

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 -

Mansoor Roshani
("Roshani")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Geoffrey Crampton

FILE NO.: 97/035

DATE OF DECISION: March 24, 1997

DECISION

OVERVIEW

This is an appeal by Mansoor Roshani (“Roshani”), under Section 112 of the *Employment Standards Act* (the “Act”), against a Determination issued by a delegate of the Director of Employment Standards on January 3, 1997. The Determination found that The Anatoli Holding Company Ltd. (“Anatoli”) owed overtime wages, vacation pay and interest to Roshani. Roshani’s appeal challenges the calculation of wages owed as set out in the schedules attached to the Determination.

ISSUE(s) TO BE DECIDED

Should the Determination be varied, cancelled or confirmed?

FACTS

The Director’s delegate set out the following reasons in the Determination for concluding that wages owed to Roshani:

The investigation revealed the following information:

- A review of the payroll records indicated that there was a claim for overtime wages. The employer stated that the complainant had been provided a lunch break (1/2 hour) and coffee breaks of at least 1/2 hour, which had been included in the pay records.
- Complainant indicated that all his lunch breaks were not paid for. However, he agreed that other breaks were taken.
- A sample of employees were interviewed by the officer and they confirmed that they received paid breaks as described by employer.

Roshani was employed as a cook from April, 1993 to July, 1996 in a restaurant which is owned and operated by Anatoli.

Anatoli has paid to the Director the sum of \$1,637.67 as required by the Determination. These funds are being held by the Director in trust, pending this decision by the Tribunal.

Roshani’s appeal gives the following grounds for challenging the Determination:

- His former employer was cheating him.
- He does not agree with the calculation of wages owed.
- The Determination is not fair.

ANALYSIS

The Director's delegate issued the Determination following his investigation of the complaints made Roshani. He prepared a detailed analysis of the amount of wages owing, as set out in the attachment to the Determination.

Roshani's appeal contains some very general assertions or allegations about the accuracy of the calculations. However, the Tribunal did not receive any details of a substantive ground for the appeal.

In the absence of any substantive appeal I can find no grounds on which to vary or cancel the Determination.

ORDER

I order, under Section 115 of the *Act*, that the Determination be confirmed.

Geoffrey Crampton
Chair
Employment Standards Tribunal