

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 -

Skeena Valley Guru Nanak Brotherhood Society
("Society")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

ADJUDICATOR: Ian Lawson

FILE No.: 1999/309

DATE OF DECISION: April 14, 2000

DECISION

OVERVIEW

In my appeal decision made on November 17, 1999, I remitted a wage issue back to the Director for calculation. This is my consideration of the results of that referral, which was made by the Director on December 22, 1999. Submissions from the appellant Society were received in February, 2000, and no submissions were received from any other party. I make today's order on the basis of submissions received, without an oral hearing.

FACTS, ANALYSIS and DECISION

The Society operates the Sikh Temple in Terrace, B.C. and it employed Swaran Singh ("Singh") as a Sikh Priest at the Temple between July, 1996 and February 10, 1999. Singh was paid a monthly salary of between \$650.00 and \$700.00, medical benefits, and he was given room and board at the Temple without charge. The Director's determination held wages to be owing to Singh in the amount of \$10,686.86. The Society appealed this determination and in my decision following an oral hearing in Terrace, I held that the Director should have included room and board in the calculation of wages already paid to Singh. I ordered that the amount of room and board should be fixed at \$650.00 per month, but remitted the resulting calculation of total wages owing to Singh back to the Director.

The Director's delegate has accordingly adjusted gross wages paid to Singh, and on December 22, 1999 arrived at a figure of \$4,507.70 for total wages outstanding to Singh. In response to this calculation, the Society submitted that no further wages were owing at all to Singh. To arrive at this creative result, the Society urged me to treat the offerings received by Singh for the performance of religious services in Temple member's homes as wages paid to him as well. I addressed that issue in my decision and rejected the argument that these offerings ought to be considered as wages. As the Society takes no other objection to the adjusted figures for wages owing, and the Director's delegate has made the adjustments to my satisfaction, I find that Singh is owed wages in the amount of \$4,507.70.

ORDER

After carefully considering the evidence and argument, I find that the wage adjustments made by Mr. Molnar are correct. Pursuant to s. 115 of the Act, I order that the Society owes to Singh wages in the amount of \$4,507.70, plus interest on that amount pursuant to s. 88 of the Act.

Ian Lawson
Adjudicator
Employment Standards Tribunal