

**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-

Diane Lee Vaneck

(“Vaneck”)

- of a Determination issued by -

The Director of Employment Standards

(the “Director”)

**ADJUDICATOR:** Kenneth Wm. Thornicroft

**FILE No.:** 97/71

**DATE OF DECISION:** June 16th, 1997

## DECISION

### OVERVIEW

This is an appeal brought by Diane Lee Vaneck (“Vaneck”) pursuant to section 112 of the *Employment Standards Act* (the “Act”) from a Determination issued by the Director of Employment Standards (the “Director”) under file number 75-723 on January 20th, 1997 (the “Determination”). The Director determined that Vaneck’s former employer, Blue Note Records and Tapes operating as Total Sound (“Blue Note” or the “employer”), was not obliged to pay Vaneck any compensation for length of service under section 63 of the *Act*.

### FACTS

According to the Determination, Vaneck was employed with Blue Note from June 1st, 1995 until June 29th, 1996. The Director found that because Vaneck received four weeks’ verbal notice of termination, her claim for termination pay should be dismissed.

### ISSUE TO BE DECIDED

Vaneck’s appeal is based on the assertion that an employer cannot discharge its liability for compensation for length of service by giving *verbal* notice of termination.

### ANALYSIS

This Tribunal has consistently held that the requirement for *written* notice cannot be satisfied by an equivalent, or even a greater amount, of *verbal notice* and I see no reason to depart from that well-established line of authorities (see *e.g.*, *Workgroup Messaging*, BC EST #D025/97; *Dr. Robert S. Wright Inc.*, BC EST #D060/96; *Frans Markets*, BC EST #D309/96; *Sun Wah Supermarket Ltd.*, BC EST #D324/96; *G.A. Fletcher*, BC EST #D213/97; *Zaretski*, BC EST #D214/97). The law and policy arguments regarding this particular issue were extensively canvassed in *G.A. Fletcher* and, to the extent that they are relevant, I would adopt my reasons given in that case.

Vaneck does not challenge the Determination insofar as the period of her employment is concerned. Thus, under the *Act*, she was entitled to the equivalent of two weeks’ wages as compensation for length of service.

**ORDER**

Pursuant to section 115 of the *Act*, I order that the Determination in this matter, issued on January 20th, 1997 under file number 75-723, be cancelled. Vaneck's complaint is referred back to the Director for the purposes of issuing a new Determination for two weeks' wages together with concomitant vacation pay and interest.

**Kenneth Wm. Thornicroft**  
**Adjudicator**  
**Employment Standards Tribunal**