

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 -

Reginald M. Hayward
("Hayward")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Norma Edelman

FILE NO.: 96/331

DATE OF DECISION: May 4, 2001

DECISION

OVERVIEW

This is an appeal by Reginald Hayward (“Hayward”) under Section 112 of the *Employment Standards Act* (the “Act”) against a Determination Letter issued by a delegate of the Director of Employment Standards on April 25, 1996. In this appeal Hayward disputes the decision of the Director’s delegate that the *Act* does not apply to his complaint against Kevin and Charleen Richardson (the “Richardsons”).

ISSUE TO BE DECIDED

The issue to be decided in this appeal is whether the decision of the Director’s delegate to refuse to investigate Hayward’s complaint is correct.

FACTS

The Determination Letter shows the Director’s delegate concluded the *Act* did not apply to Haywards’s complaint because “...the complaint (he) filed is regarding termination after a week of employment, which is not covered by the *Employment Standards Act*...”. Accordingly, the Director’s delegate refused to investigate Haywards’ complaint.

Hayward’s appeal contains the following statements:

He should not be able to affect my money situation the way he has; if I said no! to the job U.I.C. would cut me off, but yet I take the job. An get fired for no reason at all, an still get cut off.

ANALYSIS

Section 63 of the *Act* clearly states that an employer becomes liable to pay an employee compensation for length of service after the employee works for 3 consecutive months.

Hayward worked for the Richardsons from February 9, 1996 to February 14, 1996 when he was fired. Accordingly, he did not complete 3 consecutive months of employment and therefore he is not entitled to any compensation.

Given the above, I conclude that the Director’s delegate was correct in determining that the *Act* did not apply to Hayward’s complaint and therefore should not be investigated.

ORDER

Pursuant to Section 115 of the *Act*, I order that the Determination Letter issued on April 25, 1996 be confirmed.

Norma Edelman
Registrar
Employment Standards Tribunal

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