

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 -

Seehra & Sons Contractors Ltd.,
(the "Employer")

- of a Determination issued by -

The Director Of Employment Standards
(the "Director")

ADJUDICATOR: Richard S. Longpre

FILE NO.: 1999/526

DATE OF DECISION: October 25, 1999

On September 7, 1999, the delegate responded to the Employer's appeal submission. He pointed out that the interviews of the Employer's 35 employees showed that 8 employees did not know the rate they were being paid. The delegate's submission reads:

The wage rate was not observed to be posted at the work site nor did the appellant indicate that it was.

ANALYSIS

The Employer argued that the facts remained in dispute. With respect, the evidence that is relevant to this case is not in dispute. The Employer may have displayed wage rates in the vehicle used to transport its crew to the work site. The Employer, however, does not suggest that he complied with the clear statement in Section 6(1)(d) of the *Regulations*. The Employer failed to display prominently at the work site the wages that were being paid. The failure to display the wages at the work site was a clear breach of the *Regulations*. The delegate considered the breach of the *Regulations* and did not issue a penalty.

ORDER

Pursuant to Section 115 of the *Employment Standards Act*, the Determination, dated August 4, 1999, (File No. 95242) is confirmed.

Richard S. Longpre
Adjudicator
Employment Standards Tribunal