



Issue Update

GOVERNMENT TAKES ACTION!

The Ministry of Skills Development and Labour, Policy and Legislation Branch have advised that Government has taken action to amend the Employment Standards Regulation. The amendment will clarify that Sections 63 and 64 of the *Employment Standards Act*, which deal with the requirements to give notice and provide severance pay, do not apply to an employee employed at construction sites by an employer whose principal business is construction. The amendment to B.C. Reg. 396/95 (Employment Standards Regulation) will be brought into force in the immediate future.

This regulatory amendment will solve the current concern held by the industry following the B.C. Supreme Court decision in *Daryl-Evans Mechanical Ltd.* In this case the court upheld a decision by the Employment Standards Tribunal that a construction worker was entitled to severance pay if that worker had been employed at more than one site. Given the obvious problems resulting from such a ruling, the BCCA along with other industry groups immediately lobbied the government to implement changes to the legislation to correct the inequity created by this decision. True to its commitment to make British Columbia one of the most competitive business and investment locations in the world, the Government has responded quickly and effectively.

If you have any questions regarding the above, please contact Murray MacLeay, President of BCCA at (250) 475-1077.

LET'S GET BC BUILDING!

The mission of the BCCA is to provide leadership and excellence in the representation of, and service to, British Columbia's construction industry.