

**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-

Econo -Wise Office Furniture Ltd.  
("Econo Wise ")

- of a Determination issued by -

The Director of Employment Standards  
(the "Director")

**ADJUDICATOR:** C. L. Roberts

**FILE No:** 98/024

**DATE OF DECISION:** March 3, 1998

## **DECISION**

This is a decision based on written submissions by Mary Jean Tuck, Office Manager of Econo Wise Office Furniture Ltd.

### **OVERVIEW**

This is an appeal by Econo-Wise Office Furniture Ltd. ("Econo-Wise"), pursuant to Section 112 of the *Employment Standards Act* ("the *Act*"), against a Determination of the Director of Employment Standards ("the Director") issued December 17, 1997. The Director found that Econo-Wise contravened Sections 40(1) and (2) of the *Act* in failing to provide records required to be maintained by an employer. The Director's delegate indicated that further contraventions would result in a penalty of \$150.00 per employee, and that additional contraventions beyond that might result in penalties to a maximum of \$500.00 per employee.

### **ISSUE TO BE DECIDED**

Whether the Director correctly determined that Econo-Wise was in contravention of the *Act* and Regulations.

### **FACTS**

In investigating a complaint against Econo-Wise for failing to pay overtime wages, the Director's delegate requested that Econo-Wise provide her with information. Specifically, she sought reasons for the complainant's termination, records relating to the complainant's hours of work on a daily basis, and the complainant's gross and net wages for each pay period during his employment.

Econo-Wise provided the Director's delegate with wage calculation information and hours worked for each pay period. The Director's delegate found that the pay stubs provided to the complainant did not indicate the daily or weekly hours worked by him, the wage rate, overtime wage rate or the hours worked at the overtime wage rate.

The Director's delegate found Econo-Wise in contravention of the *Act* in failing to provide records which complied with the requirements of the *Act*.

### **ANALYSIS**

The burden of establishing that a Determination is incorrect rests with an Appellant. On the evidence presented, I am unable to find that burden has been met.

Section 27(1) of the *Employment Standards Act* provides that on every payday, an employer must give each employee a written wage statement for the pay period stating:

- ...
- b) the hours worked by the employee
- c) the employee's wage rate, whether paid hourly, or on a salary basis or on a flat rate....
- d) the employee's overtime wage rate,
- e) the hours worked by the employee at the overtime wage rate,
- ....
- i) the employee's gross and net wages
- ...

Econo-Wise provided the complainant with a pay stub which included only the gross earnings for each pay period. In Econo-Wise's written submission, it conceded that it "...neglected to detail this information on his pay-stub".

As there is no evidence contradicting the basis of the Determination, I deny the appeal.

**ORDER**

I Order, pursuant to Section 115 of the *Act*, that the Determination, dated December 17, 1997 be confirmed.

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**Carol Roberts**  
**Adjudicator**  
**Employment Standards Tribunal**