

Employer No: ER177-695

Head Office No: H Office: Richmond
Employer: TECHNICOLOR CANADA, INC.
Operating Name: MOVING PICTURE COMPANY
Mailing Address: 500-1132 HAMILTON ST
VANCOUVER, BC Canada
V6B 2S2
Phone: (604) 689-1081
Fax:
Cell: (604) 619-4582
Email: lyndsay-a@moving-picture.com

Received Date	Asgn No	Asgn Officer Type	Stat	Closed Date	Resl Typ
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*** CLOSED ASSIGNMENT EMPLOYEES ONLY ***

<u>2015/09/01</u>	^{s.22}	CO Dhillon, Arshdeep	CLSD	2015/10/22	44
2013/12/05	^{s.22}	CO Ranger, Lynn	CLSD	2014/04/07	44

DATA INFORMATION SHEET (DIS) PAGE 1

**Note: Data person – please initial after any entries
(Updated Jun 2013)

COMPLAINTS

EMPLOYER'S LEGAL NAME: <u>Technicolor Canada, Inc.</u>		
CARRYING ON BUSINESS AS: <u>Moving Picture Company, a division of Technicolor Canada, Inc.</u>		
ER# <u>177-695</u>	EE# <u>361-325</u>	ASGN. # <u>384-288</u>
TYPE OF BUSINESS: _____		
UPDATE ER. INFO <input type="checkbox"/>	UPDATE EE. INFO <input type="checkbox"/>	REOPEN FILE <input type="checkbox"/>
ADD/CHANGE ADDRESS/PHONE: <u>604 619 4582 (er - HR)</u>		

COMPLAINT(S) ASSIGNMENT STATUS

ASSESSMENT <input checked="" type="checkbox"/>	DELEGATE # <u>224</u>	DATE ASSIGNED <u>Sept 14, 2015</u>
EDUCATION <input checked="" type="checkbox"/>	DELEGATE # <u>224</u>	DATE ASSIGNED <u>Sept 15, 2015</u>
INVESTIGATION <input type="checkbox"/>	DELEGATE # _____	DATE ASSIGNED _____
MEDIATION <input checked="" type="checkbox"/>	DELEGATE # <u>293</u>	DATE ASSIGNED <u>Oct 6, 2015</u>
MEDIATION DATE <u>October 22, 2015</u>	DATE MEDIATION HELD _____	
AJUDICATION <input type="checkbox"/>	DELEGATE # _____	DATE ASSIGNED _____
ADJUDICATION DATE <u>14 Dec 2015</u>	DATE ADJUDICATION HELD _____	
COLLECTIONS <input type="checkbox"/>	DELEGATE # <u>293</u>	DATE ASSIGNED _____
CLOSURE INFORMATION		
CODE <u>44</u>	DELEGATE # <u>256</u>	WAGE AMOUNT \$ <u>N/A</u>
PAYMENT DATE <u>N/A</u>		DATE CLOSED <u>22 Oct 2015</u>

ALLEGATIONS Information Captured at or after Education Stage

<input checked="" type="checkbox"/> WAGE (Regular Wages)	<input type="checkbox"/> OVT (Overtime Wages)	<input type="checkbox"/> VAC (Vacation Pay)
<input type="checkbox"/> STAT (Statutory Holiday Pay)	<input type="checkbox"/> CLOS (Termination Pay)	<input type="checkbox"/> DDUC (Unauthorized Deduction)
<input type="checkbox"/> LEAV (Part 6 – Leaves)	<input type="checkbox"/> NSF	<input checked="" type="checkbox"/> OTHER
<input type="checkbox"/> SEC 8 (Misrepresenting Job)		

SETTLEMENT AGREEMENT INFORMATION

FULL <input type="checkbox"/> OR PARTIAL <input type="checkbox"/>	DATE OF AGREEMENT _____	AMOUNT: \$ _____
Payment Schedule (SCHD) <input type="checkbox"/>	Date Filed in Court: _____	Last payment due date: _____
CLOSURE SA <input type="checkbox"/>	Doc # _____	Paid <input type="checkbox"/>

DETERMINATION UPDATE / CLOSURE STATUS

Doc Type: CFUL <input type="checkbox"/> DFUL <input type="checkbox"/> Doc # _____	DATE C/J RELEASED: _____	Date Filed in Court _____
Appeal <input type="checkbox"/> Appeal Date _____	Oral Hearing Date _____	
Paid <input type="checkbox"/> Varied <input type="checkbox"/> Settled <input type="checkbox"/> Cancel <input type="checkbox"/> Discontinued <input type="checkbox"/> NAST <input type="checkbox"/> PREL <input type="checkbox"/> NFAR <input type="checkbox"/>		
PENALTY(S) Paid <input type="checkbox"/> List CA Code(s) _____	Cancelled <input type="checkbox"/> List CA Code(s) _____	NAST <input type="checkbox"/> PREL <input type="checkbox"/>

NAST = No Assets; NFAR = No Further Action (use with closure code 41); PREL = Paid on related DOC

Continued



Complaint Withdrawal

EMPLOYMENT STANDARDS ACT

ER # 177-695

TO: Director of Employment Standards ("the Director")

Please accept this as a withdrawal of my complaint dated 1 September 2015

against Technicolor Canada, Inc. carrying on business as Moving Picture Company
Vancouver, a division of Technicolor Canada, Inc.

In withdrawing my complaint, I request the Director of Employment Standards not to
take any action relating to my complaint under the provisions of the *Employment
Standards Act*.

This document is to be returned to the Employment Standards Branch within two weeks
from the date of its receipt.

s.22

s.22

22 October 2015

Date

**Ministry of Jobs, Tourism
and Skills Training and
Minister Responsible for
Labour**

Employment Standards
Branch

Mailing Address:

250 - 4600 Jacombs Road
Richmond, B.C. V6V 3B1

Telephone: (604) 263-1111
Facsimile: (604) 713-0450



For office use only:

OFFICE	RM
ESI DATE	
ER No.	177-1-95
ASSIGN No.	s.22
EE No.	
DATE ASSIGN	
OFFICER	

Office Copy

...e of complaint submission:
September 01, 2015

Confirmation # 9416096SIS

I have used the Employment Standards self-help kit and the problem has not been resolved.

Employer Information

Name of Employer:

MPC

Mailing Address of employer:

1132 Hamilton St

City/town, Province, Country:

Vancouver, BC, Canada

Postal Code:

v6b2s2

Telephone Number:

604-689-1081

Fax Number:

Type of business:

Email Address:

Name of supervisor:

Name and home phone number of owner:

()

Address of place where you worked if different from above

Street Address:

City/town, Province, Country:

Postal Code:

Is your employer bankrupt or in receivership?

No

Employers' bank:

Employers bank branch:

Is your employer still in business?

Yes

When did your employer go out of business?

Information About You

Your Last Name:

s.22

Your first or given name:

Middle

Initial(s):

Mailing (street) Address:

s.22

City/town, Province, Country:

Postal Code:

Your home phone number:

s.22

Cellular or Alternate Number:

Email Address:

s.22

Are you under the age of 19?

s.22

Are you covered by a collective agreement (union contract):

s.22

Union's Name:

Union Rep's Name:	Union Rep's Phone Number:
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Your work history with this employer			
Your job title: s.22	Date you started work for this employer: s.22		Last day you worked for this employer: s.22
Your rate of pay: s.22	Employment status: s.22		
How often are you paid? s.22			
Are your hours of work regular? s.22	Hours worked per day:	Number of days worked per week:	Total Hours per week:
Do you have a record of the hours worked for this employer: s.22			

Work history continued. What do you believe you are owed?			
	From date	To date	Estimated amounts
<input type="checkbox"/> Regular wages	s.22		
<input type="checkbox"/> Overtime			\$0
<input type="checkbox"/> Annual vacation pay			\$0
<input type="checkbox"/> Statutory holiday pay			\$0
<input type="checkbox"/> Deductions from wage	Specify:		\$0
<input type="checkbox"/> NSF Cheques			\$0
<input type="checkbox"/> Pregnancy/Parental or other leave			\$0
<input type="checkbox"/> Compensation for length of service (termination pay)			\$0
<input type="checkbox"/> Other	Specify:		\$0
Estimated Total you are owed:			s.22

Details of your complaint s.22

s.22

Do you consent to your contact information being disclosed to your Employer?

s.22

Morgan, Simon LBR:EX

From: s.22
Sent: Wednesday, September 16, 2015 8:39 PM
To: Morgan, Simon LBR:EX
Subject: RE: ESB complaint
Attachments: emailLindsay1.pdf; emailLindsay2.pdf; EmailSelfHelpKit.pdf; s.22
SIGNED CONTRACT EXTENSION.pdf

Hey Simon,

Sorry for the delay, I was trying to gather up the documents I had, I think these are the relevant ones.

The salary review isn't promised on paper, but every employee that stays more than a year that I knew of receives a review, and receives backpay. I was promised a review in a meeting.

Thanks for the help, I really appreciate it.

s.22

Lyndsay's info is in the emails, but also here for your convenience:

Lyndsay Anderson, CRRP
Crew Manager/HR Advisor
MPC Film
1132 Hamilton St., Vancouver, BC
T 604.689.1081 ext 7032
C 604.619.4582

From: Simon.Morgan@gov.bc.ca
To: s.22
Subject: ESB complaint
Date: Wed, 16 Sep 2015 19:11:32 +0000

s.22

Please provide the name of the person who I should contact in the first instance and their contact number if possible,

Regards
Simon

Simon Morgan	
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*Ministry of Jobs, Tourism and Skills Training and
Minister Responsible for Labour.*

Employment Standards Branch

250 - 4600 Jacombs Road
Richmond, BC V6V 3B1
T: (604) 713 0307
F: (604) 713 0450



s.22

FW: Salary Back Pay

s.22

Mon, Apr 6, 2015 at 10:24 AM

From: s.22
Sent: Wednesday, April 01, 2015 10:29 AM
To: Lyndsay Anderson
Cc: Alex Wilkie; Ben Cole
Subject: RE: Salary Back Pay

Hello Lyndsay,

s.22

s.22

s.22

9/16/2015

Gmail - FW: Salary Back Pay

From: Lyndsay Anderson
Sent: Tuesday, March 31, 2015 5:30 PM
To: s.22
Cc: Alex Wilkie; Ben Cole
Subject: RE: Salary Back Pay

Hi s.22

s.22

Sincerely,

Lyndsay Anderson, CHRP

Crew Manager/HR Advisor

<https://mail.google.com/mail/u/0/?ui=2&ik=09657270bd&view=pt&q=moving-picture.com&qs=true&search=query&msg=14c8fc3821948cdc&siml=14c8fc3821...> 2/4

9/18/2015

Gmail - FW: Salary Back Pay

MPC Film

1132 Hamilton St., Vancouver, BC
T 604.689.1081 ext 7032

C 604.619.4582

E lyndsay-a@moving-picture.com

London - Vancouver - LA - Bangalore - Montréal

moving-picture.com/film

From: s.22

Sent: March-31-15 10:47 AM

To: Ben Cole; Alex Wilkie; Lyndsay Anderson

Subject: Salary Back Pay

Hello,

s.22

Thanks a lot,

9/16/2015
s.22

Gmail - FW: Salary Back Pay

s.22

FW: Salary Back Pay

s.22

Wed, Apr 8, 2015 at 1:04 PM

From: Lyndsay Anderson
Sent: Tuesday, April 07, 2015 6:17 PM
To: s.22
Cc: Alex Wilkie; Ben Cole
Subject: RE: Salary Back Pay

Hi s.22

s.22

Sincerely,

Lyndsay Anderson, CHRP

Crew Manager/HR Advisor

MPC Film

9/16/2015

Gmail - FW: Salary Back Pay

1132 Hamilton St., Vancouver, BC
T 604.689.1081 ext 7032

C 604.619.4582

E lyndsay-a@moving-picture.com

London - **Vancouver** - LA - Bangalore - Montréal

moving-picture.com/film

From: s.22

Sent: April-07-15 4:35 PM

To: Lyndsay Anderson

Cc: Alex Wilkie; Ben Cole

Subject: RE: Salary Back Pay

s.22

Thanks.

