

## NUNAVUT LABOUR STANDARDS BOARD

### MEMORANDUM OF DECISION

IN THE MATTER OF an Investigation by the Board pursuant to section 53(2) of the *Labour Standards Act* in relation to Certificate No. 2019-21 made by the Labour Standards Officer in response to a complaint filed by Mathieu Myre-Holmes against Prime Camp Services Ltd.

Board Members:

Arthur Yuan, Chairperson  
Ookalik Curley  
Sara Siebert  
Natsiq Kango

#### Introduction

[1] Mathieu Myre-Holmes (the Complainant) filed a complaint with the Labour Standards Officer on April 27, 2019 stating that he had worked a total of 90 hours between March 1 and 8, 2019 for Prime Camp Services Ltd. at the rate of \$28 per hour and \$42 per hour for overtime hours and had not been paid. The Officer conducted an investigation and issued a wage certificate in accordance with section 53(1)(c) of the *Labour Standards Act* in the total amount of \$2,942.91.

[2] The wage certificate was sent to the Employer in accordance with section 53(1)(d) of the *Labour Standards Act* and forwarded to the Board pursuant to section 53(2). The Employer made no response to the certificate.

[3] Section 53(2) of the Act authorizes the Board, after completing any investigation that it considers adequate, to confirm the certificate, to cancel the certificate and make a new one, or to cancel the certificate and take no further action.

[4] The Board received a number of documents from the Labour Standards Officer in support of the wage certificate. These documents comprised the record before the Board and included the following:

1. Complaint
2. Certificate No. 2019-02
3. LSCO Decision
4. Record of Employment
5. May 6, 2019 letter from LSCO to Prime Camp Services Ltd.
6. June 21, 2019 letter from LSCO to Prime Camp Services Ltd.
7. emails between LSCO and Prime Camp Services Ltd.
8. February 20, 2019 contract between Complainant and Prime Camp Services Ltd.
9. Corporate information relating to Prime Camp Services Ltd.

## Decision

[5] Certificate 2019-02 is confirmed in the amount of \$2,942.91 against Prime Camp Services Ltd., and against Gary Giesbrecht and Rod Ronald, being the Directors of Prime Camp Services Ltd. at the material time for wages for 74 hours at the regular rate of \$28 per hour, 16 hours overtime worked at the rate of \$42 per hour, and vacation pay in the amount of \$198.91.

## Evidence

[6] Olson's Office Management, who provide bookkeeping services for the employer, responded by email to the letter from the LSCO and provided the employer's documentation of the Complainant's employment, including a paystub for the period of March 1 to 8, 2019, indicating that the Complainant had worked 74 hours at \$28 per hour and 16 hours at \$42 per hour and was entitled to vacation pay in the amount of \$198.91. His total earnings for the period were \$2,942.91.

[7] The Complainant was paid by direct deposit to his bank account. He provided copies of his bank statements to show that the employer made no deposit to his account for the wages owing to him. The bookkeeping service had no access to the employer's banking information and could not therefore provide any documentation of the deposit having been made to the Complainant.

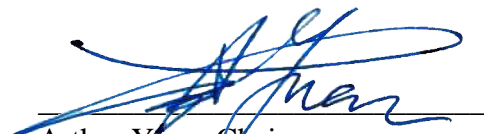
[8] Further emails from the LSCO to the employer were not replied to.

## Analysis

[9] The information provided by the employer's bookkeeping service established that the amount of wages to which the Complainant was entitled for the period of March 1 to 8, 2019 was \$2,942.91. There is no dispute in relation to the amount of wages owing, the only question is whether or not the amount was paid to the Complainant. The Complainant provided documentation in the form of bank statements to establish that he had not been paid by the employer. Although provided the opportunity to do so, the employer provided no documentation to show that the amount was in fact paid.

[10] For all of the above reasons, the Board finds that the Complainant is entitled to be paid \$2,942.91 by Prime Camp Services Ltd. as outlined above.

Dated at Iqaluit, Nunavut this 24<sup>th</sup> day of March 2020.

  
Arthur Yuan, Chairperson  
Nunavut Labour Standards Board