SECTION 285
ADMINISTRATIVE MONETARY PENALTY APPEAL
*CANADA LABOUR CODE
(Part IV–Administrative Monetary Penalties)*

**NOTE:** If you have any questions about this form, please contact the Canada Industrial Relations Board at 1-800-575-9696.

The information provided and any documents submitted to the Canada Industrial Relations Board (the Board) are collected solely for the purpose of administering the *Canada Labour Code* (the *Code*) and will be used to issue a decision.

**Parties that come before the Board should be aware that this is a public process**. Documents filed with the Board will be placed in its file and Board files are available to the public. However, documents for which the Board has issued a Confidentiality Order are not available to the public. If the appeal contains sensitive information, you may request a Confidentiality Order from the Board (see section 22 of the *Canada Industrial Relations Board Regulations, 2012* (the *Regulations*)). See the Board’s [Information Circular No. 12–Policy on Openness and Privacy](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/00789.html).

The Board’s decisions are also public. Many of the Board’s decisions are posted on its website. The Board tries not to include unnecessary personal information in its decisions; however, decisions may identify parties and witnesses by name and may include information about them that is relevant to the decision.

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| **READ THESE INSTRUCTIONS BEFORE YOU BEGIN**A person or department may appeal a review decision made by the Head of Compliance and Enforcement (the Head) under Part IV of the *Code* directly to the Board. The application to appeal is filed within 15 days after the day the decision is served to the person or department (section 285 of the *Code*). The purpose of this form is to help you provide the information required to file an appeal of a review decision issued by the Head.However, a person or department may **not** file an appeal of a notice of violation directly with the Board. If a person or department disagrees with a notice of violation, they may ask the Head to review the notice. For more information about filing a request for review, please contact the Labour Program of Employment and Social Development Canada (ESDC).Please refer to the Board’s [Information Circular No. 21–Administrative Monetary Penalty Appeal (Part IV of the *Code*)](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/00826.html)for additional information. The information circular can also be obtained from the Board’s website at www.cirb-ccri.gc.ca or from one of the Board’s regional offices. An application to appeal must be in writing and include reasons for the appeal. Your appeal may be denied if reasons are not provided.After receiving your application to appeal, the Board will request from the Head a copy of any document that the Head relied on to make the decision being appealed.You will then receive a letter acknowledging receipt of your application to appeal and enclosing a copy of your appeal and a copy of any document that the Head sent to the Board. A copy of the same documents will also be forwarded to the Head and to parties affected by your appeal, if any. The letter will also provide you and the other parties with additional information and instructions as necessary.When filling out this form, please print clearly. You may use additional pages if necessary to provide the information requested. Please clearly identify and number any attachments. |

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| I–Applicant Information |
| NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_TELEPHONE NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_EMAIL ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_NAME OF REPRESENTATIVE OR COUNSEL, if applicable: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_TELEPHONE NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_EMAIL ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**It is your responsibility to advise the Board in writing of any changes to your contact information.** |

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| II–Review Decision Being Appealed |
| ESDC FILE NUMBER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_NAME OF THE PERSON WHO ISSUED THE REVIEW DECISION:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (NAME OF APPLICANT), wish to appeal the review decision by the Head concerning a notice of violation.A copy of the review decision being appealed is attached. [ ]  Yes [ ]  No |

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| III–Reasons for Appeal |
| The application to appeal must contain the reasons for appeal, also called a statement of the grounds of appeal (section 285(2) of the *Code*).The applicant may ask the Board to determine:* whether the amount of the penalty for the violation was determined in accordance with the *Administrative Monetary Penalties Regulations* (the *AMPs Regulations*); and/or
* whether the applicant committed the violation (section 287(1) of the *Code*).

What are the grounds of your appeal? Check all the grounds that apply:[ ]  the amount of the penalty was not determined in accordance with the *AMPs Regulations*[ ]  I/the applicant did not commit the violationPlease explain in detail why you are seeking an appeal. Provide supporting documentation, if applicable/available (clearly identify and number any attachments):

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| IV–Timeliness |
| The application to appeal must be filed within 15 days after the day the review decision was delivered to the person or department (served) (section 285(1) of the *Code*). Is the appeal filed within that time frame?[ ]  Yes [ ]  NoHow was the decision served to you? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_I received the decision on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (dd/mm/yyyy)The Board can extend the time limits set out in section 285(1) of the *Code* in exceptional circumstances (section 16(m.1) of the *Code*). If you want to ask the Board to extend the time limit, please explain the exceptional circumstances that you feel the Board should consider in deciding whether or not to exercise its discretion. Provide supporting documentation, if necessary.

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| V–Oral Hearing |
| The Board does not have to hold an oral hearing even if one is requested. Many appeals are decided without a hearing and on the basis of the submissions on file. Is a hearing necessary?[ ]  Yes [ ]  NoIf yes, why do you believe that a hearing is necessary?

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Where would you want the hearing to take place?

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| VI–Filing Your Application to Appeal |
| The Board has an [e-filing Web Portal](https://portal-portail.cirb-ccri.gc.ca/en-CA/HomeAccueil/HomeAccu) (Portal) service, which allows you to file your Portable Document Format (PDF) documents in the Board’s centralized document filing system. If you choose to file your document electronically using the Portal, the electronic version will be considered the original copy. There is no need to send a paper copy.Your application to appeal may also be filed by courier, by mail, or in person to one of the Board’s offices. The appeal is filed as of the date the Board **receives** the appeal. If **registered** mail is used, the filing date is the date on which the application for appeal was **mailed** **to the Board** (section 8 of the *Regulations*). The Board’s contact information can be found on the Board’s [website](http://www.cirb-ccri.gc.ca/eic/site/047.nsf/eng/home). |

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| Signature |  | Date |