From: s.22

Sent: Monday, April 06, 2015 3:48 PM

To: Lyndsay Anderson

Cc: Alex Wilkie; Ben Cole

Subject: RE: Salary Back Pay

Any updates on this? Sorry to be a pain, but I'm wondering why there hasn't been a response.

Thanks a lot.

[Quoted text hidden]

Copyright

s.22

Salary Backpay

Lyndsay Anderson <lvndsav-a@moving-picture.com>

Wed, Aug 26, 2015 at 10:12 AM

To: s.22

Cc: Jenny Rodgers <jenny-r@moving-picture.com>

Hi s.22

We have received your request for payment submitted on August 24, 2015.

We have reviewed the matter in detail and concluded that no outstanding wages are owed to you by MPC.

s.22

I trust the above is sufficient to clarify these circumstances.

Sincerely,

Lyndsay Anderson, CHRP

Crew Manager | HR Advisor

MPC Film | Vancouver

1132 Hamilton St, Vancouver, BC

T 604.689.1081 ext 7032

C 604.619.4582

E lyndsay-a@moving-picture.com

London - Vancouver - LA - Bangalore - Montréal

9/16/2015

Gmail - Salary Backpay

moving-picture.com/film

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From: s.22
Sent: August-25-15 6:31 PM
To: Lyndsay Anderson
Subject: Re: Salary Backpay

[Quoted text hidden]

s.22

Page 018 to/à Page 019

Withheld pursuant to/removed as

DUPLICATE

Page 020 to/à Page 021

Withheld pursuant to/removed as

s.22

Morgan, Simon LBR:EX

From: s.22
Sent: Wednesday, September 30, 2015 5:56 PM
To: Morgan, Simon LBR:EX
Subject: RE: ESB

Hey Simon,

s.22

s.22

From: Simon.Morgan@gov.bc.ca
To: s.22
Subject: RE: ESB
Date: Wed, 30 Sep 2015 15:24:45 +0000

s.22

I have spoken with the employer who is maintaining its position. That said I am following up with them on Tuesday.

With regard to not receiving an update in 'weeks':

You filed a complaint on September 1, 2015, I spoke with you on September 15, 2015. It has been 15 days since I have had contact on the file and I have spoken with the employer twice, emailed them information and have provided them with a deadline. In addition I have been doing diligence about whether your claim is recoverable under the Act, which I do not believe it is. My efforts have been to try and get them to the mediation table – where you might get some voluntary resolution.

I will update you when I have something to update you with.

Simon

Simon Morgan	
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Ministry of Jobs, Tourism and Skills Training and
Minister Responsible for Labour.

Employment Standards Branch

250 - 4600 Jacombs Road
Richmond, BC V6V 3B1
T: (604) 713 0307
F: (604) 713 0450



From: s.22

Sent: Tuesday, September 29, 2015 5:45 PM

To: Morgan, Simon LBR:EX

Subject: RE: ESB

Hello Simon,

I haven't received any updates in weeks. I am just wondering what the status of everything is?

Thanks,

s.22

From: Simon.Morgan@gov.bc.ca

To: s.22

Subject: ESB

Date: Tue, 15 Sep 2015 18:10:32 +0000

Simon Morgan

Ministry of Jobs, Tourism and Skills Training and
Minister Responsible for Labour.

Employment Standards Branch

250 - 4600 Jacombs Road
Richmond, BC V6V 3B1
T: (604) 713 0307
F: (604) 713 0450



Morgan, Simon LBR:EX

From: Claire L. Marchant <CMarchant@harrisco.com>
Sent: Tuesday, October 6, 2015 10:40 AM
To: Morgan, Simon LBR:EX
Subject: RE: ESB Mediation - MPC and s.22

Thanks Simon – It would be more accurate to list it as Moving Picture Company Vancouver, a division of Technicolor Canada, Inc.

From: Morgan, Simon LBR:EX [<mailto:Simon.Morgan@gov.bc.ca>]
Sent: Tuesday, October 06, 2015 10:38 AM
To: Claire L. Marchant
Subject: RE: ESB Mediation - MPC and s.22

Hi Claire,

It was good speaking with you also and I thank you for your quick consideration into this matter. A mediation has been arranged as per the following notice.

Can I ask that you confirm the correct legal name of your client. My records indicate 'Technicolor Canada, Inc. carrying on business as Moving Picture Company' but I note 'MPC' is often named.

Regards

Simon

Notice of Mediation Session

Tuesday 6 October 2015

177-695

Email

To:	Technicolor Canada, Inc. carrying on business as Moving Picture Company 500 – 1132 Hamilton St Vancouver, BC V6B 2S2	s.22
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In the matter of a complaint under the *Employment Standards Act* by s.22 **against**
Technicolor Canada, Inc. carrying on business as Moving Picture Company

The Director of Employment Standards provides mediation services in an effort to assist the parties to resolve alleged contraventions of the *Employment Standards Act*. The Director has appointed a mediator to meet with the parties as follows:

Date: **Thursday 22 October 2015**
Time: **1.00 P.M. Pacific Time**
Place: **250 – 4600 Jacombs Rd., Richmond, BC V6V 3B1**

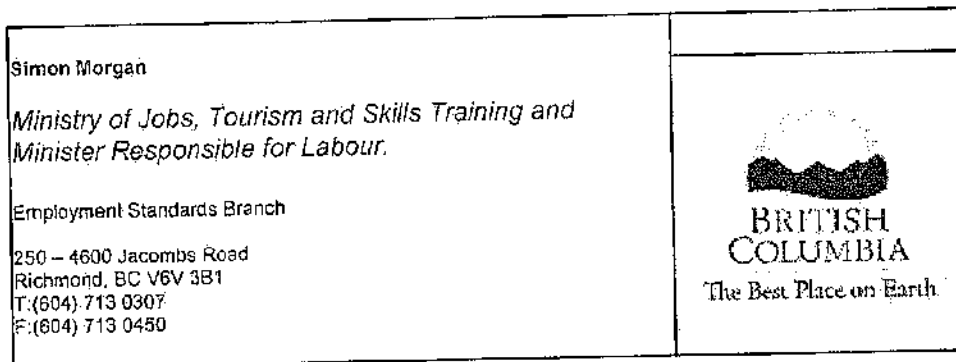
Mediation provides an opportunity for the parties to discuss their issues in a neutral environment and come to a resolution acceptable to both of them.

For additional information, please refer to the *Employment Standards Mediation* factsheet attached.

You should bring any documents that will help to resolve the issues in dispute, such as payroll records or pay stubs, calendars, time sheets, letters etc. These documents will be provided to the mediator and may be made available to the other party. In the event the mediation does not result in a resolution, any documents produced will become part of the record.

If the complaint is not resolved at mediation, a Complaint Hearing will take place on **Monday 14 December 2015** at 9:00AM. A Notice of Complaint Hearing and information about the Complaint Hearing process will be sent to the parties if required.

Simon Morgan
Delegate of the Director of
Employment Standards



From: Claire L. Marchant [<mailto:CMarchant@harrisco.com>]
Sent: Monday, October 5, 2015 4:34 PM
To: Morgan, Simon LBR:EX
Subject: ESB Mediation - MPC and s.22

Hi Simon,

Great to speak to you on Friday. Further to our conversation, I confirm that MPC would like to proceed to mediation with s.22 and the afternoons of October 21 or October 22 are available.

Thanks very much,

Claire

Claire L. Marchant
DI 778 328 2501
CMarchant@harrisco.com



Harris & Company ^{LLP}
14th Floor, 550 Burrard St.

Vancouver, BC V6C 2B5

T/ 604 684 6633

F/ 604 684 6632

harrisco.com

Workplace Law



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Morgan, Simon LBR:EX

From: Mail Delivery Subsystem <postmaster@gems9.gov.bc.ca>
To: CMarchant@harrisco.com
Sent: Tuesday, October 6, 2015 10:38 AM
Subject: Relayed: ESB Mediation - MPC and s.22

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

CMarchant@harrisco.com



RE: ESB Mediation
- MPC and s.22

Subject: RE: ESB Mediation - MPC and s.22

Morgan, Simon LBR:EX

From: Claire L. Marchant <CMarchant@harrisco.com>
Sent: Monday, October 5, 2015 4:34 PM
To: Morgan, Simon LBR:EX
Subject: ESB Mediation - MPC and s.22

Hi Simon,

Great to speak to you on Friday. Further to our conversation, I confirm that MPC would like to proceed to mediation with s.22 and the afternoons of October 21 or October 22 are available.

Thanks very much,

Claire

Claire L. Marchant
D/ 778 328 2501
CMarchant@harrisco.com



Harris & Company ^{LLP}
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632
harrisco.com

Work: > Low

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Morgan, Simon LBR:EX

From: Morgan, Simon LBR:EX
Sent: Wednesday, September 30, 2015 10:10 AM
To: 'lyndsay-a@moving-picture.com'
Subject: RE: Employment Standards complaint filed by s.22 against Technicolor Canada Inc. carrying on business as Moving Picture Company.
Attachments: Scan_20150930.pdf; Adjudication-Hearings.pdf; Annual-Vacation.pdf; Complaint Resolution.pdf; Deductions from Wages.pdf; enforcement.pdf; mediation.pdf; paying-wages.pdf

Ms.Anderson,

Re: Employment Standards complaint filed by s.22 against Technicolor Canada Inc. carrying on business as Moving Picture Company.

Further to our discussion yesterday, the Employment Standards Branch has received a complaint against **Technicolor Canada Inc. carrying on business as Moving Picture Company.**

Please find attached;

- Copy of complaint (due to privacy law: personal details have been deleted)
- Subsequent submissions from complainant attached to complaint
- Link to sections of the Employment Standards Act (the 'Act') and Interpretation that *may* be relevant
- Breakdown of our process and options
- Factsheets regarding our process

Complaint

See attached Pdf: Scan_20150930. Pdf

Please be advised that the claim amount (if owed) is considered wages therefore vacation pay would need to be applied at the rate of 4%.

Links to Employment Standards Act

<http://www.labour.gov.bc.ca/esb/igm/esa-part-3/igm-esa-s-18.htm> (Time limits to pay all outstanding wages)

<http://www.labour.gov.bc.ca/esb/igm/esa-part-7/igm-esa-s-58.htm> (vacation pay)

Process and options

It is important to state that the **Employment Standards Branch is neutral** and does not advocate for either party; it can only deal with matters within the scope of the Act. There is a process in place for resolving disputes; the first stage is an educational component where you can choose to make a voluntary payment based on information provided, if not the next stage is mediation and finally if necessary an adjudication.

Therefore; the following options are available;

1 Make a voluntary 'without prejudice' payment in the full amount, if this is how you wish to proceed send the cheque in the complainants name to the address below: mark the envelope for my attention. Please send the cheque within the next five business days.


2 Attend a mediation. This is an informal meeting to try and reach an agreement to resolve the complaint. Typically this is a financial settlement. At this stage no decision is rendered and no penalties incurred. If this is how you wish to proceed; please confirm your preferred date for mediation – October 26 2015 at 09.30 or October 29, 2015 at 1.00pm. Mediations last approximately 3 hours. *Please note that an adjudication date will be reserved at the same time the mediation date is agreed upon, this date will be approximately 6 weeks later and will be used should the matter not resolve at the mediation.


3 Go straight to an adjudication hearing. This is a formal, evidentiary based hearing (full day) where an Industrial Relations Officer will hear the evidence presented by both sides and render a decision. At this stage if it is found that there are contraventions of the Employment Standards Act; penalties will be applied. The adjudication date would be approximately 6 weeks after the decision to go to adjudication is made.

Thank you for your time and consideration into this matter. Should I not hear from you sooner I will contact you on Monday 5 October to establish your position and how you wish to proceed in this matter. Finally can you confirm that the business name 'Technicolor Canada Inc. carrying on business as Moving Picture Company' is accurate.

