regulations that affect us.

- The provincial government makes laws about the minimum wage and number of hours that an employer has to give to an employee
- The federal government makes laws about our right to employment insurance and the rates we pay for telephone service
- Some professions, such as doctors and accountants, are governed by organizations that establish rules for practicing their professions

The resolution of disputes involving government laws and how they are applied is called administrative law. Visit www.AdminLawBC.ca to learn more and watch videos.

How Are Tribunals Involved?

If you disagree with a decision that a particular government agency has made, an administrative tribunal will hear your complaint and make a decision about your case. For example, if a federal government agency has denied you employment insurance benefits when you lost your job, an administrative tribunal would hear your complaint.

A tribunal is sometimes called a “board” or a “commission”. In BC, the procedures of tribunals are governed by the *Administrative Tribunals Act*, as well as the internal bylaws and regulations developed by each agency, tribunal, commission or board.

Topic 2: Types of Administrative Tribunals

Types of Tribunals

There are dozens of municipal, provincial and federal tribunals – some resolve disputes between parties and some set standards and regulations for particular industries. In general, we can categorize tribunals by their mandate – that is, what they were established to do:

- Adjudicative tribunals resolve disputes between two parties
- Some tribunals make decisions about a person’s rights or benefits
- Some tribunals hear complaints about professionals
- Regulatory tribunals set regulations for the better operation of an industry
- Appeal tribunals hear appeals from decisions that were made by a decision maker or other tribunal

Topic 3: Residential Tenancy Office

The rights and responsibilities of landlords and tenants are listed under under British Columbia's *Residential Tenancy Act*. The Residential Tenancy Office is a tribunal that works to resolve issues that arise between tenants and landlords. For more information, visit the website for the [Residential Tenancy Branch of BC](#).

Topic 4: Explaining Labour Law

As mentioned in the previous topic on administrative law, some tribunals make decisions about a person's rights or benefits. The Employment Standards Tribunal is an administrative tribunal established under the *Employment Standards Act*. This is an important legislation under BC labour law.

According to the government of Canada, labour law defines your rights and obligations as workers, union members and employers in the workplace. Generally, labour law covers:

- Industrial relations – certification of unions, labour-management relations, collective bargaining and unfair labour practices
- Workplace health and safety
- Employment standards, including general holidays, annual vacations, working hours, unjust dismissals, minimum wage, layoff procedures and severance pay

See the [Government of Canada's website](#) for more information about labour law.

Topic 5: Employee Rights and the Employment Standards Act

Ninety percent of workers in BC are covered by the provincial government's *Labour Code* or *Employment Standards Act*, and the other 10 percent fall under the federal *Canada Labour Code*. This lesson covers 30 employment rights, which can be found detailed on [Handout 9: Employment Standards Gallery Walk Cards](#).

ACTIVITIES

Activity 1: What is Administrative Law?

Start off the class by asking if anyone has heard of or come across anything to do with administrative law? If someone has, ask them to tell the class what they think it is.

Let students know that this type of law is also known as the invisible law and affects every aspect of our lives on a daily basis. Ask if anyone would like to guess what type of law it deals with.

Advise the students that you will be watching a nine minute video that explains administrative law. Give them *Handout 1: What is Administrative Law?* The students will fill in the blanks as they watch the video. Let them know that they will be playing a game after the video. Also advise them that they each will be asked a question orally based on what they see in the video. They will ask what game it is and you can let them know the game is called Fly Swatter.

Watch the video *What is Administrative Law?* It will take approximately 8 minutes. The video can be found at www.AdminLawBC.ca. If you have difficulty loading a video from the AdminLawBC.ca website, go to [YouTube.com/JusticeEd](https://www.youtube.com/JusticeEd). See Answer Key in for *Handout 1* in the Assessment section.

Activity 2: Fly Swatter Game

- Make an overhead of *Handout 2: Fly Swatter Rules* and *Handout 3: Fly Swatter Answer Key*. Give a copy of *Handout 2* to your students.
- Explain the Fly Swatter rules. Split the class in half.
- Your classroom needs to have either one aisle up the centre or two equidistant aisles that each student can walk down to get to the overhead screen.
- You will need two fly swatters (or two rulers will also work). They are handed off to the two people who are competing for the correct answer.
- The two students competing against one another stand at the back of the class with their back against the wall (to be fair). You must read the question from *Handout 4: Fly Swatter Questions* then say “go”. They must not run or push each other. They should walk, quickly, up to the displayed answer sheet and gently “swat” the correct answer. The first person to “swat” the correct answer gets a point for their group.



