

Manitoba Labour Board

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www.manitoba.ca/labour/labbrd

Case No. 676/06/ESC

File No. 91246

IN THE MATTER OF: THE EMPLOYMENT STANDARDS CODE

BETWEEN:

GIJO LTD., trading as CANADIAN HOMESTEAD,

Employer,

- and -

L.A.B.,

Employee.

This Decision/Order has been edited to protect the personal information of individuals by removing personal identifiers.

WHEREAS:

1. On March 2, 2007, the Manitoba Labour Board issued a Preliminary decision which determined that:
 - a) L.A.B. is an Employee of the Employer;
 - b) the Employee is entitled to receive commission wages on all collections received by the Employer for advertisements sold by the Employee at the agreed upon rate of Twenty Five (25%) percent;
 - c) the Employee is entitled to receive vacation wages on all commissions wages owing to her at a rate of Four (4%) percent of said commissions owing;
 - d) during the time period at issue, the Employee closed a single sale, on or about April 2, 2006, consisting of six advertisements, the final one of which is scheduled to be published by the Employer in April of 2007. The Employer has yet to receive any payment from the customer from the publication of these advertisements;
 - e) the Employer shall confirm for the Board on or before June 1, 2007 whether the advertisements have been published, that the amounts owing by the customer have been received by the Employer, and that the commission wages and vacation wages owing to the Employee, based on the collections received by the Employer from the customer, have been paid to the Employee;

- f) the Board shall retain jurisdiction with respect to any issues relating to this Order which cannot be resolved by the parties by July 1, 2007.
2. On June 1, 2007, Counsel for the Employer filed documentation with the Board, advising that the advertisements have been published; that the amounts owing by the customer have not been received by the Employer and that commission wages and vacation wages have not been paid to the Employee by the Employer.
3. The Board is satisfied that the agreement between the parties was that commission would be paid upon publication of advertisements. Further, noting the advertisements have been published, the Board, following consideration of material filed, evidence and argument presented, found that the Employee is entitled to receive wages, less a One Hundred Dollar (\$100.00) advance which the Employee concedes receiving, and vacation wages in the amount of Four Thousand Three Hundred Ninety Five Dollars and Ninety Two Cents (\$4,395.92), in accordance with the attached Statement of Adjustment.

T H E R E F O R E

The Manitoba Labour Board **HEREBY ORDERS GIJO LTD. trading as CANADIAN HOMESTEAD**, to pay to the Director of Employment Standards Division of the Department of Labour and Immigration, forthwith:

WAGES:

The amount of Four Thousand Three Hundred Ninety Five Dollars and Ninety Two Cents (\$4,395.92) less statutory deductions, being wages and vacation wages owing the Employee, L.A.B.

ADMINISTRATIVE FEE:

An Administrative Fee in the amount of Four Hundred Thirty Nine Dollars and Fifty Nine Cents (\$439.59), pursuant to Section 96(1) of *The Employment Standards Code*.

TOTAL:

The total amount being Four Thousand Eight Hundred Thirty Five Dollars and Fifty One Cents (\$4,835.51).

DATED at **WINNIPEG**, Manitoba, this 29th day of June, 2007.

"Original signed by"

REGISTRAR