

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the

Employment Standards Act R.S.B.C. 1996, C. 113

- by -

Allstar Dental Laboratories Ltd.
(the "Employer")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Mark Thompson

FILE NO.: 97/744

DATE OF HEARING: January 23, 1998

DATE OF DECISION: February 19, 1998

DECISION

APPEARANCES:

Emiko Ando, for the Employer

Heidi Hughes, for the Director of Employment Standards
John J. Hartman, for the Director of Employment Standards

Maria Sepe, for herself

OVERVIEW

This is an appeal brought by Allstar Dental Laboratories Ltd. (the “Employer”) pursuant to Section 112 of the *Employment Standards Act* (the “Act”) from a Determination issued by a Delegate of the Director of Employment Standards (the “Director”) on October 3, 1997. This appeal was directed at Determination PDET 000617. The Determination in question relied on another determination, No. 006941, issued on the same date, that found that the Employer had violated the *Act*. Determination PDET 000617 imposed a penalty of \$0.00 on the Employer and stated that if the Employment Standards Branch found a further contravention of the same provisions of the *Act*, a penalty of \$150.00 per employee would be imposed.

Determination CDET 006941 found that the Employer had failed to pay a former employee, Maria Sepe (“Sepe”), the vacation pay to which she was entitled. The Employer appealed that determination. The Registrar of the Tribunal scheduled a single hearing to deal with the appeal of Determination CDET 006941 and Determination PDET 000617. Counsel for the Employer and the Director agreed that the outcome of the appeal in this Decision, i.e., PDET 000617, would be determined by the Tribunal Decision in the appeal of Determination CDET 006941.

In BC EST #D057/98, I ordered that the Determination on the merits of the case, i.e., CDET 006941, be confirmed.

ANALYSIS

The effect of BC EST #D057/98 was a conclusion that the Employer had violated Sections 57 and 58 of the *Act*. The Determination under appeal in this case puts the Employer on notice that further violations of the vacation provisions of the *Act* will result in the

imposition of a penalty. Under these circumstances, the Determination in question is consistent with the intent of Section 98 of the *Act*.

ORDER

For these reasons, pursuant to Section 115 of the *Act*, the Determination of October 3, 1997 is confirmed.

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Mark Thompson
Adjudicator
Employment Standards Tribunal