- You may want to re-state the correct answer and rationale to reinforce the learning.
- Keep track of the score on the board. You may want to ask the groups to come up with a name for their respective teams.
- Display the answers sheet so that each word is quite large.
- Play the game. Declare a winner.

See Answer Key for *Handout 4* in the Assessment section.

Activity 3: Administrative Tribunals

Next, you are going to have your students look at the specifics of how the tribunals work and what type of tribunals exist. Watch the video “Types of Administrative Tribunals”. *Handout 5: Types of Administrative Law Tribunals* can be filled in by the students as they watch the video.

Hand out *Handout 6: Administrative Tribunals* and encourage the students to work independently for the first few minutes. Then when they’re stumped, encourage them to partner up and work at finding the answers together. When they are finished they can work on an extension activity.

Have them exchange their matching sheet with a partner. Correct the activity using the answer key for *Handout 6: Administrative Tribunals*. See Answer Key for *Handout 6* in the Assessment section.

Activity 4: Residential Tenancy Office

Have students watch the short videos on the website for the Residential Tenancy Branch of BC. The series of eight videos covers a range topics, including: deciding on a place, paying rent, repairs and the end of tenancy.

Afterwards, students can do some research on the decisions made by Dispute Resolutions officers. Have them identify the dispute issue, who filed the dispute resolution, and what the outcome was. Students can use the Residential Tenancy Branch website to search for decisions. Students will use *Handout 7: Residential Tenancy Disputes* to record their answers.

Activity 5: Introduction to Labour Law

Introduce the topic by asking the class the following questions:

1. By show of hands, how many students have a part-time job?
2. How many students plan to get a job in the near future? (Pretty much all of the students should have their hand up at this point.)
3. Does anyone have a story about an incident about when they were working where they were treated improperly by an employer?
4. How long do you have to file a complaint? (6 months.)
5. Under what law would labour issues fall in BC? Civil or Criminal? (Civil.)
6. If an employer does not pay wages to an employee does that mean it automatically will end up in civil court? (No, the employee should make a complaint with the Employment Standards Branch.)

Think/Pair/Share — Ask the students to take out a piece of paper and brainstorm their rights as an employee. Give them two minutes for their brainstorm. Ask them to also write out their responsibilities. Have the students share their answer with a partner and then have the partnership share with the class.

- Have the students guess what today's topic is: Labour Law, dispute resolution and arbitration. The lesson is about exploring a workers rights and responsibilities on the job.
- Make an overhead of *Handout 8: Labour Law and the Employment Standards Act* and put it up for discussion.
- Have students follow on this handout and fill in the blanks.

Activity 6: Employment Standards Gallery Walk

Prior to class, cut up *Handout 9: Employment Standards Gallery Walk Cards* and place the different cards around the room. A Gallery Walk is a station activity where your students start at a particular card and after a minute rotate to the next card to their right.

Distribute *Handout 10: Employment Standards Gallery Walk* questions and invite the students to individually go around the room and discover the answers to the questions on their handout.

There are 29 questions. You could use less than 29 if you are pressed for time. Pick the questions that you think the students will learn the most from. Have the students spread out so that they have their own question to begin with. When they are finished with a question, encourage them to find another question they need to answer that has nobody

working at it. They do not need to do this sequentially. If you are using less than the 29 cards, students can be put into groups to do the activity.

When the students are finished, have them sit back down with a partner and sort through any answers they had trouble with. Using *Handout 10: Employment Standards Gallery Walk Key* discuss the answers with the class and have their partner mark them. The students could hand in the activity for assessment.

See Answer Key for *Handout 10* in the Assessment section.

RESOURCES

Activity 1: What is Administrative Law?

Handout 1: What is Administrative Law?

Activity 2: Fly Swatter Game

Handout 2: Fly Swatter Rules

Handout 3: Fly Swatter Questions – Answer Key

Handout 4: Fly Swatter Questions

Activity 3: Administrative Tribunals

Handout 5: Types of Administrative Law Tribunals

Handout 6: Administrative Tribunals

Activity 4: Residential Tenancy Office

Handout 7: Residential Tenancy Disputes

Activity 5: Introduction to Labour Law

Handout 8: Labour Law and the Employment Standards Act

Activity 6: Employment Standards Gallery Walk

Handout 9: Employment Standards Gallery Walk Cards

Handout 10: Employment Standards Gallery Walk

ASSESSMENT

Activity 1: Administrative Law

In this lesson you will be asking questions to formatively assess what the students know about administrative law. After watching a brief video, you can assess how much of the video the students absorbed by playing an engaging game that will reinforce what was said in the video. Be sure to state the correct answers to the class. Finally, the students are given a matching activity to reinforce what types of administrative tribunals exist here in British Columbia. This can be corrected as a class and/or taken in for completion marks.

