



An appeal

- by -

Super Save Disposal Inc. and Actton Transport Ltd.
("Super Save")

- 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

ADJUDICATOR: Kenneth Wm. Thornicroft

FILE No.: 2003A/172, 173, 174, and 175

DATE OF HEARING: August 28, 2003

DATE OF DECISION: August 28, 2003



DECISION

APPEARANCES:

Michael J. Weiler, Counsel	on behalf of Super Save Disposal Inc. and Actton Transport Ltd. (“Super Save”)
James Kitsul, Counsel	on behalf of Super Save Disposal Inc. and Actton Transport Ltd. (“Super Save”)
Adele Adamic, Counsel	on behalf of the Director of Employment Standards
Diane Roberts, Counsel	on behalf of the Director of Employment Standards
Larry Catt, Respondent	on his own behalf
Todd Norberg, Respondent	on his own behalf

PRELIMINARY ISSUES

The hearing was called for the purpose of addressing preliminary and procedural matters. After hearing from the parties the following order is made:

ORDER

- (1) The Director of Employment Standards (the “Director”) is ordered, pursuant to section 109(1)(g) of the *Employment Standards Act* (the “*Act*”) to produce all documents that form part of the record referred to in section 112(5) of the *Act*, except those documents already produced, to be delivered to Michael J. Weiler, Counsel for Super Save, with a copy of said documents to be delivered to the Tribunal, on or before September 5, 2003.
- (2) Documents in the custody or control of the Director with respect to the four complainant’s claims but which do not form part of the record or are otherwise privileged are to be listed and the list is to be produced on the same terms as above and by the same deadline.
- (3) Any issues with respect to whether documents should be produced will be addressed at an oral hearing to be held on September 22, 2003.
- (4) The deadline for final submissions by Super Save is extended from September 2, 2003 to September 5, 2003.
- (5) The appeal on the merits will be the subject of an oral hearing of three days to be set by the Tribunal. The Tribunal will contact the parties concerning availability for such a hearing.



(6) Further orders may be made with reference to discrete legal questions that can be addressed by way of written submissions rather than by way of an oral hearing.

Kenneth Wm. Thornicroft
Adjudicator
Employment Standards Tribunal