Kind Regards

Simon

<p>Simon Morgan</p> <p><i>Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.</i></p> <p>Employment Standards Branch</p> <p>250 – 4600 Jacombs Road Richmond, BC V6V 3B1 T: (604) 713 0307 F: (604) 713 0450</p>	 <p>BRITISH COLUMBIA The Best Place on Earth</p>
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<p>Simon Morgan</p> <p><i>Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.</i></p> <p>Employment Standards Branch</p> <p>250 – 4600 Jacombs Road Richmond, BC V6V 3B1 T: (604) 713 0307 F: (604) 713 0450</p>	 <p>BRITISH COLUMBIA The Best Place on Earth</p>
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Morgan, Simon LBR:EX

From: Mail Delivery Subsystem <postmaster@gems9.gov.bc.ca>
To: lyndsay-a@moving-picture.com
Sent: Wednesday, September 30, 2015 10:11 AM
Subject: Relayed: Employment Standards complaint filed by s.22 against Technicolor Canada Inc. carrying on business as Moving Picture Company.

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

lyndsay-a@moving-picture.com

Subject: RE: Employment Standards complaint filed by s.22 against Technicolor Canada Inc. carrying on business



RE: Employment
Standards comp...

as Moving Picture Company.

ESA Checklist

ESA: SMORCAN
 ER#: 177-695 s.22
 ASSIGNMENT #:

DESCRIPTION	Yes	No	Comments
Complaint within 6 month time limit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Confirm C's telephone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Confirm C's address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Confirm ER name	<input type="checkbox"/>	<input type="checkbox"/>	Needs confirming
Correct Corporate Registry Search on file	<input type="checkbox"/>	<input type="checkbox"/>	" "
Confirm ER's address	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Confirm ER's telephone number	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ER contacted regarding mediation. Name of person contacted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	er/counsel Claire Moronot 7783282501
Any alternative/direct phone numbers provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>	L. Anderson 6046194582
Does the person attending on behalf of the ER having signing authority for the company?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ER has been sent copy of complaint	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
C contacted regarding mediation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
CASE updated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Coversheet on file up to date with addresses and telephone numbers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Correspondence on file	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
List any issues that don't appear on complaint form:			
Teleconference numbers should be attached to the front of the file if telephone mediation is scheduled.			
Notes (please list any attempts to contact parties, any other significant details:			

Please ensure that the file is organized prior to giving it to an officer. Thank-You!

EMPLOYMENT STANDARDS BRANCH WORKFLOW SHEET



SIMON MORGAN
DELEGATE

ER# 177-695 Name: Technicolor Canada, Inc. carrying on business as Moving Picture Company – MPC??

Employer Telephone: (604) 689 1081

Employer Fax: (604)

E-mail: lyndsay-a@moving-picture.com

Employer Contact: Claire Marchant – counsel for ER Contact Telephone: (778) 328 2501

Complainant: s.22

EE Phone s.22

E-mail: s.22

CONTACTS MADE

CONTACTS MADE					
DATE	METHOD	PERSON	TIME		
				<u>METHOD CODE</u>	
				P In Person	
				LT Letter to	
				LF Letter from	
				FT Fax to	
				FF Fax from	
				TT Telephone Call to	
				TF Telephone Call from	
				TMT Telephone Message to	
				TMF Telephone Message from	
				EMT Email Message to	
				EMF Email Message from	
				<u>PERSON CODE</u>	
				ER Employer	
				EE Employee	
				A Accountant/Bookkeeper	
				L Lawyer	
				O Other	
	INITIAL CHECKS			ESB jurisdiction?.....	Y
				ER still in business?.....	Y
				Filed within 6-months?.....	Y
				EE under collective agreement?.....	N
				EE an independent contractor?.....	N
				EE exclusions?.....	N
				SHK used?.....	Y
				EE info (address) confirmed?.....	Y
				ER info (legal name, cobra, address) confirmed?.....	????????????????????
				ER contact has case knowledge and/or signing authority?.....	Y
				6-month period of time ESB can investigate?.....	Y

ISSUES

Wants to enforce a salary review retroactively
Wages^{s.22}

COMMENTS

Sep 14				<ul style="list-style-type: none"> File recieved
Sep 15	TT	EE	10.58	<ul style="list-style-type: none"> s.22 Explained role of ESB, my role and process Confirmed ER name – Technicolor Canada is the parent company EE to supply the point of contact by email (EMT EE with my details) s.22 year contract – ER promised to conduct a salary review and give EE a raise Explained bound by the Act and that unlikely able to enforce a retroactive raise

				<ul style="list-style-type: none"> ▪ Explained scope and purpose of Act ▪ Document promising a salary review. ▪ EE^{s.22} ▪ EE sought Legal advice -
Sept 16	EMT	EE	12.11	<ul style="list-style-type: none"> ▪ Provide contact name and number
Sep 24	TMT	ER	3.20	<ul style="list-style-type: none"> ▪ Lindsay Anderson (HR) 604 689 1081 ▪ Call back message
Sep 29	TMF	ER	08.00	<ul style="list-style-type: none"> ▪ s.22 ▪ 604 619 4582
Sep 29	TMT	ER	12.50	<ul style="list-style-type: none"> ▪ Call back message 604 619 4582 ▪ # provided
Sep 29	TT	ER	2.56	<ul style="list-style-type: none"> ▪ s.22 ▪ Explained role of ESB and process ▪ Explained complaint ▪ ER aware – likely mediate ▪ lyndsay-a@moving-picture.com
Sep 30	EMT	ER		<ul style="list-style-type: none"> ▪ Copy of complaint ▪ Options ▪ Factsheets
Oct 1	TT	ER /L		<ul style="list-style-type: none"> ▪ TT Claire Marchant – counsel for ER – will be P.O.C 778 – 328 2501 ▪ Explained role of ESB and process ▪ Likely will attend mediation ▪ Doesn't believe that this is enforceable
Oct 5	EMF	ER /L		<ul style="list-style-type: none"> ▪ Mediation date – Thursday 22 October at 1pm
Oct 6	T	EE	10.00	<ul style="list-style-type: none"> ▪ Mediation date – Thursday 22 October at 1pm ▪ Call back if there is a problem
Oct 6				<ul style="list-style-type: none"> ▪ EXCEL, OUTLOOK and CASE updated
Oct 6	EMT	ER /L EE		<ul style="list-style-type: none"> ▪ Mediation notices sent ▪ Factsheets ▪ Mediation date – Thursday 22 October at 1pm ▪ TADJ – 14 Dec.
				<ul style="list-style-type: none"> ▪
				<ul style="list-style-type: none"> ▪

Morgan, Simon LBR:EX

From: Morgan, Simon LBR:EX
Sent: Tuesday, October 6, 2015 10:38 AM
To: 'Claire L. Marchant'
Subject: RE: ESB Mediation - MPC and s.22
Attachments: Adjudication-Hearings.pdf; Annual-Vacation.pdf; mediation.pdf; paying-wages.pdf

Hi Claire,

It was good speaking with you also and I thank you for your quick consideration into this matter. A mediation has been arranged as per the following notice.

Can I ask that you confirm the correct legal name of your client. My records indicate 'Technicolor Canada, Inc. carrying on business as Moving Picture Company' but I note 'MPC' is often named.

Regards

Simon

Notice of Mediation Session

Tuesday 6 October 2015

177-695

Email

To:	Technicolor Canada, Inc. carrying on business as Moving Picture Company 500 – 1132 Hamilton St Vancouver, BC V6B 2S2	s.22
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In the matter of a complaint under the *Employment Standards Act* by s.22 **against**
Technicolor Canada, Inc. carrying on business as Moving Picture Company

The Director of Employment Standards provides mediation services in an effort to assist the parties to resolve alleged contraventions of the *Employment Standards Act*. The Director has appointed a mediator to meet with the parties as follows:

Date: **Thursday 22 October 2015**
Time: **1.00 P.M. Pacific Time**
Place: **250 – 4600 Jacombs Rd., Richmond, BC V6V 3B1**

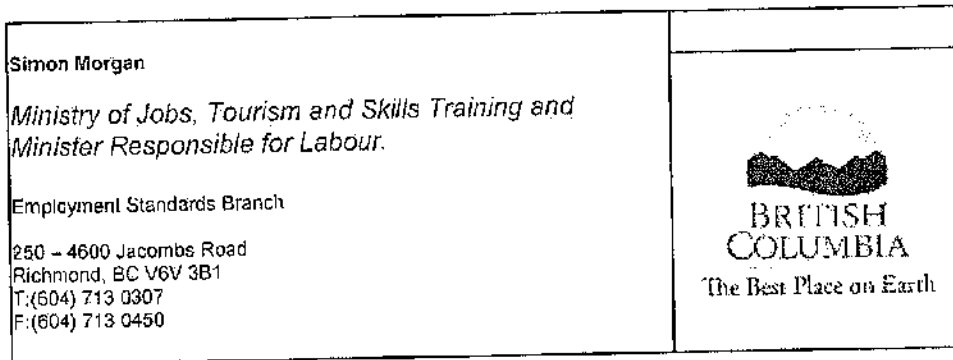
Mediation provides an opportunity for the parties to discuss their issues in a neutral environment and come to a resolution acceptable to both of them.

For additional information, please refer to the *Employment Standards Mediation* factsheet attached.

You should bring any documents that will help to resolve the issues in dispute, such as payroll records or pay stubs, calendars, time sheets, letters etc. These documents will be provided to the mediator and may be made available to the other party. In the event the mediation does not result in a resolution, any documents produced will become part of the record.

If the complaint is not resolved at mediation, a Complaint Hearing will take place on **Monday 14 December 2015** at 9:00AM. A Notice of Complaint Hearing and information about the Complaint Hearing process will be sent to the parties if required.

Simon Morgan
Delegate of the Director of
Employment Standards



From: Claire L. Marchant [<mailto:CMarchant@harrisco.com>]
Sent: Monday, October 5, 2015 4:34 PM
To: Morgan, Simon LBR:EX
Subject: ESB Mediation - MPC and s.22

Hi Simon,

Great to speak to you on Friday. Further to our conversation, I confirm that MPC would like to proceed to mediation with s.22 and the afternoons of October 21 or October 22 are available.

Thanks very much,

Claire

Claire L. Marchant
D/ 778 328 2501
CMarchant@harrisco.com



Harris & Company LLP
14th Floor, 550 Burrard St.
Vancouver, BC V6C 2B5

T/ 604 684 6633
F/ 604 684 6632
harrisco.com

Workplace Law

1-800-451-0000

This email is confidential and may be privileged. If you have received this email in error please delete it and inform the sender immediately. Unauthorized distribution or use is strictly prohibited and may result in penalties and/or damages.

Morgan, Simon LBR:EX

From: Mail Delivery Subsystem <postmaster@gems9.gov.bc.ca>
To: CMarchant@harrisco.com
Sent: Tuesday, October 6, 2015 10:38 AM
Subject: Relayed: ESB Mediation - MPC and s.22

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

CMarchant@harrisco.com



RE: ESB Mediation
- MPC and s.22

Subject: RE: ESB Mediation - MPC and s.22

Morgan, Simon LBR:EX

Subject: MED. Kirby Smith//ER# 177-695 Technicolor Canada, Inc. dba Moving Picture Company (MPC) - and - s.22 /TADJ = 14 December
Location: LBR R R2 ESB Burnaby LBR:EX; LBR R R4 ESB Burnaby LBR:EX
Start: Thu 2015-10-22 1:00 PM
End: Thu 2015-10-22 4:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: LBR ESB Office Calendar Richmond LBR:EX
Required Attendees: Smith, Kirby L LBR:EX
Optional Attendees: Morgan, Simon LBR:EX

ER counsel is Claire Marchant – 778 -328 2501

In person

PLEASE CONFIRM LEGAL NAME

Morgan, Simon LBR:EX

From: Morgan, Simon LBR:EX
Sent: Tuesday, October 6, 2015 10:39 AM
To: s.22
Subject: MEDIATION - Complaint under the Employment Standards Act by s.22 against Technicolor Canada, Inc. carrying on business as Moving Picture Company

Notice of Mediation Session

Tuesday 6 October 2015

177-695

Email

To:	Technicolor Canada, Inc. carrying on business as Moving Picture Company 500 – 1132 Hamilton St Vancouver, BC V6B 2S2	s.22
------------	-------------------------------------------------------------------------------------------------------------------------------	------

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Simon Morgan
Delegate of the Director of
Employment Standards

Simon Morgan	
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*Ministry of Jobs, Tourism and Skills Training and
Minister Responsible for Labour.*

Employment Standards Branch

250 – 4600 Jacombs Road
Richmond, BC V6V 3B1
T:(604) 713 0307
F:(604) 713 0450



Morgan, Simon LBR:EX

From: Morgan, Simon LBR:EX
Sent: Tuesday, October 6, 2015 11:07 AM
To: s.22
Subject: FW: MEDIATION - Complaint under the Employment Standards Act by s.22 against Technicolor Canada, Inc. carrying on business as Moving Picture Company
Attachments: Adjudication-Hearings.pdf; mediation.pdf

With attachments.