Answer Key for Handout 1: What is Administrative Law?

1. Administrative tribunals are similar to court.
2. The video compares administrative law to another type of law called invisible Law.
3. The Canadian Radio-Television and Telecommunications Commission (CRTC) regulates cell phone rates.
4. The Employment Standards Branch regulates hours of work and overtime pay.
5. Another name for a “law” made by government is legislation (also statute, enactment, regulation, or Act).
6. Three levels of government have administrative tribunals in BC.
7. List some advantages of administrative tribunals.
cheaper easier quicker
8. An administrative tribunal is less formal than a provincial court.
9. In general, a person does not need a lawyer at a tribunal meeting because he/she represents himself or herself.
10. To be hired, an adjudicator must have specialized knowledge in their field.
11. To resolve a dispute, an adjudicator can provide a written judgment, investigate, mediate, regulate, or make policies.
12. All administrative tribunals must try to uphold the ‘duty to be fair’.
13. Of the four principles regarding this duty, the first principle is the ‘right to know the case’.
14. An oral hearing is one in which a person must attend a tribunal in person.
15. In order to ensure a fair decision, an adjudicator must not be biased.
16. In the third principle of fairness, the adjudicator hearing the case must also be the one to decide the case.
17. Along with the adjudicator’s decision, the fourth principle states that he/she must give reasons.

Activity 2: Fly Swatter Game

Answer Key: Handout 4: Fly Swatter Questions

1. What are administrative tribunals similar to?
Courts
2. What other type of law does the video compare administrative law to?
Invisible Law
3. Who regulates the eggs and milk that you eat and drink?
The Canadian Dairy Commission
4. Who regulates your cell phone rates?
The Canadian Radio-Television and Telecommunications Commission (CRTC)
5. Who regulates the electricity that we use?
The BC Utilities Commission
6. Who determines regulations regarding hours of work and overtime pay?
Employment Standards Branch
7. What is another name for a “law” made by government?
Legislation (statute, enactment, regulation, Act, also acceptable)
8. Which levels of government have administrative tribunals in BC?
All three levels
9. Name one advantage administrative tribunals have.
Less costly than court, quicker to come to a resolution, more accessible.
10. Which body is more formal, an administrative tribunal or the provincial court?
Provincial court
11. In general, who represents a person at a tribunal meeting?
The individual represents himself or herself.
12. What characteristic must an adjudicator have in order to be hired?
Specialized knowledge in their field.
13. What is the person making the decision for administrative tribunals called?
Member or adjudicator

14. List one of the options an adjudicator has to resolve a dispute.
Written judgments, investigate, make policy or mediate.
15. What important “duty” must all administrative tribunals try to uphold?
Duty to be fair.
16. Of the four principles regarding the duty to be fair, what is the first principal?
Right to know the case.
17. What is it called when a person must attend a tribunal in person?
Oral hearing.
18. What personal characteristic must a judge have in order to make a fair decision?
Unbiased
19. What does the third principle state about the adjudicator who hears the case?
Decide the case
20. In the fourth principle, what must the adjudicator do in giving their decision?
Give reasons

Activity 3: Administrative Tribunals

Answer Key: Handout 5: Types of Administrative Law Tribunals

Main Points

- *Are like courts and make decisions that affect people.*
- *Also called boards, agencies and commissions.*
- *Hundreds of them in BC.*
- *Five types*

Adjudicative Tribunals	Examples
1. Those that resolve disputes between two parties.	<ul style="list-style-type: none"> • Owed overtime wages • Employment rights and benefits
2. Those that make decisions about a person’s rights and benefits.	<ul style="list-style-type: none"> • Immigrant and refugee rights • Income assistance (payment)
3. Those that hear complaints about professionals.	<ul style="list-style-type: none"> • Doctor, lawyers, dentists, teachers, vets...
4. Those that hear appeals of decisions that were made earlier by another tribunal.	<ul style="list-style-type: none"> • Worker’s compensation 1st settlement appeal
Regulatory Tribunals	Examples
5. Those that make rules for the better operation of an industry to protect the	<ul style="list-style-type: none"> • Quality of food goods • Liquor licenses

public.	<ul style="list-style-type: none"> • Wildlife habitat protection • Licenses for community care facilities
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Answer Key: Handout 6: Administrative Tribunals

