

**MANITOBA LABOUR BOARD**  
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[www.manitoba.ca/labour/labbrd](http://www.manitoba.ca/labour/labbrd)

**Case No. 437/06/ESC**  
**File No. 88461**

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

**BETWEEN:**

**LES ENTREPRISES BO-PA LIMITEE trading as  
ACADIAN CLEANING SERVICES,**

**Employer,**

**- and -**

**G.K.,**

**Employee.**

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

**WHEREAS:**

1. On May 5, 2006, pursuant to Section 96(1) of *The Employment Standards Code*, the Director of the Employment Standards Division of the Department of Labour and Immigration, ordered that the amount of Two Hundred Seventy Seven Dollars and Forty Two Cents (\$277.42) being wages owing by the Employer to the Employee(s), be paid to the Director of the Employment Standards Division of the Department of Labour and Immigration by the Employer and further required the payment of the administrative fee in the amount of One Hundred Dollars (\$100.00) for a total owing of Three Hundred Seventy Seven Dollars and Forty Two Cents (\$377.42).
2. The Employer having disputed the payment of the above-mentioned amount, the Director of the Division, pursuant to Section 110 of the *Code*, referred the matter to the Board.
3. On April 13, 2007, the Board conducted a hearing at which time both parties appeared before the Board, and presented evidence and argument.
4. During the course of the hearing, the Employee acknowledged that he received bonus payments for satisfactory performance. However, pursuant to Section 40 of *The Employment Standards Code*, such payments do not affect the employee's entitlement to a vacation allowance as set out in *The Employment Standards Code*.
5. The Board, following consideration of material filed and evidence presented, found that the Employee is entitled to receive a vacation allowance in the amount of Two Hundred Seventy

Six Dollars and Sixty Two Cents (\$276.62) as noted in the attached Statement of Adjustment. This amount is based upon Four (4%) percent of gross regular earnings of Six Thousand Nine Hundred Fifteen Dollars and Fifty Seven Cents (\$6,915.57) as noted in the Employer's payroll records referenced in Exhibit #1.

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

The Manitoba Labour Board **HEREBY ORDERS LES ENTREPRISES BO-PA LIMITEE trading as ACADIAN CLEANING SERVICES**, to pay to the Director of Employment Standards Division of the Department of Labour and Immigration, forthwith:

**WAGES:**

The amount of Two Hundred Seventy Six Dollars and Sixty Two Cents (\$276.62) less statutory deductions, being a vacation allowance owing to the Employee, G.K.

**ADMINISTRATIVE FEE:**

An Administrative Fee in the amount of One Hundred Dollars (\$100.00) pursuant to Section 96(1) of *The Employment Standards Code*.

**TOTAL:**

The total amount being Three Hundred Seventy Six Dollars and Sixty Two Cents (\$376.62).

**DATED** at WINNIPEG, Manitoba, this 20<sup>th</sup> day of April, 2007.

*"Original signed by"*

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**REGISTRAR**

CJ:tj/rb-s