From: Morgan, Simon LBR:EX
Sent: Tuesday, October 6, 2015 10:39 AM
To: s.22
Subject: MEDIATION - Complaint under the Employment Standards Act by s.22 against Technicolor Canada, Inc. carrying on business as Moving Picture Company

Notice of Mediation Session

Tuesday 6 October 2015

177-695

Email

To:	Technicolor Canada, Inc. carrying on business as Moving Picture Company 500 – 1132 Hamilton St Vancouver, BC V6B 2S2	s.22
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Simon Morgan
Delegate of the Director of
Employment Standards

<p>Simon Morgan</p> <p><i>Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.</i></p> <p>Employment Standards Branch</p> <p>250 – 4800 Jacombs Road Richmond, BC V6V 3B1 T:(604) 713 0307 F:(604) 713 0450</p>	
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

Morgan, Simon LBR:EX

From: Mail Delivery Subsystem <postmaster@gems9.gov.bc.ca>
To: s.22
Sent: Tuesday, October 6, 2015 10:39 AM
Subject: Relayed: MEDIATION - Complaint under the Employment Standards Act by s.22
against Technicolor Canada, Inc. carrying on business as Moving Picture Company

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

s.22

Subject: MEDIATION - Complaint under the Employment Standards Act by s.22 against Technicolor Canada, Inc.



MEDIATION -
Complaint unde..

carrying on business as Moving Picture Company

Page 054 to/à Page 055

Withheld pursuant to/removed as

s.3

Prosser, Trudy LBR:EX

From: LBR ESB INFOLINE LBR:EX
Sent: Wednesday, September 2, 2015 9:37 AM
To: LBR Langley ESB LBR:EX
Subject: FW: 9416096SIS Vancouver s.22
Attachments: Complaint_9416096SIS.html

ER 177-695
s.22
s.22

Has been entered.

Thanks,
Jason

*Sept 4/15
City of Vancouver
provided correct legal name.
Technicolor Canada Inc.
Lp.*

From: noreply@gov.bc.ca [<mailto:noreply@gov.bc.ca>]
Sent: Tuesday, September 1, 2015 9:42 PM
To: LBR ESB INFOLINE LBR:EX
Subject: 9416096SIS Vancouver s.22

Submission:
9416096SIS

Receivership:
No

Employee Name:
s.22

Employee Location:
s.22

Employer Name:
MPC

Employer Location:
1132 Hamilton St, Vancouver, BC, v6b2s2

Work Location:

Union:
s.22

Employer No: ER177-695

Head Office No: H Office: Richmond
Employer: TECHNICOLOR CANADA, INC.
Operating Name: MOVING PICTURE COMPANY
Mailing Address: 500-1132 HAMILTON ST
VANCOUVER, BC Canada
V6B 2S2
Phone: (604) 689-1081
Fax:
Cell: (604) 619-4582
Email: lyndsay-a@moving-picture.com

Received Date	Asgn No	Asgn Officer Type	Stat	Closed Date	Resl Typ
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*** CLOSED ASSIGNMENT EMPLOYEES ONLY ***

2015/09/01	^{s.22}	CO Dhillon, Arshdeep	CLSD	2015/10/22	44
2013/12/05	^{s.22}	CO Ranger, Lynn	CLSD	2014/04/07	44

DATA INFORMATION SHEET (DIS) PAGE 1 – POST November 30, 2002

**Note: Data person – please initial after any entries

COMPLAINTS

(Updated May 2006)

EMPLOYER'S LEGAL NAME: <u>Technology Creative Services</u>	
CARRYING ON BUSINESS AS: _____	
ER#: _____	EE#: _____
ASN. #. _____	TYPE OF BUSINESS: _____
UPDATE ER. INFO <input type="checkbox"/>	UPDATE EE. INFO <input type="checkbox"/>
REOPEN FILE <input type="checkbox"/>	
ADD/CHANGE ADDRESS/PHONE: _____	

COMPLAINT(S) ASSIGNMENT STATUS

ASSESSMENT	<input checked="" type="checkbox"/> DELEGATE # <u>980</u>	DATE ASSIGNED <u>FEB 27/14</u>
EDUCATION	<input type="checkbox"/> DELEGATE # <u>981</u>	DATE ASSIGNED <u>FEB 28/14</u>
INVESTIGATION	<input type="checkbox"/> DELEGATE # _____	DATE ASSIGNED _____
MEDIATION	<input checked="" type="checkbox"/> DELEGATE # <u>955</u>	DATE ASSIGNED <u>MARCH 10/14</u>
MEDIATION DATE	<u>MARCH 26/14</u>	DATE MEDIATION HELD <u>MARCH 26/14</u>
ADJUDICATION <input type="checkbox"/>	DELEGATE # _____	DATE ASSIGNED _____
ADJUDICATION DATE	_____	DATE ADJUDICATION HELD _____
COLLECTIONS <input type="checkbox"/>	DELEGATE # _____	DATE ASSIGNED _____

CLOSURE INFORMATION

CODE <u>44</u>	DELEGATE# <u>955</u>	WAGE AMOUNT \$ <u>0</u>	THRU TRUST <input type="checkbox"/>	OR Voluntary Payment <input checked="" type="checkbox"/>
PAYMENT DATE _____	DATE CLOSED <u>April 7/14</u>			

ALLEGATIONS Information Captured ~~at~~ or after Education Stage

<input type="checkbox"/> WAGE (Regular Wages)	<input checked="" type="checkbox"/> OVT (Overtime Wages)	<input type="checkbox"/> VAC (Vacation Pay)
<input type="checkbox"/> STAT (Statutory Holiday Pay)	<input type="checkbox"/> CLOS (Termination Pay)	<input type="checkbox"/> DDUC (Unauthorized Deduction)
<input type="checkbox"/> LEAV (Part 6 – Leaves)	<input type="checkbox"/> NSF	<input type="checkbox"/> OTHER
		<input type="checkbox"/> SEC 8 (Misrepresenting Job)

SETTLEMENT AGREEMENT INFORMATION

FULL <input type="checkbox"/>	OR PARTIAL <input type="checkbox"/>	DATE OF AGREEMENT _____	AMOUNT: \$ _____
Payment Schedule (SCHD) <input type="checkbox"/>	Last payment due date _____		
CLOSURE SA <input type="checkbox"/>	Doc # _____	Paid <input type="checkbox"/>	

DETERMINATION UPDATE / CLOSURE STATUS

Doc Type: CFUL <input type="checkbox"/>	DFUL <input type="checkbox"/>	Doc #: _____	DATE C/J RELEASED: _____
Appeal <input type="checkbox"/>	Appeal Date _____	Oral Hearing Date _____	
Paid <input type="checkbox"/>	Varied <input type="checkbox"/>	Settled <input type="checkbox"/>	Cancelled <input type="checkbox"/>
Discontinued <input type="checkbox"/>	NAST <input type="checkbox"/>	PREL <input type="checkbox"/>	NFAR <input type="checkbox"/>
PENALTY(\$)	Paid <input type="checkbox"/>	List CA Code(s) _____	Cancelled <input type="checkbox"/>
List CA Code(s) _____	NAST <input type="checkbox"/>	PREL <input type="checkbox"/>	

NAST = No Assets; NFAR = No Further Action (use with closure code 41); PREL = Paid on related DOC

More Next Page

design work - property type of plant

↳ subscribe to agenda - non-plant

• PR's position high loc visual quest important

✓ Inquire agenda if it is understood who's agenda

✓ EMERGENCY

Reg -

- technological project results in a product

- ie: seed saving = create doc's

No axe to grind

March 26, 2014 →

April 2, 2014 →

Page 061 to/à Page 062

Withheld pursuant to/removed as

s.22



Ministry of Jobs, Tourism and Skills Training and
Minister Responsible for Labour
Employment Standards Branch



For office use only:

Office	
ESI Date	
ER No.	147-695
Assign No.	s.22
EE No.	
D. Assign.	
Officer	

Date Stamp Here

RECEIVED

DEC 05 2013

EMPLOYMENT STANDARDS
BRANCH - LOWER MAINLAND

Complaint and Information Form

Before the Employment Standards Branch takes any action on your complaint, you must complete the SELF-HELP KIT. It is available from any Employment Standards Office and on the Internet at www.labour.gov.bc.ca/esb. Except under very unusual circumstances, the Branch will not process complaints unless the SELF-HELP KIT has been used.

Please indicate which statement applies before continuing.

- ☒ I have used the Employment Standards self-help kit and the problem has not been resolved.
- ☐ I have been advised by the Employment Standards Branch not to use the self-help kit for the following reason.
- ☐ I am within one month of the six-month time limit for filing an employment standards complaint. If I do not contact the Employment Standards Branch within 30 days to confirm I have used the self-help kit, the Director of Employment Standards will consider my complaint withdrawn. I am aware that my complaint will not be reviewed during this time.

The information on this form is collected under the authority of the *Employment Standards Act*. The information provided will be used to process your complaint against an employer with respect to wages or any other matter you have specified.

You must give us your complaint no later than six months after the end of your employment with this employer; or, if your complaint concerns ss.8, 10 or 11 of the Act, we must receive your complaint no later than six months after the date of the alleged contravention. Questions about the collection and use of this information, contact the Director of Employment Standards, Ministry of Jobs, Tourism and Skills Training and Responsible for Labour, PO Box 9570 Stn Prov Govt, Victoria BC V8W 9K1. Telephone: 1-800-663-3316

PLEASE PRINT CLEARLY - COMPLETE BOTH PAGES

SECTION A: INFORMATION ABOUT YOUR EMPLOYER

Name of Employer (name of company or business): MPC Moving Picture Company		
Street address of employer: 1132 Hamilton Street	City/town and province: VANCOUVER, BC	Postal Code: V6B 2S2
Mailing address of employer: 1132 Hamilton Street	City/town and province: VANCOUVER, BC	Postal Code: V6B 2S2
Telephone number: (604) 689 1081	Type of Business: VISUAL EFFECTS for FILM & Television	
Employer's Email address: vancouver@moving-picture.com		
Name of your supervisor: JULIA CANFORA	Name and phone number of owner: Grady is the "Head of unknown, Michelle Film"	
Address of place where you worked if different from above:		Is your employer bankrupt or in receivership? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is your employer still in business? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		If NO, when did your employer go out of business?
Employer's bank: UNKNOWN	Employer's bank branch: UNKNOWN	

SECTION B: INFORMATION ABOUT YOU

Your last name: s.22	Your first or given name:	Middle Initial(s)	Social Insurance Number:
Your mailing address: s.22	City/town:		Postal Code:
Your phone number: s.22	A phone number where a message can be left:		Are you in BC under a Collective Agreement?
Date of Birth:	Email address:		
Are you covered by a collective agreement (union contract)? s.22			
Union's Name:			

Continued on Page 2

SECTION C: YOUR WORK HISTORY WITH THIS EMPLOYER				
Your job title: s.22	Date you started work for this employer:	Last day you worked for this employer:		
Your rate of pay: s.22	s.22			
Are your hours of work regular? s.22	<input type="checkbox"/> NO	Hours worked per day: s.22	Number of days worked per week: s.22	Total hours per week: s.22
How often were you paid? s.22				
Do you have a record of the hours worked for this employer that are relevant to your claim? s.22				
If YES, attach records to this form.				
Attach a photocopy of your pay cheque, pay statements, Record of Employment, if available.				

