

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 -

Ezekiel Almeida operating as Hair Mate and
Rapture Hair Design
("Almeida")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: John M. Orr

FILE NO.: 97/527

DATE OF HEARING: September 24, 1997

DATE OF DECISION: October 6, 1997

DECISION

APPEARANCES:

Wendy Bamford

For Herself

OVERVIEW

This is an appeal by Ezekiel Almeida operating as Hair Mate and Rapture Hair Design ("Almeida") pursuant to Section 112 of the *Employment Standards Act* (the "Act") from a Determination (File No. 045-890) dated June 23, 1997 by the Director of Employment Standards (the "Director").

The Determination found that Wendy Bamford ("Bamford") was employed by Almeida and that she was "constructively dismissed" because of a substantial alteration in a condition of her employment when her working hours were reduced from 30-40 hours per week to 15 hours per week. Almeida appealed on the basis that Bamford voluntarily terminated her own employment when Police were called to settle a dispute in the workplace.

Almeida failed to appear at the hearing and no-one appeared on his behalf.

ISSUE TO BE DECIDED

The issue to be decided in this case is whether the appeal should proceed where no-one appears on behalf of the appellant

ANALYSIS

The Tribunal has previously addressed the issue as to the effect of non appearance and has decided that where the appellant fails to appear the appeal will be dismissed and the determination confirmed: *Forrest v. British Columbia (Director of Employment Standards)*, [1997] BCEST No.D158/97. I see no reason to depart from this previous decision.

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', with a large, sweeping flourish extending to the right.

**John Orr
Adjudicator
Employment Standards Tribunal**