

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **404**, Approved and Ordered **JUN - 6 2008**



~~Lieutenant Governor~~  
~~Administrator~~

Executive Council Chambers, Victoria

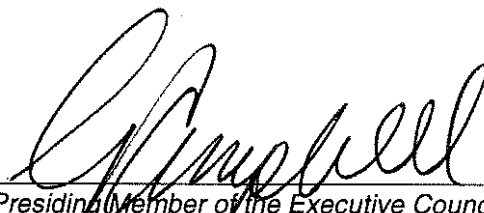
~~Administrator~~

On the recommendation of the undersigned, the ~~Lieutenant Governor~~, by and with the advice and consent of the Executive Council, orders that

- 1 Sections 1, 3, 4 and 6 of the *Labour and Citizens' Services Statutes Amendment Act, 2008*, S.B.C. 2008, c. 12, are brought into force, and
- 2 The Employment Standards Regulation, B.C. Reg. 396/95, is amended as set out in the attached Schedule.



Minister of Labour and Citizens' Services



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section:- *Employment Standards Act, R.S.B.C. 1996, c. 113, s. 127; OIC1155/95*

Other (specify):- *Labour and Citizens' Services Statutes Amendment Act, 2008, S.B.C. 2008, c. 12, s. 33*

## SCHEDULE

### **1 Section 5 of the Employment Standards Regulation, B.C. Reg. 396/95, is amended**

#### **(a) by adding the following subsection:**

(3.1) It is a condition of every licence issued under this section that a farm labour contractor require any person who drives or operates a motor vehicle used by the farm labour contractor for the purpose of transporting employees of the farm labour contractor, another farm labour contractor or a producer to have a valid and subsisting driver's licence under the *Motor Vehicle Act* for the category of motor vehicle used for that purpose. , **and**

**(b) in subsection (4) by deleting "The director" and substituting "In addition to the conditions set out in subsection (3.1), the director" and by deleting "any condition" and substituting "any other condition".**

### **2 The following section is added:**

#### **Administrative fee – transportation costs**

- 6.2** (1) The administrative fee prescribed for the purpose of section 30.1 (1) of the Act is \$500 and must be paid
- (a) in Canadian currency, or
  - (b) by cheque, draft or money order, made payable to the Minister of Finance.
- (2) The fee prescribed under subsection (1) must be paid to and received by the director, at the address specified in the notice served on the farm labour contractor under section 30.1 (2) of the Act, within 30 days after a farm labour contractor is deemed, under section 122 of the Act, to have been served with the notice.

### **3 Section 7 is amended**

**(a) by adding "refuse to issue a licence to a farm labour contractor, refuse to renew or reinstate a farm labour contractor's licence or" before "cancel or suspend", and**

#### **(b) by adding the following paragraphs:**

- (d) a peace officer has, with respect to a motor vehicle used by the farm labour contractor for the purpose of transporting employees of the farm labour contractor, another farm labour contractor or a producer, ordered the farm labour contractor, under the *Motor Vehicle Act*, to
  - (i) remove the vehicle from the highway for repairs, or
  - (ii) surrender the vehicle licence or number plates, or both, for the vehicle to the Insurance Corporation of British Columbia or to the peace officer;
- (e) the farm labour contractor has been found, with respect to a motor vehicle used by the farm labour contractor for the purpose of transporting employees of the farm labour contractor, another farm labour contractor or

a producer, under the *Motor Vehicle Act*, to have contravened a provision of Division 39 – Road Safety of the Motor Vehicle Act Regulations;

- (f) the Workers' Compensation Board has, under the *Workers Compensation Act*, taken an enforcement action described in one or both of paragraphs (i) and (ii) against the farm labour contractor with respect to transportation, by the farm labour contractor, of employees of the farm labour contractor, another farm labour contractor or a producer:
- (i) issued an order under section 187 of the *Workers Compensation Act* to comply with section 115 of that Act or section 4.1 or 4.3 or Part 17 of the Occupational Health and Safety Regulation;
  - (ii) imposed an administrative penalty in the circumstances described by section 196 (1) of the *Workers Compensation Act* with respect to a contravention of section 115 of that Act or section 4.1 or 4.3 or Part 17 of the Occupational Health and Safety Regulation.

**4**      *Section 10 is amended by adding “renew or reinstate” after “issue,”.*