

**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 -

Wrought'n Art & Innovative Iron Inc.

- of a Determination issued by -

The Director Of Employment Standards  
(the "Director")

**ADJUDICATOR:** John M. Orr

**FILE No:** 1999/458

**DATE OF HEARING:** October 01, 1999

**DATE OF DECISION:** October 01, 1999

## DECISION

### APPEARANCES:

Michael Velletta, Esq.	Counsel for Wrought'n Art & Innovative Iron Inc.
Janine Foreman	Director, Wrought'n Art & Innovative Iron Inc.
Walter Stenback	On his own behalf
Terry Hughes	Delegate of the Director

### OVERVIEW

This is an appeal by Wrought'n Art & Innovative Iron Inc ("the corporation") pursuant to Section 112 of the Employment Standards Act (the "*Act*") from a Determination (No. 89805) dated June 29, 1999 by the Director of Employment Standards (the "Director").

Walter Stenback ("Stenback") commenced work with Janine Foreman ("Ms Foreman") as part of a B.C. Government funded project operated as "Business Works" in which he was to be trained and employed with the assistance of government subsidies. Stenback initially worked with Ms Foreman under the auspices of a proprietorship known as "Wrought'n Art". When his working relationship ended he made a complaint to the Employment Standards Branch with regard to severance and holiday pay. The officer investigating the complaint did a company search and identified the corporation as the employer.

The corporation has appealed on the grounds that the Director was wrong in identifying the corporation as the employer and notes that the corporation was not incorporated until February 1998 some time after the work started and only 6 weeks before it was concluded.

### RESOLUTION

At the hearing it was discussed that it was likely that the corporation was not liable for the wages owed to Stenback. However it was also likely that if the matter was referred back to the Director that the corporation would be found to be a successor employer or an associated business. As a result of these observations and with the assistance of the Director's delegate the parties entered into discussions that resulted in a settlement being reached between the parties and therefore this appeal was withdrawn. As this matter has been settled no order of this Tribunal is required.

**JOHN M. ORR**  
ADJUDICATOR  
EMPLOYMENT STANDARDS TRIBUNAL