

**EMPLOYMENT STANDARDS TRIBUNAL**

In the matter of an appeal pursuant to Section 112 of the

*Employment Standards Act*

-by-

Colleen R. Roberts

(“Roberts”)

-of a Determination issued by-

The Director of Employment Standards

(the “Director”)

**ADJUDICATOR:** Kenneth Wm. Thornicroft

**FILE No.:** 96/409

**DATE OF HEARING:** October 22nd, 1996

**DATE OF DECISION:** October 25th, 1996

## DECISION

### APPEARANCES

No appearance                      on behalf of Colleen R. Roberts

Hugh Gwillim                      for L.C. Holman Plumbing Services Ltd.

No appearance                      on behalf of the Director of Employment Standards

### OVERVIEW

This is an appeal brought by Colleen R. Roberts (“Roberts”) pursuant to section 112 of the Employment Standards Act (the “Act”) from Determination No. CDET 002646 issued by the Director of Employment Standards (the “Director”) on June 19th, 1996. The Director determined that L.C. Holman Plumbing Services Ltd. did not contravene certain provisions (sections 16, 58 and 45) of the Act as had been alleged by Roberts. The Director’s delegate, Mr. Eric Ronse, concluded that Roberts was not an “employee” and, therefore, not entitled to claim under the Act and, in any event, that the employer had not violated the particular provisions of the Act noted above.

This appeal hearing was scheduled to convene in Victoria at 9:30 A.M. on October 22nd, 1996. Although the employer, its legal counsel and two witnesses attended the hearing, the appellant Roberts did not. I understand that Roberts telephoned the Tribunal’s office in Vancouver at approximately 8:40 A.M. on the morning of the hearing and advised that she would not be attending the hearing because she had a “personal legal matter” to attend to--no further particulars were provided. Ms. Roberts did not send an agent to the hearing for the purposes of requesting an adjournment.

In light of the following circumstances, namely, that:

- Roberts failed to attend the hearing without, so far as I am able to determine, a reasonable justification; and

- the documentary record before me suggests that the Determination ought not to be cancelled or otherwise varied;

I am of the view that the appropriate order in this case is to dismiss the appeal as abandoned and confirm the original Determination.

**ORDER**

Pursuant to section 115 of the *Act*, I order that Determination No. CDET 002646 be confirmed.

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