

EMPLOYMENT STANDARDS TRIBUNAL

In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act S.B.C. 1995, C. 38

- by -

Valley Alarms and Communications Ltd.
("Valley Alarms")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Lorne D. Collingwood

FILE NO.: 96/422

DATE OF HEARING: October 30, 1996

DATE OF DECISION: October 31 1996

DECISION

APPEARANCES

Connie Madge

On her own behalf

Steve Mattoo

For the Director

OVERVIEW

The appeal is by Valley Alarms and Communications Ltd. (“Valley Alarms”) pursuant to Section 112 of the *Employment Standards Act* (“the Act”) against Determination # 003181 of the Director of Employment Standards (the “Director”), a decision dated July 5, 1996. The Determination, issued as a result of a complaint by Connie Madge (“Madge”), is a finding that she is owed compensation for length of service. In filing its appeal, Valley Alarms claimed that the Determination is in error given that the employee failed to show up for work and given that she received notice of layoff. I find the appeal to have been abandoned.

FACTS

Connie Madge monitored alarms for Valley Alarms and Communications from January 15, 1995 to February 29, 1996. Madge was advised by letter dated February 27, 1996 that she would be laid off beginning March 11, 1996. She did not work the next work day but had another employee cover her shift.

Madge never worked another day for Valley Alarms. The reason, according to the employer, is that she failed to show up for work in the two days that followed. Madge says that she did not work because Valley Alarms removed her from its list of employees and scheduled no work for her.

In giving reasons for the Determination the Director’s Delegate found that Madge had not quit and that the employer had not given Madge ‘working’ notice. Two weeks’ compensation for service was awarded Madge on the basis of a 40 hour work week, plus vacation pay and interest on that amount. In total \$937.47 was found to be owed Madge.

The appeal argues once again that compensation for length of service is not owed as two weeks’ notice was given and because the employee failed to show up for work after being given notice of layoff. The employer also says that Madge did not work a 40 hour work week but something between 36 and 38 hours a week.

The Registrar of the Tribunal set a hearing in the matter for 1.00 p.m., October 30, 1996. In excess of four weeks' notice of the hearing was given the parties. Only Madge, Steve Mattoo, representing the Director, and myself attended the hearing. I kept the other parties waiting for Valley Alarms for 20 minutes and I then sent them on their way.

ANALYSIS

The appellant was properly notified of the hearing, that is the evidence. On checking with the Tribunal's Registrar I learned that nothing has been heard from the appellant in respect to the hearing and its failure to appear. It is my conclusion that the appeal has been abandoned.

The Determination is confirmed.

ORDER

I order, pursuant to Section 115 of the *Act*, that Determination # CDET 003181 be confirmed.

Lorne D. Collingwood
Adjudicator
Employment Standards Tribunal

LDC:jel