

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act S.B.C. 1995, C. 38

- by -

Ultra Pure Water Systems Inc.
("Ultra Pure")

- and -

B. Pierce, G. Atkins and M. Johnson
Directors/officers of Ultra Pure Water Systems Inc.

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Lorne D. Collingwood

FILE NO.: 96/354

DATE OF DECISION: January 29, 1997

DECISION

OVERVIEW

The appeal is by Ultra Pure Water Systems Inc. (“Ultra Pure”) and B. Pierce, G. Atkins and also M. Johnson, directors and officers of Ultra Pure, pursuant to section 112 of the *Employment Standards Act* (the “Act”) against Determinations numbered DDET 000280, DDET 000281, DDET 000282 and CDET 002420 of the Director of Employment Standards (the “Director”), decisions dated May 30, 1996. Robert Glenn Kirk was found to be an employee and owed wages in the amount of \$2,615.39 including interest.

The appeal claimed that no moneys are owed Kirk given that he worked as an independent contractor and was paid all moneys earned.

FACTS

As a result of the appeal, a hearing was set by the Employment Standards Tribunal for November 14, 1996. The date for hearing the appeal was then moved to 1 p.m., January 13, 1997.

In the morning of January 13, 1997, B. Pierce who had been the handling the appeal for Ultra Pure and its directors and officers, contacted the Tribunal and asked for postponement of the hearing, giving as his reason, the flu. I am told by the Tribunal’s Registrar that Pierce was told that there would be no postponement unless he could provide the Tribunal with a doctor’s certification of his illness.

At 1 p.m. on the 13th, the complainant, Mr. Kirk, counsel for Mr. Kirk, the Director’s delegate and myself assembled for the hearing. No one representing Ultra Pure appeared. I kept everyone waiting for 20 minutes in the hope that they might appear. They did not.

Nothing further has been heard from Mr. Pierce or anyone else representing Ultra Pure.

DECISION AND ORDER

Given the failure to attend the scheduled hearing and that nothing further has been heard from Ultra Pure and its directors and officers, their appeals are considered abandoned and, on that basis, the determination is confirmed.

Pursuant to section 115 of the *Act*, Determinations # DDET 000280, # DDET 000281, # DDET 000282 and # CDET 002420 are confirmed.

Lorne D. Collingwood
Adjudicator

Employment Standards Tribunal

LDC:jel