

**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 -

Nagwa Ziada

("Ziada")

- of a Determination issued by -

The Director of Employment Standards

(the "Director")

**ADJUDICATOR:** Mark Thompson

**FILE No.:** 2000/620

**DATE OF HEARING:** December 4, 2000

**DATE OF DECISION:** December 13, 2000

**DECISION**

**OVERVIEW**

This is an appeal by Nagwa Ziada (“Ziada”) under Section 112 of the *Employment Standards Act* (the “*Act*”) against a Determination by a delegate of the Director of Employment Standards (the “Director”), dated June 12, 2000. The Determination found that the Zaida’s former Employer, Gary and Charlene Luedke (“Luedke”), had not violated Sections 40 and 63 of the *Act* and that Ziada was not entitled to payment for overtime wages or compensation for length of service.

In her appeal, Ziada alleged that the Director’s delegate made several errors in the Determination.

The Tribunal scheduled a hearing for this appeal to take place on December 4, 2000 at 9:00 a.m. at its offices in Library Square, 8<sup>th</sup> Floor, 360 West Georgia St., Vancouver. Zaida was duly notified of the time and place of the hearing, but did not attend and offered no explanation for her failure to attend.

The onus in this appeal was on the appellant, Zaida. The Hearing Notice advised the parties that the Tribunal would decide the appeal despite a party’s failure to attend the hearing. Luedke and the Director’s delegate attended the hearing. In the absence of Zaida’s oral evidence, I am unable to find any grounds to vary or cancel the Determination.

**ORDER**

Pursuant to Section 115 of the *Act*, I order that the Determination be confirmed.

***Mark Thompson***

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**Mark Thompson**  
**Adjudicator**  
**Employment Standards Tribunal**