WHAT DO YOU BELIEVE YOU ARE OWED?

	DATE	DATE	ESTIMATED AMOUNTS
<input type="checkbox"/> Regular Wages	From	To	
<input checked="" type="checkbox"/> Overtime	From s.22	To s.22	s.22
<input type="checkbox"/> Annual Vacation Pay	From	To	
<input type="checkbox"/> Statutory Holiday Pay	Specify Dates:		
<input type="checkbox"/> Deductions from wages	Specify Dates:		
<input type="checkbox"/> NSF Cheques (Attach original, or copies if available)			
<input type="checkbox"/> Pregnancy/Parental/Other Leave			
<input type="checkbox"/> Compensation for Length of Service (sometimes called Termination Pay)			
<input checked="" type="checkbox"/> Other (Specify): s.22			
s.22	ESTIMATED TOTAL		s.22

SECTION D: DETAILS OF YOUR COMPLAINT: (Please note this part of the form may be made available to your employer.)

s.22

Please Note: In order to process your complaint as quickly as possible, attach all available information relating to your claim - i.e. copies of your cheque stubs, daily time records, and your Record of Employment. For us to contact you for information, investigate your complaint, or pay money that we may collect for you, it is important that you tell us about any changes in your mailing address or telephone number. You should also be aware that, once a decision has been made and a determination issued regarding your complaint, no further action should be taken by you to enforce your claim without the written consent of the Director of Employment Standards.

s.22	I, _____, certify that all information I am providing is true and correct to the best of my knowledge, and I agree to my name being used in an investigation, mediation or adjudication.
s.22	<div style="border-bottom: 1px solid black; display: inline-block; width: 150px;"></div> Date <u>Dec 3rd 2013</u>

Page 065 to/à Page 068

Withheld pursuant to/removed as

s.22

Scott Hanley

From: Scott Hanley
Sent: Monday, September 23, 2013 12:26 PM
To: s.22
Subject: RE: Math problems?

Hi s.22, the discrepancy comes in the amount of hours per day. We are on a 10 hour day here so that's why you are getting larger numbers when you divide by 8. However having said that, if you only work an hour day, we automatically round up to 10 hours so your day rate will always be the same. Also note that the 4% vacation pay is not included in the hourly rate when discussing OT rates.

Thanks s.22, let me know if you have any other questions.

Scott Hanley | HR Assistant
MPC Film
T (604) 689-1081
F (604) 689-0298
London - Vancouver - LA - Bangalore - Montréal
www.moving-picture.com

From: s.22
Sent: Friday, September 20, 2013 7:14 PM
To: Scott Hanley
Subject: Math problems?

Hi Scott,

s.22

Thanks, s.22

ESA Tracking Sheet Summary

Delegate: Danny Barichello #980

Complainant's Information Name: ^{s.22} Phone: Position: ^{s.22}	Employer Information Name: Technicolor Creative Services Canada Inc. Contact name: Jenny Rodgers Phone: 604-689-1081
--------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------

☐ Application within 6 months from Termination date ^{s.22}
☐ Employment dates, to & from? ^{s.22}
☐ How employment terminated (fired/quit) ^{s.22}
☐ Was SHK sent? Yes Confirm ER received SHK? ^{s.22}

☐ **Issues: C is claiming overtime in the amount ^{s.22}**
☐ **C is claiming that ^{s.2} job that ^{s.22} was hired for does not fall under the term high tech worker therefore ^{s.2} is entitled to overtime pay.**
☐ **ER's position is that C knew full well the terms and conditions of the contract and signed it and is now claiming overtime. I gave ER my opinion on the matter and I said that to me that C's work as a ^{s.22} is not that of a high tech worker. Regarding the contract, employees cannot sign away their minimum standard rights under the Act. ER chose to go to mediation.**

Method				Person Code
P In person LT Letter to LF Letter from FT Fax to FF Fax from TT Telephone Call to				ER Employer C Complainant A Accountant / Bookkeeper L Lawyer T Translator O Other
TF Telephone Call from TMT Telephone Message to TMF Telephone Message from EMF Email Message to EMF Email Message from				
Date	Method	Person	Time	Comments
Feb. 27/14	TT	C		I spoke to C and ^{s.22} is claiming overtime wages and wants the Branch to make a decision on whether or not ^{s.2} is a high tech worker ^{s.22} interested in the money but wants a decision moving forward. I explained to ^{s.22} that it is all about the money and that is what we will be doing first. So if you want to proceed with complaint we will be claiming the overtime pay. I told ^{s.22} that only if this goes to adjudication that it will be determined that ^{s.2} is or is not. I got ^{s.2} mediation availability.
Feb. 27/14	TT	ER		I left voice message.

Feb. 28/14	TF	ER		I spoke to Jenny Rodgers. I explained complaint and she said that s.2 signed a contract knowing full well that s.2 would be a high tech worker and what the hours would be. I told ER in my opinion a s.22 does not meet the definition of high tech worker. s.22 I told ER I would send info by email.
Feb. 28/14	EMT	ER		See email.
March 4/14	EMF	ER		ER wants break down of claim amounts. See email.
March 5/14	EMT	C		I ask for breakdown and C provides and increases claim amount.

March 5/14	EMT	ER		I provide breakdown and ER wants to mediate
March 10/14	EMT	ER/C		Med. notices sent to both parties by email.
March 10/14	EMF	ER/C		Med. notices confirmed read.

Page 072 to/à Page 075

Withheld pursuant to/removed as

s.22

LBR ESB INFOLINE LBR:EX <ESB.INFOLINE@gov.bc.ca>

Thank you for your email inquiry. The Employment Standards Act applies to many employees and employers in British Columbia; however there are various exclusions from the legislation depending on the occupation or profession. For a listing of those exclusions, please see the following link: <http://www.labour.gov.bc.ca/esb/igm/igm-toc.htm> Regulation Part 7, Variances and Exclusions.

The Employment Standards Act defines a High technology professional as an employee who develops information technology systems, develops scientific or technological products, materials, devices or processes, or conducts scientific research and experimental developments. The definition also includes sales and marketing of information technology systems, scientific or technological products, materials, devices or processes, or scientific research or experimental developments. If the employee met the definition of a high technology professional as defined in the Regulations, this would mean that they are exempt from Part 4 of the Act (Hours of Work and Overtime) except section 39 (No excessive hours). Please see the following links for reference to this information:

http://www.labour.gov.bc.ca/esb/factsheets/high_tech.htm - High Technology Professionals and High Technology Companies in British Columbia Fact Sheet

<http://www.labour.gov.bc.ca/esb/igm/esr-part-7/esr-s37-8.htm> - Exclusions- High Technology Professionals

The requirements of this Act and the regulations are minimum requirements and an agreement to waive any of those requirements, whether written or verbal, has no effect. If an employee has entered into an agreement which does not provide minimum requirements, the employee may be able to go through our process to collect any outstanding wages for the last six months of employment. Please see the following link for your reference:

<http://www.labour.gov.bc.ca/esb/igm/esa-part-1/igm-esa-s4.htm> - Requirements of this Act cannot be waived.

We welcome the opportunity to discuss this or other questions in greater detail. Please contact us toll free at 1-800-663-3316 or (250) 612-4100 or alternately, respond with a telephone number where we may reach you. All calls are confidential.

Information Line

Employment Standards Branch

Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour

/KD

Copyright

MPC Opportunities

Alison Robb <alison-r@moving-picture.com>

Mon, Sep 16, 2013 at 11:21 AM

To: s.22

Hi |s.22

I'm the new recruiter for s.22 positions at MPC. I know you've been in touch with Mark about joining our team, and I'm hoping to continue this conversation. We have some exciting opportunities coming up and I wanted to see if you are still available and interested. What would help me, is if you could let me know your current salary and availability to start and then I will be able to provide you with an offer.

I hope to hear from you soon.

Thanks,
Alison

Alison Robb

alison-r@moving-picture.com

+1 604 689 1081

moving-picture.com

Alison Robb <alison-r@moving-picture.com>

Mon, Sep 16, 2013 at 3:14 PM

To:s.22

Hi s.22

I'm not sure if you received my below email, I sent it to a different email address that I had on file.

Mark Curtis asked me to get in touch with you about an upcoming s.22 opening. It starts on s.22 in our Vancouver location. The salary we are planning on be offering is s.22. Would this be something you are interested in?

Looking forward to hearing from you.

Kind regards,
Alison

+1 604 689 1081

moving-picture.com

From: Alison Robb <alison-r@moving-picture.com>

Date: Monday, 16 September, 2013 11:21 AM

To: s.22

Subject: MPC Opportunities

[Quoted text hidden]

s.22

Mon, Sep 16, 2013 at 7:00 PM

To: Alison Robb <alison-r@moving-picture.com>

Hi Allison,

I came very close to hitting send on my reply to your first e-mail, but somehow missed! It went like this:

"Hello Alison,

My rate is s.22 an hour, and I am available starting s.22 currently. i hope everything is going well for you in your new position.

cheers, s.22

That number works out to s.22 a year (based on 50 weeks), or s.22 a week.

Let me know if there's anything we can do to move closer.

cheers, s.22

[Quoted text hidden]

Alison Robb <alison-r@moving-picture.com>

Tue, Sep 17, 2013 at 2:23 PM

To: s.22

Hi s.22

Glad you found the email to send me. :)

I've spoken to Mark and the highest amount he is able to offer is s.22 . Let me know if you accept and I'll have HR send the contract.

Hope to hear from you soon,

Alison

+1 604 689 1081

moving-picture.com

From: s.22

Date: Monday, 16 September, 2013 7:00 PM

To: Alison Robb <alison-r@moving-picture.com>

Subject: Re: FW: MPC Opportunities

[Quoted text hidden]

s.22

Tue, Sep 17, 2013 at 6:53 PM

To: Alison Robb <alison-r@moving-picture.com>

Hi Alison,

I guess that's the best we can do for now. Let's move ahead for now. Send me the paperwork and I'll get it back to you.

thanks!

cheers, s.22

[Quoted text hidden]

s.22

Thu, Sep 19, 2013 at 8:05 AM

Draft To: Alison Robb <alison-r@moving-picture.com>

Hi Alison.

Let's move ahead with the ^{s.22}) number.

Sent from my iPod

[Quoted text hidden]

Copyright

MPC Opportunities Part 2

s.22

Thu, Sep 19, 2013 at 8:42 PM

To: Alison Robb <alison-r@moving-picture.com>

Hi Alison,

s.22

s.22

cheers, s.22

Alison Robb <alison-r@moving-picture.com>

Thu, Sep 19, 2013 at 9:31 PM

To: s.22

Hi s.22

That's great! I actually knew that you accepted (gmail must have sent me that message but not you!), but it's great to hear it twice. :)

I will have to get back to you about the weekly breakdown. Your start date is s.22 and Scott from HR will be in touch (likely next week) with all the details.

Kind regards,
Alison

+1 604 689 1081

moving-picture.com

Math problems?

s.22

Fri, Sep 20, 2013 at 7:13 PM

To: Scott Hanley <scott-ha@moving-picture.com>

Hi Scott,

There seems to be some irregularity with the hourly rate. I've taken s.22 , and divided it by 52 weeks. This gives me the number s.22 (rounding up the last decimal).

When I divide that weekly rate by s. hrs, I get s.22 as an hourly rate , as opposed to s.22 as is mentioned in the contract.

Could you please look into this and get back to me?

