

Employment Standards Branch Complaints: What You Should Know

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Summary

INFORMATION FOR MIGRANT WORKERS

On this factsheet you will find information about filing a complaint with the Employment Standards Branch (ESB), including specific information for migrant workers. Before filing a complaint, there are some key things you should know about the process, the eligibility and your rights. For a step-by-step guide on how to submit a complaint, go to: <https://youtu.be/RGGDlaeLIWk>



This fact sheet explains the law in general. It is not intended as legal advice for your particular situation. For legal advice, please book an appointment with a lawyer.



What are employment standards and what is an ESB complaint?

In BC, the *Employment Standards Act (ESA)* is a law that sets the *minimum* standards of working conditions, payment and compensation in most workplaces. The *Temporary Foreign Workers Protection Act* has special protections for foreign workers in BC.

The ESA sets standards for:

- **Wages & Pay:** Ensures at least the general minimum wage and mandates how frequently employees must be paid.
- **Hours & Overtime:** Sets standard working hours (8 hours/day, 40 hours/week) and mandatory overtime compensation.
- **Time Off & Leaves:** Regulates annual vacation, paid statutory holidays, and leaves of absence (e.g., maternity, parental, or illness/injury leave).
- **Termination:** Mandates notice periods or severance pay when an employee is let go.

The Employment Standards Branch (ESB) is the government department responsible for BC's employment standards. Some workers are able to resolve workplace problems directly with their employer. However, if this isn't safe or possible, workers can file a complaint to the ESB.

The ESB only deals with workers' rights under the [Employment Standards Act](#) and [Temporary Foreign Workers Protection Act](#). Workers may have other rights in their contracts.



Who can file an ESB complaint?

Most workers in BC can file an ESB complaint on their own. While you do not need a lawyer to make a complaint on your behalf, you may want to get legal advice about your rights before filing a complaint.

You can also file a complaint on behalf of another person or a group of employees.

You **cannot file an ESB complaint** if you:

- Work in a unionized workplace (contact your union first)
- Work in a federally regulated workplace, such as banks and postal services (complain to Employment and Social Development Canada instead)
- Work in a job that is performed entirely outside of BC (complain to the respective province's employment standards branch instead)

Certain types of employees do not receive full protections under the *Employment Standards Act* but can still file ESB complaints for the areas they do have protections. For example:

- Construction workers are not entitled to compensation for length of service
- Farm workers are not entitled to statutory holidays or overtime pay
- True Managers are not entitled to overtime pay. However, even if you are called "manager", you might not be considered a manager under the ESA, so it is worth getting legal advice.
- Certain types of care workers are not entitled to overtime pay. However, most care workers are entitled.

Some workplace issues are not handled by the ESB:

- Workplace safety or injuries (handled by WorkSafe BC)
- Discrimination, bullying or harassment (handled by WorkSafe BC and the BC Human Rights Tribunal)
- Employment Insurance (handled by Service Canada)
- Work permits (handled by Immigration, Refugees and Citizenship Canada)



If you are not sure about whether your issue is covered under the BC employment standards and ESB, please seek legal assistance.



When should I file an ESB complaint?

There are strict deadlines to file an ESB complaint.

If your job has ended or you have been temporarily laid off:

- You must file your complaint within **6 months** of your last day of work.
- If you are claiming unpaid wages, you can usually recover wages owed from the **12 months before** your last day of work.

If you are still working for your employer:

- You can file a complaint at any time.
- However, the ESB will only review issues that happened within **1 year** before you filed the complaint.
- You can ask the ESB to keep your complaint confidential to help protect your relationship with your employer.

Extra protections for temporary foreign workers in BC

- If your employer or recruiter violated the **Temporary Foreign Worker Protection Act (TFWPA)**, you have up to **2 years** to file a complaint.
- Examples of TFWPA violations include:
 - Charging you fees to find or keep a job.
 - Giving false information about the job's wages, duties, or working conditions.



Important

If you are **claiming unpaid wages**, you must still file your complaint **within the 6-month deadline**, even if you are a temporary foreign worker.



How much does it cost to file an ESB complaint?

There is **no cost** to file an ESB complaint.



Will ESB share my contact information with my employer?

It depends on your choice.

During your complaint, **ESB will ask whether you consent to share your contact information with the employer.** If you do not consent, your contact information (for example, your new phone number or new address that your employer does not know) will not be shared with your employer. However, your name and identity may still be shared with your employer.

If you don't want your name and identity to be shared with your employer, **you must tell the ESB** when you fill out the details of your complaint. However, **at some point, the employer will need to be informed of who filed the complaint so that they can properly respond.** This does not need to happen right away if you need time to safely leave a work situation.



It is **illegal** for an employer to retaliate against an employee who has filed an ESB complaint. If you face retaliation, make sure to let the ESB know.



Will filing an ESB complaint affect my immigration status?

No. If you are working **with authorization** in Canada, filing an ESB cannot have any effect on your immigration status.

If you are working **without authorization**, the **ESB does not have a policy to share the information about your work with IRCC.** The ESB is a provincial entity and IRCC is a federal entity.



Important

If you are worried about your employer reporting you to IRCC in retaliation, we suggest getting legal advice before filing an ESB Complaint.



How do I file an ESB complaint?

You can file a complaint online or send the complaint form to the ESB via email or mail.

Most people find it easier to file a complaint online. This takes between 15 minutes to 1 hour to complete.

- To file **online**, go to: <https://services.labour.gov.bc.ca/Complaints/s/>.
- To send the form via email or mail:
 - **Email to:** EmploymentStandards@esb.gov.bc.ca
 - **Mail to:** Employment Standards Branch, PO Box 9570 Stn Prov Govt Victoria, BC V8W 9K1



Check out our [step-by-step video](#) on how to fill out the complaint online.



What happens after I make a complaint?

As of June 2026, it may take **about 8 months or more before the ESB assigns an investigator** to your complaint. The ESB will review your complaint and may contact you to gather more information, they may also provide complaint details to your employer. When an investigator is assigned, they will gather more information and explain the options.

You and your employer may choose to voluntarily resolve the complaint at any time, or choose to proceed with an investigation, where the Director of Employment Standards will take a decision on your complaint.



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