

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 -

Minton Enterprises Ltd. (formerly Sherwood Park Mgt. Ltd.)
("Minton")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR:	Hans Suhr
FILE NO.:	97/240
DATE OF DECISION:	June 17, 1997

DECISION

OVERVIEW

This is an appeal by Minton Enterprises Ltd. (“Minton”) under Section 112 of the *Employment Standards Act* (the “Act”), against a Determination issued by a delegate of the Director of Employment Standards (the “Director”) on March 14, 1997. Minton alleges that the delegate of the Director erred in determining that wages in the amount of \$2,455.90 plus interest were owed to Charles A. Cornforth (“Cornforth”).

ISSUE TO BE DECIDED

The issue to be decided in this appeal is whether Cornforth is owed wages?

FACTS

The ‘Front Desk Check Lists’ contain an item indicating that front desk personnel are to be “on the desk at (7:45 a.m., 3:45 p.m., 11:45 p.m.)” .

The ‘Front Desk Check Lists’ identify the shifts as being 8-4, 4-12 and 12 - 8.

The “Sherwood Park Inn - House Rules” item No. 1 states in part “...Start times for the Front Desk is 15 minutes prior to the shift...”

The payroll records in the form of “punch clock time cards” with respect to Cornforth which were provided by Minton indicate that Cornforth ‘punched in’ in accordance with the requirements of the “ Sherwood Park Inn - House Rules”.

ANALYSIS

The *Act* in Section 1 defines ‘work’ as:

“work means the labour or services an employee performs for an employer whether in the employee’s residence or elsewhere.”

The *Act* clearly requires an employer to pay wages for work performed. The *Act* in Section 1(a) defines wages as:

“wages includes
(a) salaries, commissions or money, paid or payable by an employer to an employee for work,...” (emphasis added)

The documentary evidence provided clearly indicates that Cornforth regularly reported to work and commenced work prior to the established shift start times and was not paid for this time.

The payroll records also indentified that Cornforth was not paid correctly for working on November 11, 1995 and further that Cornforth was not paid for the statutory holidays of December 25, 1995 and May 20, 1996.

I therefore conclude that Cornforth is owed wages by Minton.

I have carefully reviewed the payroll records provided and I am satisfied that the calculations with respect to the amount of the wages owing as performed by the delegate of the Director are correct.

For all of the above reasons, the appeal is dismissed.

ORDER

Pursuant to Section 115 of the *Act*, I order that the Determination be confirmed in the amount of \$2,455.90 **plus** interest calculated pursuant to Section 88 of the *Act*.

Hans Suhr
Adjudicator
Employment Standards Tribunal