Thanks, s.22

Scott Hanley <scott-ha@moving-picture.com>

Mon, Sep 23, 2013 at 12:26 PM

To: s.22

Hi s.22 the discrepancy comes in the amount of hours per day. We are on a 10 hour day here so that's why you are getting larger numbers when you divide by 8. However having said that, if you only work an hour day, we automatically round up to 10 hours so your day rate will always be the same. Also note that the 4% vacation pay is not included in the hourly rate when discussing OT rates.

Thanks s.22 let me know if you have any other questions.

Scott Hanley | HR Assistant

MPC Film

T (604) 689-1081

F (604) 689-0298

www.moving-picture.com

Page 082 to/à Page 090

Withheld pursuant to/removed as

s.22

Page 091 to/à Page 092

Withheld pursuant to/removed as

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EMPLOYEE'S
ATTEMPT
AT
RESOLUTION

BRITISH
COLUMBIA

The Best Place on Earth

Copy delivered
to Margarita Hiszuan
at MPC Vancouver, 6th floor
Monday Nov 4, 2013

Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour

Employment Standards Act

Self-Help Kit

The **Self-Help Kit** (the Kit) is designed to help employees and employers solve workplace disputes quickly and fairly. This is the **first step** in trying to resolve a dispute about outstanding wages. The Kit provides you and your employer with information on basic employee/employer rights and responsibilities in the workplace. Included are a "Request for Payment" form and a letter from the Employment Standards Branch for you to give to your employer.

If there is no resolution of the problem, you may then choose to file a complaint with the **Employment Standards Branch**. Using the Kit **does not mean** a complaint has been filed or accepted by the Employment Standards Branch. You may file a complaint up to six months from when the problem took place or your employment ended.

If you are within 30 days of the end of the six-month period you should file your complaint with the **Employment Standards Branch** and then use the Kit to try to resolve the problem. If you work under a union collective agreement you should seek assistance from your union.

You are not required to use the Self-Help Kit if:

- You are under the age of 19;
- Your complaint is related to a leave provision of the Act (pregnancy leave, parental leave, family responsibility leave, bereavement leave, compassionate care leave, reservists' leave or jury duty);
- The business has closed or the landlord or bailiff has locked the doors; or you are concerned that assets may be removed;
- You are a farm worker, textile or garment worker, or domestic;
- You have significant language or comprehension difficulties; or
- You provide a letter that you have already sent to the employer identifying the issue or dispute under the Act and requesting a resolution.

For more information, contact the Employment Standards Branch Information line at: 1-800 663-3316 (toll-free in B.C.), or (250) 612-4100 in the Prince George area or from outside the province.

If you are not required to use the Kit for one of the reasons listed above, or if you were unable to resolve your problem by using it, you may file a complaint with the Employment Standards Branch. Fill out a **Complaint and Information Form** available at our offices (addresses on page 3) or on our website at www.labour.gov.bc.ca/esb/. Mail or hand-deliver it to one of our offices or submit it electronically using the instructions on the website.

Aug 2012



GETTING STARTED

Follow These Three Steps:

1. Review the Problem and Outline Your Claim

Identify what wages you feel are owing to you and why. Review the factsheets which relate to your claim. They are available on our website or at Employment Standards Branch offices. Ensure the problems you have identified are covered by the *Employment Standards Act* by answering the following two questions:

Question 1: Does the problem fall under the *Employment Standards Act*? (For example, is it in one of the following areas?)

- You were not paid money for hours you worked.
- You were not paid overtime.
- You were paid less than you thought you should be.
- Money was deducted from your pay cheque to pay for the employer's business costs (i.e. Dine & Dash).
- You were not paid for statutory holidays.
- You did not get meal breaks or proper time off between shifts.
- You did not get proper leave.
- You did not receive minimum daily pay.
- You did not get annual vacation or vacation pay.
- You did not get notice of termination or pay when your employment was ended.
- A talent agency took more than 15% from your pay.
- You had to buy your uniform or pay for cleaning it.

Question 2: Has the problem taken place within the past six (6) months?

OR

If you no longer work for the employer, has it been less than six (6) months since your last day worked?

If you answered YES to BOTH questions, your problem is covered by the Act. If you answered NO to either question, the problem is not covered by the Act.

2. Complete the Request for Payment Form

This form is important. You will be calculating what you believe you are owed, and sending it directly to your employer. Fill out only the sections that apply to your problem. Add additional pages or calculations on separate pages if necessary to fully explain your claim. Sign your form and include the date and contact information. Calculate your gross wages. Your employer may take statutory deductions.

3. Send Your Employer the Following Information:

- a. **Information Notice to the Employer from the Employment Standards Branch** (included in the Kit). Date this letter.
- b. Your completed **Request for Payment** form.
- c. Include our **factsheet on Complaint Resolution** (included in the Kit). Include the **Guide to the Employment Standards Act** or any other **factsheets** that relate to the problem.
- d. Include any information that has to do with the problems you identified, and that may help clarify or resolve the dispute.

Keep a copy of the Request for Payment Form. You can hand-deliver, mail or fax your package to your employer. Your employer will have 15 days to respond. If they agree with you, they will pay you directly, and your dispute regarding employment standards will be resolved.

What If You And Your Employer Do Not Agree?

If you and your employer don't solve the problem, or if your employer does not respond to your request within 15 days, you may file a **complaint** with the Employment Standards Branch. Complaint forms are available at our offices or on our website.

To assist in processing your complaint, please enclose any other records you may have, including hours of work, pay stubs, a copy of the federal Record of Employment form, letters from your employer, etc.

NOTE: The Employment Standards Branch provides information, but does not provide legal advice.

Where to Send your Complaint:

Langley

A207-20159 88th Avenue E
Langley, BC V1M 0A4
Phone: 604 513-4635
Fax: 604 513-4622

Prince George

102-1577 7th Avenue
Prince George, BC V2L 3P5
Phone: 250 565-6120
Fax: 250 565-7110

Nanaimo

2nd Floor-6475 Metral Drive
Nanaimo, BC V9T 2L9
Phone: 250 390-6186
Fax: 250 390-6195

Kelowna

102-1690 Powick Road
Kelowna, BC V1X 7G5
Phone: 250 861-7404
Fax: 250 861-7428

Dawson Creek

1201-103rd Avenue
Dawson Creek, BC V1G 4J2
Phone: 250 784-2390
Fax: 250 784-2394

Victoria

200-880 Douglas Street
Victoria, BC V8W 2B7
Phone: 250 952-0469
Fax: 250 952-0476

Nelson

1st Floor-333 Victoria Street
Nelson, BC V1L 4K3
Phone: 250 354-6550
Fax: 250 354-6692

Terrace

108-3220 Eby Street
Terrace, BC V8G 5K8
Phone: 250 638-6525
Fax: 250 638-6528

Richmond

250-4600 Jacombs Road
Richmond, BC V6V 3B1
Phone: 604-660-4946
Fax: 604 713-0450



Ministry of Jobs, Tourism
and Skills Training and
Minister Responsible for
Labour

Employment Standards
Branch

Nov 1, 2013

Date

Information Notice to the Employer from the Employment Standards Branch

The Employment Standards Branch encourages employers and employees to resolve their disputes over the payment of wages or other issues under the *Employment Standards Act* and Regulation without direct government intervention. The Branch's role is to:

- Ensure compliance with the *Employment Standards Act*;
- Facilitate the settlement of complaints;
- Adjudicate a solution to disputes when necessary.

Your employee or former employee believes he/she has a problem under the *Employment Standards Act*, and by using the employee Self-Help Kit is attempting to resolve this dispute without Branch intervention. The following attachments are included:

- Employment Standards Complaint Resolution Factsheet.
- Employment Standards Factsheets or Guide to the *Employment Standards Act*.
- Request for Payment form, and any other information related to this dispute.

If you agree you owe your employee or former employee wages, please send them a cheque for the full amount owing less any statutory deductions. If the problem is about something other than wages you must comply with the requirements of the *Employment Standards Act*. If you do not respond to the employee within 15 days, a complaint may be filed with the Employment Standards Branch.

If you have any questions about minimum standards of employment or you need further clarification on the complaint resolution process, please contact our Employment Standards Branch Information Line at 1 800 663-3316 or (250) 612-4100 or refer to the Complaint Resolution Factsheet and the B.C. *Employment Standards Act* available at www.labour.gov.bc.ca/esb on the Internet.

If the Employment Standards Branch deems it necessary to issue a determination that an employer has contravened the legislation, there will be a mandatory penalty.

Thank you for your cooperation.

SEND THIS PAGE TO YOUR EMPLOYER REQUEST FOR PAYMENT

TO: (Employer Information) Michelle Grady, cc: Human Resources _____ (Name) MPC Vancouver _____ (Company) 1132 Hamilton St _____ (Address) Vancouver _____ (City) BC V5k 3H4 _____ (Province, Postal Code) 604 689 1081 _____ (Contact: Phone, Mail, Fax)	FROM: (Employee Information) s.22 _____ (Name) s.22 _____ (Address) s.22 _____ (City) s.22 _____ (Province, Postal Code) s.22 _____ (Contact: Phone, Mail, Fax, e-mail etc.)
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

According to the B.C. *Employment Standards Act*, I believe I am owed the following:

The *Employment Standards Act* allows wages to be collected for the last six months of employment. For people who are still employed, wages can be recovered for the six months prior to the complaint being filed with the Branch. (Use additional pages to provide details of days and hours, etc.)

A. **REGULAR WAGES:** From s.22 To s.22

Rate of Pay	Total Unpaid Hours	Wages Owed
s.22		

B. **OVERTIME WAGES:** From n/a To n/a

Rate of Pay	Total Unpaid Hours	Wages Owed
\$ n/a	n/a	= \$ n/a

C. **STATUTORY HOLIDAY PAY:**

Statutory Holiday (List specific days)	Average day's pay for statutory holiday	Plus 1.5 times your regular wage for first 12 hours worked + double time after 12 hours	Less any wages paid for the day	Equals statutory holiday pay owing
Total Owed \$				n/a

SEND THIS PAGE TO YOUR EMPLOYER

D. COMPENSATION FOR LENGTH OF SERVICE (if no written notice of termination):

Based on average weekly wages (excluding overtime) earned in the last eight weeks of employment. If hours of work were reduced towards the end of employment, use the most recent eight weeks where normal hours were worked.

Date hired: n/a Last day worked: n/a

Regular wages for last eight (8) weeks of employment: \$ n/a

Divide that by eight (8) to get an average week: \$ n/a

Length of Employment (years or months)	Weeks of Entitlement	Average Weekly Wage - last 8 weeks	Amount owing
s.22	n/a Week(s)	X \$ n/a /week	= \$ n/a

E. VACATION PAY: From n/a To n/a

The first line is for outstanding vacation pay not paid on wages earned while employed. The second line is for vacation pay payable on amounts claimed in sections A – D above.

Rate of Vacation Pay	Total Wages Earned	Vacation Pay Owing
n/a %	X n/a	= \$ n/a
Rate of Vacation Pay	Total from Sections A – D	Vacation Pay Owing
n/a %	X n/a	= \$ n/a

F. OTHER ISSUES: Please explain; include additional pages or calculations if needed.

Incorrect use of the High Tech Professional clause, as defined in the Employment Standards Act. In my work I do not analyze, design or develops scientific or technological products, materials, devices or processes, carry out scientific research and experimental development, nor am I engaged as a sales or marketing professional in relation to the above services, systems, products or research. Please see attached letter, and e-mail from ESB info line. ¹³⁴

Other Amount Requested:

\$ n/a

I am requesting a total (items A through F) payment of: n/a

Please respond to this request within 15 calendar days of the date you receive this form. If you fail to respond, or if we are unable to resolve this matter, I may file a complaint with the Employment Standards Branch of the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour.

Sincerely,

s.22

Nov 2, 2013

Signature

Date

Page 099 to/à Page 102

Withheld pursuant to/removed as

s.22

Page 103 to/à Page 104

Withheld pursuant to/removed as

Copyright

Barichello, Dan LBR:EX

From: Barichello, Dan LBR:EX
Sent: Wednesday, March 5, 2014 9:25 AM
To: 'Jenny Rodgers'
Subject: RE: Employment Standards complaint

Hello Ms. Rodgers. I have made contact with the complainant to get a breakdown and now ^{s.22} has increased ^{s.2} claim amount. ^{s.22} This amount would attract 4% vacation pay of ^{s.22} for a total claim of ^{s.22}

I pasted below how ^{s.2} came to ^{s.2} calculation.

