

**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 -

Ilea Maslove  
(the "Maslove")

Of a Determination issued by

**THE DIRECTOR OF EMPLOYMENT STANDARDS**  
(the "Director")

**ADJUDICATOR:** Jerry W. Brown

**DATE OF DECISION:** May 1, 1996

**FILE NO:** 96/056

**DECISION**

**APPEARANCES**

Ilea Maslove	Appellant
Nav Maharaj and Shalini Maharaj	Representing Melody Florist (1987) Ltd.
Kevin Blakely	For the Director of Employment Standards

**OVERVIEW**

This is an appeal brought by the ex-employee, Ilea Maslove ("Maslove"), pursuant to section 112 of the *Employment Standards Act* (the "Act"), from Determination #CDET 000417 issued by the Director of Employment Standards (the "Director") on December 12, 1995. The Director determined that Melody Florist (1987) Ltd. ("Melody") has not contravened the *Act*. Maslove claims that she was not terminated for just cause and that compensation is owed for length of service.

**FACTS**

Maslove was employed as a floral designer with Melody prior to the purchase of the shop by the Maharajs in February 1995. By agreement between the parties, Maslove continued in the employ of Melody until June 29, 1995 when the incident occurred. Maslove acknowledges that she called Shalini Maharaj ("Maharaj") names and questioned Maharaj's ability to run the shop. Maharaj acknowledges that Maslove made the comments. After the incident Maharaj fired Maslove.

**ISSUE TO BE DECIDED**

1. Whether or not Melody's liability to pay compensation for length of service was discharged because Maslove was allegedly terminated for cause.

## ARGUMENTS

Maslove argues that she was not fired for cause because her behaviour was triggered by comments and actions of Maharaj. Maslove claims she is owed compensation for length of service.

Melody claims that no compensation for the length of service is owed as this liability was discharged when Maslove was fired for cause.

## ANALYSIS

In reviewing documents provided by Melody, it is clear that up until the time of the culminating incident, Maharaj had positive feelings about Maslove. Unfortunately, this is a case with a number of difficulties. There were two credible witnesses telling their recollections of a difficult situation. Maslove clearly stated in her evidence that there was a screaming and yelling episode during which she called Maharaj an unacceptable name and questioned Maharaj's ability to do floral work. Maslove's behaviour, while justified in her own mind, clearly resulted in a rupture of the employment relationship between the parties. This type of behaviour also threatened the best interests of Maharaj's continued operation of the business.

Unfortunately, Maslove's own evidence leads me to determine that there was just cause for Melody to terminate the relationship. I concur with the Director's delegate Determination that Melody was not in breach of the *Act*.

## ORDER

In summary, I order under Section 115 of the *Act*, that Determination #CDET 000417 be confirmed.

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"Jerry Brown"  
**Jerry W. Brown**  
**Adjudicator**  
**Employment Standards Tribunal**

EKB:96300