

An appeal

- by -

Hui Kwai Chong
(the "Employer")

- 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

ADJUDICATOR: Mark Thompson

FILE No.: 2001/849

DATE OF HEARING: April 10, 2002

DATE OF DECISION: April 11, 2002

DECISION

OVERVIEW

This is an appeal by Hui Kwai Chong (the “Employer”) under Section 112 of the *Employment Standards Act* (the “*Act*”) against a Determination by a delegate of the Director of Employment Standards (the “Director”), dated November 9, 2001. The Determination found that the Employer had violated Part 2, Sections 14 and 15, and Part 3, Sections 21 and 28 of the *Act*, by failing to maintain payroll records, failing to provide a domestic worker with a copy of her employment contract, failure to register an employee with the Director, improper deductions from an employee’s wages and failure to pay overtime, statutory holiday pay and vacation pay. The Determination ordered the Employer to pay the complainant, Ms. Nerita Calim, a total of \$54,671.76, including interest to the date of the Determination.

In its appeal, the Employer alleged that the Director’s delegate made several errors in the Determination.

The Tribunal scheduled a hearing for this appeal to take place on April 10, 2002 at 9:00 a.m. at its offices in Library Square, 8th Floor, 360 West Georgia St., Vancouver. The Employer, Hui Kwai Chong, was duly notified of the time and place of the hearing on March 1, 2002. She did not attend and offered no explanation for her failure to attend. In the letter of March 1, 2002 informing her of the hearing, the Administrator of the Tribunal stated: “If the Appellant fails to attend the hearing, the Tribunal will consider the appeal to be abandoned.”

The onus in this appeal was on the appellant, the Employer. Ms. Calim attended the hearing. In the absence of any oral evidence provided by the Employer and her failure to attend the hearing, the appeal is considered to be abandoned.

ORDER

Pursuant to Section 115 of the *Act*, I order that the Determination dated November 9, 2001 be confirmed.

Mark Thompson
Adjudicator
Employment Standards Tribunal