#	Tribunals	Scenarios
5	a. BC College of Teachers	1. An employee was unloading a skid of boxes in a warehouse and broke his leg when some boxes fell on him.
8	b. BC Review Board	2. A person in a wheelchair was denied a promotion because of their perceived inability to travel internationally.
10	c. BC Securities Commission	3. A famous band publically plays a song that is not theirs and does not pay compensation to the songwriter.
13	d. Canada Revenue Agency	4. A bilingual executive applied for, was interviewed and did not get the job in a Crown corporation (Federal Government Corporation). The person who did get the job is not bilingual.
2	e. Canadian Human Rights Commission	5. A student teacher has graduated from school and would like to begin working.
12	f. Canadian Radio-Television and Telecommunications Commission	6. A political party is accused of spending more than it is allowed on its election campaign.
3	g. Copyright Board of Canada	7. A person who has not yet completed his or her jail term would like an early release.
14	h. Immigration and Refugee Board	8. A person has been tried but found to be not criminally responsible due to a mental disorder.
15	i. Labour Relations Board	9. A homeowner's tax bill has increased by 22 percent in one year.
7	j. National Parole Board	10. A person has been accused of insider trading on the stock exchange.
6	k. Office of the Chief Electoral Officer	11. A student has been evicted from his or her apartment and has not received back his or her deposit.
4	l. Office of the Commissioner of the Official Languages for Canada	12. A mother is particularly upset about the amount of violence, swearing and nudity there was on a TV program shown during the daytime.

9	m. Property Assessment Review Panels	13. A person has been told that they owe thousands of dollars in income tax.
11	n. Residential Tenancy Office	14. A “foreigner” has arrived at the airport with only a one way ticket and is seeking landed immigrant status here in Canada.
1	o. WorkSafe BC – Review Division	15. Nurses are threatening to go on strike if they are not given better working conditions.

Activity 5: Labour Law

You will ask questions and assess how much your students know about *British Columbia’s Employment Standards Act*. Then, after they have completed the Gallery Walk, you can either mark the questions together or collect them for marks.

Activity 6: Employment Standards Gallery Walk

Answer Key: Handout 10: Employment Standards Gallery Walk

- Who is not covered under the *Employment Standards Act* (ESA)?
Babysitters, secondary students, newspaper carriers who attend school and any person receiving federal financial assistance.
- What do you have to do if you would like to work and you are under 15 years of age? Do you need to get the Employment Standards Branch’s permission if you are under 15 and want to work as a babysitter?
If you want to work in a paying job, you will need to get the permission of the Employment Standard Board and you will also need your parent’s permission. You do not need to get the ESB’s permission to babysit.
- What is the current minimum wage in British Columbia?
\$10.25/hour
- If you are scheduled to work an eight hour shift, show up but then are sent home are you entitled to pay? If yes, how much?
Yes, you are entitled to pay—two hours for an eight hour shift.
- Are you entitled to pay if you are required to attend job training or meetings?
Yes, you must be paid for job training. If you work more than eight hours and then are required to attend a meeting, you are entitled to overtime.

6. What is your employer entitled to deduct from your wages? Also, can an employer deduct any money if you accidentally break something while working?
Canada Pension Plan, Employment Insurance, Income Tax and any court ordered garnishing of wages.
No, an employer cannot deduct anything you broke from your wages. If he or she can prove that you deliberately damaged something, you may be fired.
7. When are you entitled to weekly overtime wages? How much more are you entitled to?
If you work over 40 hours you are entitled to time-and-a-half.
8. How many hours are you entitled to be off in between shifts and must an employer give you consecutive days off?
An employer must give a minimum of eight hours between shifts and a minimum of 32 hours off in a row.
9. Do you have to pay for your work uniform?
If it is a specific work uniform, employers must pay for it. If it is a dress code using regular clothes, than you must supply the clothes. If part of the dress code is specific, such as a ruffled shirt, the employer should pay.
10. If I am asked to work more than my eight hour shift, am I entitled to overtime pay?
Yes, you should be paid time-and-a-half, unless you have a previous agreement with your employer and bank your overtime.
11. What is a split shift and what happens if the shift is not finished in 12 hours?
It is when you work some hours, have time off work then come back to work. If your shift is not finished within the 12 hour window, you are entitled to time-and-a-half.
12. Are you required to work overtime?
Your employers have the right to ask you to work overtime as long as they are paying you overtime wages. If you feel you are working too much overtime, talk to your employer and communicate your feelings. If nothing changes, you may want to contact the ESB.
13. Is my employer required to pay me sick benefits?
No, employers are not required to pay sick benefits although many do offer sick days. If you are sick too often, an employer may terminate your employment.

14. How often are you entitled to get a work break?
You are entitled to a 30 minute lunch or dinner break for every five hours you work. Employers are not required to give you a coffee break, though many do.
15. If you've been working for your employer for just over a year, how much vacation time are you entitled to and what steps do you have to do in order to take that time off?
You are entitled to two weeks off. You must request your vacation time in advance, preferably in writing. Your employer has the right to tell you when you can take your vacation. Your vacation must take place within 12 months of earning it.
16. How much vacation pay are you entitled to after a year of work?
Minimum of 4% of your gross pay.
17. What options do you have if you feel your working conditions are unsafe?
Bring up your concerns with your employer. If things do not improve you may want to call the Workman's Compensation Board (WCB) which will walk you through the whole process.
18. How do statutory holidays work, do you still get paid even though you're not working? What happens if you are asked to work?
If you've been working for more than 30 days, you should get paid for a stat holiday. Or, if you're asked to work, you should get time-and-a-half for the first 12 hours and double time after that.
19. What should you do if you are being discriminated against on the job?
Become familiar with the BC Human Rights Code and contact your local branch to ask for advice.
20. What are two things an employer must do if you have a disability?
The employer must adjust your work schedule to accommodate the disability and also make sure the workplace is assessable.
21. How many days does an employer have to pay you after you have quit?
An employer has six days to pay you.
22. If you take an unpaid leave, what rights do you have upon your return? Also, what type of unpaid leaves fall under the *Employment Standards Act*?

You should be given your old job back, or one with the same duties and salary. Any benefits and salary increase that you were entitled to should still be given. Benefits should have continued during leave. Types of unpaid leave: pregnancy, parental, family responsibility, bereavement and jury duty.

23. What can you do if you want to apply for a job and you do not want your employer to know?

You would note that you are applying "in confidence" on your resume or on your application. Then you have the option of giving the name of a co-worker rather than your supervisor.

24. In what circumstances can an employer fire an employee? And what must they do if they fire an employee?

Poor work performance, chronic lateness, not showing up for work or having a bad attitude. If an employer fires an employee they must give a notice of termination or give payment or severance instead of giving notice.

25. If you have been laid off, does your employer still have to pay you? How long do you have to be laid off before you are considered terminated?

No, your employer is not required to pay you if you've been laid off. You are considered terminated after being laid off for more than 13 weeks in a 20 week period.

26. What should you do if you have a problem at work?

Report it and document the time, the people involved and where it took place. Talk to someone you trust and ask for advice. Speak to your employer, when you are calm. If you are still concerned, you may want to contact the Employment Standards Branch.

27. What can the Employment Standards Branch do to help in a difficult situation between an employee and an employer?

Provide the employee with a self-help kit to get him or her started. Mediate between the employee and the employer. Help write a settlement which both sides agree to abide by. Adjudicate the dispute. If the judgment is against the employer, they can be given a \$500 fine for their first offence.

28. Why might your employer want you to quit rather than them terminating you?

If you quit, your employer does not have to pay compensation. You still might be entitled to it if the questions surrounding your dismissal are questionable.

29. Can you be terminated and receive no compensation?

Yes, if you were hired for a limited time period or if you were offered a similar job and you refused it. Another circumstance is if the workplace is destroyed (fire or flood) or if the employer has “just cause” (meaning the employee was caught stealing or was charged with assault).

ENRICHMENT

1. Invite an administrative tribunal guest speaker to present to your class. You can go to the AdminLawBC.ca website and request a speaker from a specific area of interest.
2. Watch the Getting Help video at www.AdminLawBC.ca/getting-help.
3. Write up a scenario that would involve going to a tribunal. Share with the class and pick one to use for a mock tribunal that you will plan and implement.
4. Investigate the history of the labour movement in Canada and create a timeline of major events.
5. Investigate British Columbia's Child Labour laws and research if it contravenes the United Nations Child Labour laws.
6. Investigate various child labour situations around the world and compare them to Canada's situation.
7. Create your own quiz on the *Employment Standards Act*.