

An appeal

- by -

Mathew McGreish
("McGreish.")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

pursuant to Section 112 of the
Employment Standards Act R.S.B.C. 1996, C.113 (as amended)

TRIBUNAL MEMBER: David B. Stevenson

FILE No.: 2005A/69

DATE OF DECISION: June 21, 2005

DECISION

SUBMISSIONS

Lynn Ranger

on behalf of the Director

OVERVIEW

1. This decision completes an appeal filed by Mathew McGreish (“McGreish”) of a Determination that was issued on September 27, 2004 by a delegate of the Director of Employment Standards (the “Director”). The Director found that McGreish’s former employer, identified in the decision as Pardue Inc., had contravened Part 3, Section 18, Part 4, Section 40, and Part 7, Section 58 of the *Act* and ordered the employer to pay McGreish an amount of \$1719.66. The Director also imposed an administrative penalty on the employer under Section 29(1) of the *Employment Standards Regulation* (the “*Regulation*”) in the amount of \$500.00.
2. In BC EST #D031/05 (the “original decision”), I found the Director had failed to observe principles of natural justice in making the Determination and I referred the matter back to the Director.
3. The Director has reviewed the matter and has issued a supplement to the Determination, dated April 25, 2005, indicating the Determination should be varied to show McGreish is owed an amount of \$6,494.35 wages for unpaid overtime and \$112.81 interest on that amount. The Tribunal has requested submissions from the parties on the variance.
4. Neither McGreish nor any of the several numbered companies operating under the name Pardue Inc. has filed a response.
5. There being no objection to the wage entitlement calculation made by the Director and no indication that the calculation was wrong, it is appropriate to confirm the variance.

ORDER

6. Pursuant to Section 115 of the *Act*, I order the Determination dated April 25, 2005 be varied to show an amount owing of \$6,607.14 together with whatever additional interest that may have accrued, pursuant to Section 88 of the *Act*.

David B. Stevenson
Member
Employment Standards Tribunal