

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 -

Periklis Enterprises Ltd operating Periklis Restaurant

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: John M. Orr

FILE No: 1999/27

DATE OF HEARING: April 16, 1999

DATE OF DECISION: April 22, 1999

DECISION

APPEARANCES

Paul Vasilakopoulos On behalf of Periklis Enterprises Ltd.

Derek B. Edwards On his own Behalf

Gerry Omstead Delegate of the Director

OVERVIEW

This is an appeal by Periklis Enterprises Ltd ("Periklis") pursuant to Section 112 of the *Employment Standards Act* (the "*Act*") from a Determination (File No. 051822) dated January 12, 1999 by the Director of Employment Standards (the "Director").

Paul Vasilakopoulos ("Vasilakopoulos") is the President of Periklis which employed Derek B. Edwards ("Edwards") as a waiter for approximately two and one half years until early 1999 when Edwards employment came to an end. Edwards claimed for compensation for length of service and the Director found that Edwards had been laid-off and not recalled or terminated. The Director found that Edwards was entitled to \$224.06 compensation.

Periklis appealed on the grounds that Edwards was given notice and then terminated and that therefore no compensation was payable.

ISSUES TO BE DECIDED

The issue to be decided in this case is whether Edwards was properly terminated or laid-off and whether compensation is due.

FACTS and ANALYSIS

At the hearing Mr Vasilakopoulos testified that, in fact, Edwards was laid-off on January 05, 1999. Mr Vasilakopoulos admitted that he was confused about the differences between lay-off and termination and when severance pay had to be paid. He admitted that no written termination was given and agreed to pay to Edwards the amount determined by the Director.

ORDER

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

John M. Orr
Adjudicator
Employment Standards Tribunal