



## Employment Standards Act Application for Variance

Application for (**check one**): New Variance  Renewal Variance

- Please fill out all applicable fields. Failure to list or disclose any requested information may delay the application process.

### 1) Please provide the requested information about the business or organization:

Legal Name Registered in BC:			
Carrying on business as ( <i>Trade Name</i> ):			
Primary address:	City and province:	Postal Code:	
Mailing address:	City and province:	Postal Code:	
Work site address**:	City and province:	Postal Code:	
Telephone number:	Fax number:		
Email address:	Website:		

- \*\*Variances are issued to specific work locations, and the respective set of employees in that work location. If you wish to apply for variances to multiple work locations, please attach a separate sheet of signatures (per location). If the particular terms of the variance application differ among the locations, please submit separate application letters for each location.
- If a variance is approved and issued by the Branch, the employer is required to display the variance in the workplace for affected employees to view it.

### 2) Representative to be contacted regarding this application:

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### 3) The following sections of the Employment Standards Act can be the subject of a variance request. Please select the sections requested to be varied:

- Section 17(1) – paydays
- Section 25 – special Clothing
- Section 33 – split shifts
- Section 34 – minimum daily hours
- Section 35 – maximum hours of work
- Section 36 – hours free from work
- Section 37(1) – number of weeks covered by an agreement to average hours of work
- Section 40 – overtime wages for employees not on a flexible work schedule
- Section 64 – notice and termination pay requirements for group terminations
- Time period specified in the definition of “temporary layoff”

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- 4) Provide a detailed description of how the sections of the Act would be varied under the proposed variance, and the reasons why the employer and employees request this variance. Include information such as the proposed work schedules or wage payment arrangements (if and where applicable).

Attach a separate page for additional text

- Please attach a schedule that shows a proposed shift cycle, including proposed work days and hours (for overtime variance applications).

- 5) Please attach an employee signature sheet which shows the following:

- A summary of the proposed changes on the signup sheet(s)
- The names and job title of every employee who will be affected by the variance
  - The list includes the employees who did not sign in support of the variance.
- Written signature, personal phone number and email, for employees in support of the variance.

- 6) Please state the length of time requested for the variance: \_\_\_\_\_

- 7) **For Renewal Applications:**

State your prior variance ASGN number: \_\_\_\_\_

State your prior variance expiry date: \_\_\_\_\_

Please note, if your last variance has expired you are required to comply with the Employment Standards Act and Regulation.

# Application for Variance

**Please confirm the following:**

- I am satisfied this variance application is accurate and complete.
- I understand incomplete applications, or applications with false or misleading information, will delay the review of the variance application, and the application may be returned to be resubmitted.
- I understand I must comply with the Employment Standards Act and Regulation.
- I understand employers who operate on the terms of the variance without a valid variance (without a variance, or after expiry of a variance), may be subject to an audit by the Director.

Please keep a copy of your application for your records, as you may be contacted by a delegate of the Director to review your application. The duration of the variance is set on a case-by-case basis, and may or may not be issued for the length requested in this application. The Branch does not send renewal reminders for variances set to expire. It is recommended that you apply for a renewal 30 days prior to the expiry date, as the employer is expected to pay in accordance with the (unvaried) requirements of the Act immediately after the expiration of a variance.

Please be advised that the Director may conduct an investigation to ensure compliance with the Act and the regulations, at any time, and whether or not the director has received a complaint.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

When complete, email this application package and any requested attached documents to **ESBDataIntegrity@gov.bc.ca**.

The information on this form is collected by the Employment Standards Branch under Section 26(c) of the *Freedom of Information and Protection of Privacy Act* and will be used to process your application. Should you have any questions about the collection of this information, please contact the inquiry line at 1-833-236-3700.