

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 Corporation operating as
Maude Hunters Neighbourhood Pub
("Maude Hunters")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR:	John M. Orr
FILE NO.:	97/385
DATE OF HEARING:	August 26, 1997
DATE OF DECISION:	September 5, 1997

DECISION

APPEARANCES

Gary Martin

Industrial Relations Officer for the Director

OVERVIEW

This is an appeal by Shelbourne Investment Corporation operating as Maude Hunters Neighbourhood Pub ("Maude Hunters") pursuant to Section 112 of *the Employment Standards Act* (the "*Act*") from a Determination (File No. 69603) dated April 21, 1997 by the Director of Employment Standards (the "Director").

The Determination found that the actions of an employee were ill-considered, inappropriate, even thoughtless, and warranted some form of discipline but found that the actions did not constitute just cause for dismissal and that compensation was owing. In the appeal Maude Hunters alleged progressive discipline and that the actions were dishonest and a breach of trust and should have constituted just cause for dismissal.

ISSUE TO BE DECIDED

The issue to be decided in this case is whether the actions of the employee were so serious as to constitute just cause for dismissal.

FACTS

Ms Langedahl worked at Maude Hunters as a waitress. On a certain pay day she came in to work to pick-up her pay cheque. The cheques were not ready. She then surreptitiously entered the managers office, went through the paperwork on his desk, found her cheque and took it without permission from the manager who was on the premises at the time. The manager had not completed the payroll ledger entries and when he finally discovered the missing cheque he telephone Ms Langedahl and dismissed her. The Director found that the conduct did not constitute just cause for dismissal.

ANALYSIS

At the hearing no one appeared on behalf of the appellant, nor for the employee, and as the onus is on the appellant to persuade the Tribunal that the Determination is in error the Determination must be confirmed.

ORDER

I order, under Section 115 of the *Act*, that the Determination is confirmed.

A handwritten signature in black ink, appearing to read 'John Orr', written over a horizontal line.

John Orr
Adjudicator
Employment Standards Tribunal