

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

- by -

Helen Kupper Enterprises Ltd.
("Kupper")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Niki Buchan

FILE NO.: 96/777

DATE OF HEARING: March 12, 1997

DATE OF DECISION: March 17, 1997

DECISION

APPEARANCES

Gary Powers	for Kupper
Gerry Omstead	for the Director
John Morrison	for Himself
Beverly Morrison	Observer
Paul Hardy	Witness

OVERVIEW

This is an appeal of Letter Determination dated December 13, 1996 issued by a delegate of the Director that John Morrison is not entitled to any further wages with respect to payment for staff meetings as Kupper has now paid the \$ 58.24 that was owed. It further determines that John Morrison is entitled to two weeks of compensation for his termination from employment. The amount owing is based on “80 hours time \$7.00 per hour plus \$25.60 vacation pay plus interest (\$10.62) totalling \$676.22”.

Kupper’s reasons for appeal are:

1. Failure by Mr. Omstead to fully investigate this matter;
2. An incorrect order to pay;
3. Mr. Morrison’s attitude.

ISSUE TO BE DECIDED

Whether the order or pay is unreasonable?

FACTS

Mr. Omstead did not receive a confidential letter before he issued the Determination.

There are errors in the monetary calculation on the face of the Determination.

ANALYSIS

After hearing the evidence and cross examination of Gary Powers, the parties arrived at a settlement of the matter for a sum of \$300.00. They requested that I issue the following consent order.

ORDER

In summary, I order under Section 115 of the *Act*, that the Letter Determination dated December 13, 1996 be cancelled and issue the following consent order:

CONSENT ORDER

WHEREAS the Employment Standards Tribunal (the “Tribunal”) has received an appeal of Letter Determination dated December 13, 1996 pursuant to Section 112 of the *Employment Standards Act* (the “*Act*”);

AND WHEREAS the undersigned was appointed as an Adjudicator of the Tribunal pursuant to Section 102(2) of the *Act* to deal with this matter;

AND WHEREAS the Appellant and the Other Party were able to settle their differences, and based on the submissions of the parties, the Tribunal is satisfied that the terms of the settlement are not contrary to the *Act*, or the *Regulation*, and the parties have requested the Tribunal to issue the following Consent Order:

NOW THEREFORE, PURSUANT TO SECTION 115 OF THE ACT, THE TRIBUNAL MAKES THE FOLLOWING ORDER BY CONSENT:

Helen Kupper Enterprises Ltd. shall pay \$300.00 to John Morrison in full satisfaction of his claim outlined in the appeal of the Letter Determination.

DATED AND EFFECTIVE at Victoria, British Columbia, this 12th day of March, 1997.

Niki Buchan

Adjudicator

Employment Standards Tribunal

TRIBUNAL MAKES THE FOLLOWING ORDER BY CONSENT: