

**Case No. 189/10/ESC**

**File No. 103542**

**IN THE MATTER OF: THE EMPLOYMENT STANDARDS CODE**

**BETWEEN:**

**THE GREAT-WEST LIFE ASSURANCE COMPANY,**

**Employer,**

**- and -**

**D.B.,**

**Employee.**

**BEFORE:**

**C. S. Robinson, Vice-Chairperson**

**S. Oakley, Board Member**

**Y. Milner, Board Member**

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

**SUBSTANTIVE ORDER**

**WHEREAS:**

1. On June 23, 2010, pursuant to Section 95 of *The Employment Standards* (the “Code”), the Director of the Employment Standards Division of the Department of Labour and Immigration, by order, dismissed the complaint by the above named Employee against the above named Employer.
2. The Employee having disputed the above mentioned Dismissal Order, the Director of the Division, pursuant to Section 110 of the *Code*, referred the matter to the Board.
3. On February 16 and February 17, 2011, the Board conducted a hearing at which time both parties appeared before the Board and presented evidence and argument. The Employer and Employee were both represented by Counsel. Further, all parties agreed that Case Nos. 189/10/ESC, 190/10/ESC and 191/10/ESC would be heard together and common evidence relevant to all cases would be applied *mutadis mutandis*;

4. The Board, following consideration of material filed, evidence and argument presented, is satisfied that Section 51(2) of the *Code* applies in the circumstances of this case. The Board agrees that the employee was reporting to work for a scheduled period of less than three hours and he was paid in accordance with the provisions of Section 51(2) of the *Code*. The employee has been paid all wages owing and, accordingly, the appeal is dismissed.

**T H E R E F O R E**

The Manitoba Labour Board **HEREBY DISMISSES** the claim of D.B.

**DATED** at **WINNIPEG**, Manitoba, this 17<sup>th</sup> day of March, 2011, and signed on behalf of the Manitoba Labour Board by:

*“Original signed by”*

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**C. S. Robinson, Vice-Chairperson**

*“Original signed by”*

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**S. Oakley, Board Member**

*“Original signed by”*

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**Y. Milner, Board Member**