

**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 -

Karamjit Sing Heer  
("Heer")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** Norma Edelman

**FILE NO.:** 98/038

**DATE OF HEARING:** May 29, 1998

**DATE OF DECISION:** June 1, 1998

**DECISION**

**APPEARANCES**

Brian Williams                      for Richmond Plywood Corp. Ltd.  
Dave Mobbs  
Amrik Johal  
Inderdeep Pannu

Inderpal Mangat                      Interpreter

**ANALYSIS**

This is an appeal by Karamjit Singh Heer (“Heer”) under Section 112 of the *Employment Standards Act* (the “Act”) against a Determination which was issued by a delegate of the Director of Employment Standards on December 31, 1997.

The delegate determined that Heer was not entitled to compensation for length of service as his employment was terminated by Richmond Plywood Corp. Ltd. (“Richmond”) for just cause (fighting).

Heer appealed the Determination claiming that Richmond did not have just cause and that he was entitled to two weeks compensation. Heer stated that he did not initiate or contribute to the fight with a co-worker. He stated that he pushed the co-worker only after he was pushed and it was the co-worker who caused the fight. Further, he stated that he was not aware of any company rule prohibiting fighting.

The Tribunal scheduled a hearing for this appeal to take place on May 29, 1998 at 9:00 a.m. at its offices in Vancouver. Although duly notified of the time and the place of the hearing, Heer did not attend and offered no explanation for his failure to attend.

The onus in this appeal is on the Appellant, Heer, to show that the Determination is in error. The Hearing Notice sent to the parties advised them that the Tribunal would decide the appeal despite a party’s failure to attend the hearing.

I have reviewed the Determination and the Appellant’s reasons for the appeal. I have considered the submissions of Richmond and statements provided by Brian Williams (“Williams”) and Inderdeep Pannu (“Pannu”) at the hearing. Williams, the Employee Relations Coordinator at Richmond, stated that Heer was aware of the company policy on fighting including the consequences if an employee engaged in fighting. He said that Heer signed two leave forms acknowledging he understood the provisions of the employee handbook which included the policy on fighting. He further stated that Heer started the fight and the co-worker involved was a chargehand/leadhand who was also dismissed at the time. Pannu, a Sheet Worker at Richmond, stated that he witnessed the fight and it

was started by Heer. Given the foregoing and in the absence of oral evidence provided by Heer I am unable to find sufficient grounds on which to cancel or vary the Determination.

**ORDER**

Pursuant to Section 115 of the *Act* I order that the Determination dated December 31, 1997 be confirmed.

---

**Norma Edelman**  
**Registrar**  
Employment Standards Tribunal