

**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 -

Sheila M. Reglin  
("Reglin")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** Alfred Kempf

**FILE NO.:** 96/201

**DATE OF DECISION:** May 28, 1996

**DECISION**

**OVERVIEW**

Sheila M. Reglin (“Reglin”) appeals a determination of the director dated March 12, 1996 concerning her entitlement to wages from Bimbadex Canada Inc. operating Okanagan Vineyards (“Bimbadex”). This appeal proceed by way of written submissions.

**ISSUE TO BE DECIDED**

Is Reglin entitled under the *Employment Standards Act* (the “Act”) to wages for the month of December 1995.

**FACTS**

Reglin was employed in a sales/marketing function with Bimbadex.

She resigned her employment on November 30, 1995 while out of her sales territory on a business related seminar.

On December 1, 1995 she spoke with her employer again and confirmed her resignation. The employer informed Reglin by letter dated December 1, 1995 as follows:

We are paying you to the end of December in order to give you a chance to figure out your situation. We do not expect you to continue to service your customers but we do require your documents relating to commitments and outstanding orders we can handle them from this end.

Bimbadex submits that nothing was received from Reglin until February of 1996. This was too late to be of any value to it. Reglin does not in her submission dispute this.

**ANALYSIS**

Reglin’s employment terminated on the communication of her resignation on November 30, 1995. Bimbadex had no legal obligation at that point to offer to pay wages for the month of December. The situation would have been different had Reglin in a timely fashion delivered the documents relating to commitments and outstanding orders. In that case it would have been arguable that the employment relationship continued beyond November

30, 1995. On the facts of this case, however, there is no provision in the *Act* allowing Reglin recovery of the wages claimed.

**ORDER**

The Director's Determination is confirmed.

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**Alfred Kempf**  
**Adjudicator**  
**Employment Standards Tribunal**

AK:jel