

An appeal

- by -

Convergent Media Network Ltd., Convergent Media Network Ltd. carrying on
business as CMaeON Connected Market Enterprise on Demand, and 1To1Real
Process Technology Ltd.

(the “Appellants”)

- 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 (as amended)

TRIBUNAL MEMBER: Rajiv K. Gandhi

FILE No.: 2016A/83

DATE OF DECISION: December 6, 2016

DECISION

SUBMISSIONS

Tim Vasko on behalf of the Appellants

Carrie Manarin on behalf of the Director of Employment Standards

OVERVIEW

1. On May 18, 2016, a delegate of the Director of Employment Standards (the “Director”) issued a determination (the “Determination”) in which Convergent Media Network Ltd. and 1To1Real Process Technology Ltd. (the “Appellants”) were deemed to be associated employers under section 95 of the *Employment Standards Act* (the “Act”), and found to have contravened sections 17, 18, 27, 28, and 63 of the Act, as well as section 46 of the *Employment Standards Regulation*.
2. In a decision issued on October 19, 2016, I dismissed the bulk of the Appellants’ appeal of the Determination, but noted what I perceived to be an error with respect to the Director’s calculation of vacation pay. I allowed the appeal to proceed on a limited basis, in order to permit all parties to make submissions with respect to that calculation.
3. On October 20, 2016, the Director provided a fresh accounting of vacation pay owed by the Appellants.
4. By way of submissions received on November 22, 2016, the Appellants appear to vaguely challenge that calculation on the basis that the underlying findings of the Director, which I upheld in my earlier decision, were based on incorrect or fabricated evidence.
5. The Director’s arithmetic with respect to vacation pay matches my own. The argument of the Appellants is without merit.

ORDER

6. Accordingly, the Determination is varied pursuant to section 115(1)(a) of the *Act*, and I order the Appellants to pay to Julius Epman the sum of \$12,559.31, being:
 - (a) wages, in the amount of \$8,780.00, according to section 18 of the *Act*;
 - (b) compensation for length of service, in the amount of \$1,038.46, according to section 63; and
 - (c) vacation pay, in the amount of \$2,740.85, according to section 58,plus interest calculated according to section 88(1) of the *Act*.
7. The balance of the Determination is confirmed, including the administrative penalties.

Rajiv K. Gandhi
Member
Employment Standards Tribunal