^{s.22}

I hope this provides the information you wanted.
Thank you.

Danny Barichello
Delegate of the Director of Employment Standards
Phone: 604-713-0403
Fax: 604-713-0450
E-mail: dan.barichello@gov.bc.ca

Employment Standards Branch
250 - 4600 Jacombs Road
Richmond, BC V6V 3B1

From: Jenny Rodgers [<mailto:jenny-r@moving-picture.com>]
Sent: Tuesday, March 4, 2014 1:57 PM
To: Barichello, Dan LBR:EX
Subject: RE: Employment Standards complaint

Hi Danny,

Will you please provide me with a breakdown on the calculations used to arrive at the claim figure?

Thank you,
Jenny

From: Barichello, Dan LBR:EX [<mailto:Dan.Barichello@gov.bc.ca>]
Sent: February-28-14 1:57 PM

To: Jenny Rodgers
Subject: Employment Standards complaint
Importance: High

Hello Ms. Rogers.

Re: Employment Standards complaint filed by s.22

Attached above is a copy of the complaint form.

The above complainant is claiming s.22 in overtime wages. This amount would attract 4% vacation pay of s.22 for a total claim of s.22

s.2 is claiming that s.2 entered into a contract that did not meet the minimums of the Employment Standards Act and Regulations as s.2 job does not meet the definition of "high technology professional".

Below is Employment Standards information pertaining to the complaint.

Attached below is the high technology fact sheet. Please read high technology professional. As a s.22 may not meet that definition.

Attached below is the link to Section 4, requirements of the Act that cannot be waived.

<http://www.labour.gov.bc.ca/esb/igm/esa-part-1/igm-esa-s4.htm>

Attached below is the fact sheet on hours of work and overtime.

Attached below is the link to Section 37.8 of the Regulations.

<http://www.labour.gov.bc.ca/esb/igm/esr-part-7/esr-s37-8.htm>

To resolve the complaint you may send a cheque for the total amount to the address below, made payable to the complainant. You may make statutory deductions as long as you provide a statement of deductions if you do so.

To dispute the claim the next step is mediation. Mediation is an informal without prejudice meeting to try and resolve the complaint. The meeting may last up to 3 hours at the address below. The person participating must have signing and decision making authority.

Attached below is the fact sheet on mediation.

If the complaint is not resolved after mediation then the next step is an adjudication hearing. It is at this stage that we will demand employment records. It is also at this stage penalties apply to any contraventions of the Act. Penalties are \$500.00 per contravention. Attached below are the fact sheets on hearings, penalties and keeping records.

Please get back to me no later than Thursday, March 6th by 2:00 p.m. to confirm that you will either voluntarily resolve the complaint with payment of the total claim above or confirm your participation in mediation on one of the following dates:

Monday, March 17th at 1:00 p.m.

Tuesday, March 18th at 1:00 p.m.

Wednesday, March 19th at 1:00 p.m.

Thursday, March 20th at 1:00 p.m.

Friday, March 21st at 1:00 p.m.

If you have any questions please feel free to contact me.

PLEASE CONFIRM RECEIPT OF THIS EMAIL.

Thank you.

Danny Barichello
Delegate of the Director of Employment Standards
Phone: 604-713-0403
Fax: 604-713-0450
E-mail: dan.barichello@gov.bc.ca

Employment Standards Branch
250 - 4600 Jacombs Road
Richmond, BC V6V 3B1

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act and Regulation* for purposes of interpretation and application of the law.

April 2008

High Technology Companies

In British Columbia, there are provisions of the Employment Standards Regulation which apply specifically to the high technology sector.

High technology company

For the purposes of the *Employment Standards Act*, a "high technology company" is a company in which more than 50 percent of the employees are either "high technology professionals" or managers of those professionals, or are employed in an executive capacity.

High technology professional

A "high technology professional" is an employee who:

- Analyzes, designs or develops information systems based on computer or other technologies;
- Analyzes, designs or develops scientific or technological products, materials, devices or processes;
- Carries out scientific research and experimental development; or
- Is engaged as a sales or marketing professional in relation to the above services, systems, products or research.

An employee of a high technology company who is engaged in the retail sale of any of these things is not a "high technology professional".

Hours of work and overtime

The hours of work provisions of the Act, including those governing meal breaks, split shifts, minimum daily pay and hours free from work each week, as well as the overtime and statutory holiday provisions, do not apply to "high technology professionals".

Employees in "high technology companies" who are not "high technology professionals" are covered by the hours of work, overtime and statutory holiday provisions of the Act.

Averaging agreements

To meet the need for flexibility in the workplace, the Act allows employers and employees to enter into "averaging agreements" - agreements that permit hours of work to be averaged over one, two, three or four weeks. (For more information, see the "Averaging Agreements" factsheet.)

An employee of a high technology company who does not meet the definition of "high technology professional" may agree to average hours of work.

Averaging agreements in the high technology sector differ from other averaging agreements as follows:

- Employees and employers can agree that the work schedule does not have to be specified for each day covered by the agreement. This agreement must be in writing;
- A written request is not required to adjust the work schedule under an averaging agreement;
- The work schedule can average more than 40 hours per week; and
- Daily overtime is only payable after 12 hours worked.





Notice of Mediation Session

March 10, 2014

File # 177-695
Sent by Email

To: TECHNICALOR CREATIVE SERVICES ^{s.22}
CANADA INC.
carrying on business as
MOVING PICTURE COMPANY
500-1132 HAMILTON ST
VANCOUVER, BC V6B 2S2

In the matter of:

A complaint by ^{s.22} under the Employment Standards Act against
TECHNICALOR CREATIVE SERVICES CANADA INC. carrying on business
as MOVING PICTURE COMPANY

Issue: compliance with the Employment Standards Act.

Mediation Services

The Director of Employment Standards provides mediation services in an effort to assist the parties to resolve alleged contraventions of the Employment Standards Act. The Director has appointed a mediator to meet with the parties as follows:

In Person:

Date: Wednesday, March 26, 2014
Time: 1:00 p.m.
Place: 250 – 4600 Jacombs Road, Richmond, BC V6V 3B1

Mediation provides an opportunity for the parties to discuss their issues in a neutral environment and come to a resolution acceptable to both of them.

For additional information, please refer to the Mediation Factsheet attached.

What to Bring

You should bring any documents that will help to resolve the issues in dispute, such as payroll records or pay stubs, calendars, time sheets, letters etc. These documents will be made available to the other party and the mediator at the time of mediation.

Additional information is available at: www.labour.gov.bc.ca/esb/ or by phone at 1-800-663-3316 or (250) 612-4100 in Prince George

Danny Barichello
Delegate of the Director of
Employment Standards

Attachment

Barichello, Dan LBR:EX

From: Barichello, Dan LBR:EX
Sent: Monday, March 10, 2014 11:22 AM
To: s.22
Subject: Employment Standards Mediation

Importance: High



Report.pdf



mediation.pdf

Hello s.22, Attached above is the mediation notice and mediation fact sheet. The mediation is scheduled as follows:

In Person:

Date: Wednesday, March 26, 2014

Time: 1:00 p.m.

Place: 250 – 4600 Jacombs Road, Richmond, BC V6V 3B1

Please bring whatever you need to support your claim.

Please confirm receipt of this email notice.

Thank you.

Danny Barichello
Delegate of the Director of Employment Standards
Phone: 604-713-0403
Fax: 604-713-0450
E-mail: dan.barichello@gov.bc.ca

Employment Standards Branch
250 - 4600 Jacombs Road
Richmond, BC V6V 3B1

Barichello, Dan LBR:EX

From: Barichello, Dan LBR:EX
Sent: Monday, March 10, 2014 11:20 AM
To: 'Jenny Rodgers'
Subject: Employment Standards Mediation

Importance: High



Report.pdf



mediation.pdf

Hello Ms. Rodgers. Attached above is the mediation notice and mediation fact sheet. The mediation is scheduled as follows:

In Person:

Date: Wednesday, March 26, 2014

Time: 1:00 p.m.

Place: 250 -- 4600 Jacombs Road, Richmond, BC V6V 3B1

Please bring whatever you need to support your position.

Please confirm receipt of this email notice.

Thank you.

Danny Barichello
Delegate of the Director of Employment Standards
Phone: 604-713-0403
Fax: 604-713-0450
E-mail: dan.barichello@gov.bc.ca

Employment Standards Branch
250 - 4600 Jacombs Road
Richmond, BC V6V 3B1

Barichello, Dan LBR:EX

From: Jenny Rodgers [jenny-r@moving-picture.com]
To: Barichello, Dan LBR:EX
Sent: Monday, March 10, 2014 11:25 AM
Subject: Read: Employment Standards Mediation

Your message was read on Monday, March 10, 2014 11:25:26 AM (GMT-08:00) Pacific Time (US & Canada).

Barichello, Dan LBR:EX

From: s.22
Sent: Monday, March 10, 2014 2:39 PM
To: Barichello, Dan LBR:EX
Subject: Re: Employment Standards Mediation

Hello Mr. Barichello.

This email is to acknowledge receipt of the ESB notice for the time and place of mediation with myself and MPC, as below.

I have read the two attached documents.

In Person:

Date: Wednesday, March 26, 2014
Time: 1:00 p.m.
Place: 250 – 4600 Jacombs Road, Richmond, BC V6V 3B1

thanks, s.22

On Mon, Mar 10, 2014 at 11:21 AM, Barichello, Dan LBR:EX <Dan.Barichello@gov.bc.ca> wrote:
Hello s.22 Attached above is the mediation notice and mediation fact sheet. The mediation is scheduled as follows:

In Person:

Date: Wednesday, March 26, 2014
Time: 1:00 p.m.
Place: 250 – 4600 Jacombs Road, Richmond, BC V6V 3B1

Please bring whatever you need to support your claim.

Please confirm receipt of this email notice.

Thank you.

Danny Barichello
Delegate of the Director of Employment Standards
Phone: 604-713-0403
Fax: 604-713-0450

E-mail; dan.barichello@gov.bc.ca

**Employment Standards Branch
250 - 4600 Jacombs Road
Richmond, BC V6V 3B1**

Barichello, Dan LBR:EX

From: Barichello, Dan LBR:EX
Sent: Friday, February 28, 2014 1:57 PM
To: 'jenny-r@moving-picture.com'
Subject: Employment Standards complaint

Importance: High

Hello Ms. Rogers.

Re: Employment Standards complaint filed by s.22



20140228132105.p
df

Attached above is a copy of the complaint form.

The above complainant is claiming s.22 in overtime wages. This amount would attract 4% vacation pay of s.22 for a total claim of s.22

s.2 is claiming that s. entered into a contract that did not meet the minimums of the Employment Standards Act and Regulations as s. job does not meet the definition of "high technology professional".

Below is Employment Standards information pertaining to the complaint.

Attached below is the high technology fact sheet. Please read high technology professional. As a s.22 s.2 may not meet that definition.



high-tech.pdf

Attached below is the link to Section 4 , requirements of the Act that cannot be waived.
<http://www.labour.gov.bc.ca/esb/igm/esa-part-1/igm-esa-s4.htm>

Attached below is the fact sheet on hours of work and overtime.



hours_overtime.p
df

Attached below is the link to Section 37.8 of the Regulations.
<http://www.labour.gov.bc.ca/esb/igm/esr-part-7/esr-s37-8.htm>

To resolve the complaint you may send a cheque for the total amount to the address below, made payable to the complainant. You may make statutory deductions as long as you provide a statement of deductions if you do so.

To dispute the claim the next step is mediation. Mediation is an informal without prejudice meeting to try and resolve the complaint. The meeting may last up to 3 hours at the address below. The person participating must have signing and decision making authority.

