About The Industry Training Appeal Board

The **Appeal Board** is a tribunal created by the **Industry Training Authority Act** to hear appeals under that Act and the **Administrative Tribunals Act**.

Board Members are appointed from the community by the government based on their knowledge and experience in industry training and administrative justice.

The Board is committed to providing a fair, impartial and independent appeal process.

**The Parties**

The parties involved in an appeal are:

- the individual that is bringing the appeal (called the appellant)
- the decision-maker that made the decision being appealed (called the respondent)

It is not necessary to be represented by a lawyer. A party that chooses to have a lawyer is responsible for the cost of the lawyer. A party may also be represented or assisted by someone who is not a lawyer.

There is no fee for filing an appeal.

Time Limit to File an Appeal

The appellant must deliver a **written** appeal notice in the approved form to the Board and to the respondent within **30 days** of receiving written notice of the decision to be appealed.

The Board may extend the time to appeal in exceptional circumstances.

**What can be appealed to the Industry Training Appeal Board?**

An individual who is affected by any of the following decisions under the Act may appeal:

- a refusal by the authority to award an industry training credential or industry training recognition credential
- the suspension or cancellation of an industry training credential or industry training recognition credential
- a refusal to register an individual as a trainee or the cancellation of an individual as a trainee
- the revocation of, or cancellation of the registration of, an industry training agreement

* Please note, you must first request a reconsideration of the decision by the chief executive officer of the Industry Training Authority and if you are dissatisfied with that reconsideration decision you may then commence an appeal to the Appeal Board

**The Appeal Notice**

The notice of appeal must be in the form provided by the minister and must:

- be in writing
- contain the current contact information for the appellant and any lawyer or other representative, including: full name, address, telephone number, any fax or email address
- include the trade workers identification number where applicable;
- identify the specific matter being appealed including: the decision involved, the person who made the decision, date of the decision, the date you received the decision
- include a copy of the decision
- state the specific grounds and reasons for the appeal i.e. why the decision should be changed and what outcome is requested, and
- be signed by the appellant or the appellant’s lawyer or agent

**Filing a Notice of Appeal does not automatically stay or suspend the effect of the decision being appealed.**

In some circumstances, if the appellant requests it, the Board may make an order suspending the decision pending appeal.

**Contact the Board to apply for a Stay.**
The Appeal Process

The appellant must deliver the Notice of Appeal to the Appeal Board and to the decision-maker whose decision is under appeal (the respondent).

The respondent must provide a copy of all documents that were considered by the decision-maker in making the decision under appeal to the Appeal Board and to the appellant – this is called the appeal Record.

The Appeal Board may hold an appeal management conference with the parties to guide their preparation for the appeal.

The Appeal Board will schedule the written, oral or electronic hearing of the appeal by written notice to the participants. A party may apply to the Appeal Board to have the appeal heard by electronic hearing where attendance at a hearing in person would pose a hardship on that party.

Oral hearings are generally open to the public. Parties may also bring other persons who can provide evidence as witnesses, assist in clarifying information or simply to offer support.

The Appeal Board usually issues a written decision on the appeal at a later date and delivers a copy to each party. Decisions are also available to the public on request.

To File an Appeal

Hand deliver, courier, mail or fax the appeal notice to:

The Industry Training Appeal Board
Attention: The Registrar
4th Floor -747 Fort Street
Victoria BC  V8W 3E9
Fax: 250-356-9923

How to Get More Information

Section 11 of the Industry Training Authority Act creates the right of appeal and sets out the process, along with the Administrative Tribunals Act.

You may also request a copy of the Rules that apply to all appeals to the Appeal Board.

Please contact the Industry Training Appeal Board office if you have any questions.

Phone: 250-387-3464

(to call Toll Free from Vancouver dial 604-660-2421, or from elsewhere in BC dial 1-800-663-7867, and ask to be connected to the above number)