

**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 -

Shelbourne Investment Corp. operating as Maude Hunter's Pub  
("Maude Hunter's")

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** James Wolfgang

**FILE NO.:** 1999/290

**DATE OF HEARING:** September 9, 1999

**DATE OF DECISION:** September 16, 1999

**DECISION**

**APPEARANCES**

Colleen Shannon	for herself
Beth Leghorn	for herself
Neil Henderson	for Leghorn and Shannon
David Oliver	for the Director

**OVERVIEW**

This is an appeal by Maude Hunter's Pub pursuant to Section 112 of the *Employment Standards Act (the "Act")* from a Determination dated April 21, 1999.

Beth Leghorn (Leghorn) and Colleen Shannon (Shannon) were terminated without notice for consuming alcohol while on duty. Both Leghorn and Shannon agree what they did was wrong however they claim the penalty was too severe. They claim other employees were equally involved and did not receive similar treatment. Maude Hunter's had employed Leghorn from September 1, 1987 until July 26, 1997 and Shannon from May 1, 1987 until July 26, 1997. They were employed as servers in the pub. This was the first offence by either Leghorn or Shannon.

Maude Hunter's claimed the seriousness of the offence, which could have resulted in the loss of their liquor license, justified the severe penalty.

The Determination found Maude Hunter's had violated the provisions of Section 63(2) and Beth Leghorn (Leghorn) and Colleen Shannon (Shannon) had been dismissed without just cause and were entitled to compensation for length of service. Maude Hunter's was ordered to pay Beth Leghorn \$1,232.41 and pay Colleen Shannon \$1,365.21. Maude Hunter's claims there was a considerable difference in the facts of the case and asks that the Determination be cancelled.

**ISSUES TO BE DECIDED**

Are Leghorn and Shannon entitled to compensation for length of service?

**FACTS**

The appellant, Maude Hunter's, failed to attend the hearing and did not contact the Tribunal with any explanation therefore the appeal fails.

**ORDER**

In accordance with Section 115 of the *Act* I confirm the Determination dated April 21, 1999. Additional interest is to be calculated in accordance with Section 88 of the *Act*.

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**James Wolfgang**  
**Adjudicator**  
**Employment Standards Tribunal**