Attached below is the fact sheet on mediation.



mediation.pdf

If the complaint is not resolved after mediation then the next step is an adjudication hearing. It is at this stage that we will demand employment records. It is also at this stage penalties apply to any contraventions of the Act. Penalties are \$500.00 per contravention. Attached below are the fact sheets on hearings, penalties and keeping records.



adjudication
(1).pdf



enforcement.pdf



keepingrecords.p
df

Please get back to me no later than Thursday, March 6th by 2:00 p.m. to confirm that you will either voluntarily resolve the complaint with payment of the total claim above or confirm your participation in mediation on one of the following dates:

Monday, March 17th at 1:00 p.m.

Tuesday, March 18th at 1:00 p.m.

Wednesday, March 19th at 1:00 p.m.

Thursday, March 20st at 1:00 p.m.

Friday, March 21st at 1:00 p.m.

If you have any questions please feel free to contact me.

PLEASE CONFIRM RECEIPT OF THIS EMAIL.

Thank you.

Danny Barichello

Delegate of the Director of Employment Standards

Phone: 604-713-0403

Fax: 604-713-0450

E-mail: dan.barichello@gov.bc.ca

Employment Standards Branch

250 - 4600 Jacombs Road

Richmond, BC V6V 3B1



Ministry of Jobs, Tourism and Skills Training and
Minister Responsible for Labour
Employment Standards Branch

Complaint and Information Form

For office use only:

Office	
ESI Date	
ER No.	177-645
Assign No.	s.22
EE No.	
D. Assig.	
Officer	

Date Stamp Here

RECEIVED

FEB 05 2013

EMPLOYMENT STANDARDS
BC SOUTH - LOWER MAINLAND

Before the Employment Standards Branch takes any action on your complaint, you must complete the SELF-HELP KIT. It is available from any Employment Standards Office and on the Internet at www.labour.gov.bc.ca/esb. Except under very unusual circumstances, the Branch will not process complaints unless the SELF-HELP KIT has been used.

Please indicate which statement applies before continuing.

- ☒ I have used the Employment Standards self-help kit and the problem has not been resolved.
- ☐ I have been advised by the Employment Standards Branch not to use the self-help kit for the following reason.
- ☐ I am within one month of the six-month time limit for filing an employment standards complaint. If I do not contact the Employment Standards Branch within 30 days to confirm I have used the self-help kit, the Director of Employment Standards will consider my complaint withdrawn. I am aware that my complaint will not be reviewed during this time.

The information on this form is collected under the authority of the *Employment Standards Act*. The information provided will be used to process your complaint against an employer with respect to wages or any other matter you have specified.

You must give us your complaint no later than six months after the end of your employment with this employer; or, if your complaint concerns ss.8, 10 or 11 of the Act, we must receive your complaint no later than six months after the date of the alleged contravention. Questions about the collection and use of this information, contact the Director of Employment Standards, Ministry of Jobs, Tourism and Skills Training and Responsible for Labour, PO Box 9570 Stn Prov Govt, Victoria BC V8W 9K1. Telephone: 1-800-663-3316

PLEASE PRINT CLEARLY - COMPLETE BOTH PAGES

SECTION A: INFORMATION ABOUT YOUR EMPLOYER

Name of Employer (name of company or business): MPC Moving Picture Company		
Street address of employer: 1132 Hamilton Street	City/town and province: VANCOUVER, BC	Postal Code: V6B 2S2
Mailing address of employer: 1132 Hamilton Street	City/town and province: VANCOUVER, BC	Postal Code: V6B 2S2
Telephone number: (604) 689 1081	Type of Business: VISUAL EFFECTS for FILM & Television	
Employer's Email address: vancouver@moving-picture.com		
Name of your supervisor: JULIA CANFORA		Name and phone number of owner: Grady is the "Head of unknown, Michelle () Film"
Address of place where you worked if different from above:		Is your employer bankrupt or in receivership? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Is your employer still in business? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	If NO, when did your employer go out of business?	
Employer's bank: UNKNOWN	Employer's bank branch: UNKNOWN	

SECTION B: INFORMATION ABOUT YOU

Your last name: s.22	Your first or given name: s.22	Middle Initial(s) s.22	Postal Code: 14
Your mailing address:	City/town:	Postal Code:	
Your phone number: s.22	A phone number where a message can be left:	Are you in BC s.22 Program?	
Date of Birth:	Email address:	s.22	
Are you covered by a collective agreement (union contract)?			
Union's Name:			

Continued on Page 2

SECTION C: YOUR WORK HISTORY WITH THIS EMPLOYER				
Your job title: s.22	Date you started work for this employer: s.22		Last day you worked for this employer: s.22	
Your rate of pay: s.22	s.22			
Are your hours of work regular? s.22	Hours worked per day: s.22	Number of days worked per week: s.22	Total hours per week: s.22	
How often were you paid? s.22				
Do you have a record of the hours worked for this employer that are relevant to your claim? <input type="checkbox"/> YES: s.22 If YES, attach records to this form. Attach a photocopy of your pay cheque, pay statements, Record of Employment, if available.				

WHAT DO YOU BELIEVE YOU ARE OWED?

	DATE	DATE	ESTIMATED AMOUNTS
<input type="checkbox"/> Regular Wages	From	To	
<input checked="" type="checkbox"/> Overtime	From s.22	To s.22	s.22
<input type="checkbox"/> Annual Vacation Pay	From	To	
<input type="checkbox"/> Statutory Holiday Pay	Specify Dates:		
<input type="checkbox"/> Deductions from wages	Specify Dates:		
<input type="checkbox"/> NSF Cheques (Attach original, or copies if available)			
<input type="checkbox"/> Pregnancy/Parental/or Other Leave			
<input type="checkbox"/> Compensation for Length of Service (sometimes called Termination Pay)			
<input checked="" type="checkbox"/> Other (Specify): s.22			
s.22			ESTIMATED TOTAL s.22

SECTION D: DETAILS OF YOUR COMPLAINT: (Please note this part of the form may be made available to your employer.)

s.22

Please Note: In order to process your complaint as quickly as possible, attach all available information relating to your claim - i.e. copies of your cheque stubs, daily time records, and your Record of Employment. For us to contact you for information, investigate your complaint, or pay money that we may collect for you, it is important that you tell us about any changes in your mailing address or telephone number. You should also be aware that, once a decision has been made and a determination issued regarding your complaint, no further action should be taken by you to enforce your claim without the written consent of the Director of Employment Standards.

s.22	
I, _____	certify that all information I am providing is true and correct to the best of my
knowledge, and I agree to my name being used in an investigation, mediation or adjudication.	
s.22	
_____	_____
	Date <u>Dec 31st 2013</u>

Barichello, Dan LBR:EX

From: Jenny Rodgers [jenny-r@moving-picture.com]
Sent: Thursday, March 6, 2014 5:56 PM
To: Barichello, Dan LBR:EX
Cc: Jenny Rodgers
Subject: RE: Employment Standards complaint

Hi Danny,

Please schedule for Wednesday March 26th.

Thanks.....Jenny

From: Barichello, Dan LBR:EX [mailto:Dan.Barichello@gov.bc.ca]
Sent: March-06-14 2:38 PM
To: Jenny Rodgers
Subject: RE: Employment Standards complaint

Hello Ms. Rodgers. Any day that week at 1:00 will work for ^{s.22} so you pick the date. Once you let me know I will send you a mediation notice by email. Please let me know by no later than Monday, March 10 by 2:00 p.m.
Thank you.

Danny Barichello
Delegate of the Director of Employment Standards
Phone: 604-713-0403
Fax: 604-713-0450
E-mail: dan.barichello@gov.bc.ca

Employment Standards Branch
250 - 4600 Jacombs Road
Richmond, BC V6V 3B1

From: Jenny Rodgers [mailto:jenny-r@moving-picture.com]
Sent: Thursday, March 6, 2014 1:48 PM
To: Barichello, Dan LBR:EX
Subject: RE: Employment Standards complaint

I am not available on the 28th.

Thanks.....Jenny

From: Barichello, Dan LBR:EX [mailto:Dan.Barichello@gov.bc.ca]
Sent: March-06-14 1:06 PM
To: Jenny Rodgers
Subject: RE: Employment Standards complaint

I will have to make contact with the complainant to see ^{s.2} availability for the week of March 24-28. I will not be delaying it any further than that. Before I make contact with the complainant, are there any dates in that week you absolutely cannot attend?

Thank you.

Danny Barichello
Delegate of the Director of Employment Standards
Phone: 604-713-0403
Fax: 604-713-0450
E-mail: dan.barichello@gov.bc.ca

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250 - 4600 Jacombs Road
Richmond, BC V6V 3B1

From: Jenny Rodgers [<mailto:jenny-r@moving-picture.com>]
Sent: Thursday, March 6, 2014 1:01 PM
To: Barichello, Dan LBR:EX
Subject: Re: Employment Standards complaint

Hi,
No - unfortunately I am unable to attend on the original dates you provided.
Jenny

On 2014-03-06, at 7:57 AM, "Barichello, Dan LBR:EX" <Dan.Barichello@gov.bc.ca> wrote:

Hello Ms. Rodgers. I have provided possible mediation dates. Are you not able to participate on any one of those dates?

Danny Barichello
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From: Jenny Rodgers [<mailto:jenny-r@moving-picture.com>]
Sent: Wednesday, March 5, 2014 5:30 PM
To: Barichello, Dan LBR:EX
Cc: Jenny Rodgers
Subject: RE: Employment Standards complaint

Hi Danny,

We will not be proceeding with a settlement payment to ^{s.22} and such we would like to proceed to Mediation. Can you please provide me with the available times for Mediation for the week of March 24th and April 7th?

Thank you,
Jenny

From: Barichello, Dan LBR:EX [<mailto:Dan.Barichello@gov.bc.ca>]
Sent: March-05-14 9:25 AM
To: Jenny Rodgers
Subject: RE: Employment Standards complaint

Hello Ms. Rodgers. I have made contact with the complainant to get a breakdown and now ^{s.2}₂ has increased ^{s.22} claim amount. ^{s.22} This amount would attract 4% vacation pay of ^{s.22} for a total claim of ^{s.22}
I pasted below how ^{s.2}₂ came to his calculation.

^{s.22}

I hope this provides the information you wanted.
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From: Jenny Rodgers [<mailto:jenny-r@moving-picture.com>]
Sent: Tuesday, March 4, 2014 1:57 PM
To: Barichello, Dan LBR:EX
Subject: RE: Employment Standards complaint

Hi Danny,

Will you please provide me with a breakdown on the calculations used to arrive at the claim figure?

Thank you,
Jenny

From: Barichello, Dan LBR:EX [mailto:Dan.Barichello@gov.bc.ca]
Sent: February-28-14 1:57 PM
To: Jenny Rodgers
Subject: Employment Standards complaint
Importance: High

Hello Ms. Rogers.

Re: Employment Standards complaint filed by s.22

Attached above is a copy of the complaint form.

The above complainant is claiming s.22 in overtime wages. This amount would attract 4% vacation pay of s.22 for a total claim of s.22

s.2 is claiming that he entered into a contract that did not meet the minimums of the Employment Standards Act and Regulations as s.2 job does not meet the definition of "high technology professional".

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Please get back to me no later than Thursday, March 6th by 2:00 p.m. to confirm that you will either voluntarily resolve the complaint with payment of the total claim above or confirm your participation in mediation on one of the following dates:

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Friday, March 21st at 1:00 p.m.

If you have any questions please feel free to contact me.

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**Employment Standards Branch
250 - 4600 Jacombs Road
Richmond, BC V6V 3B1**

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Withheld pursuant to/removed as

Copyright

EMPLOYMENT STANDARDS BRANCH WORKFLOW SHEET



DELEGATE

ER# 177-695 Name: TECHNICOLOR CREATIVE SERVICES CANADA INC. cobra MOVING PICTURE COMPANY

Employer Telephone: _____ Employer Fax: (604) _____ E-mail: _____

Employer Contact: _____ Contact Telephone: _____

Complainant: s.22 _____ EE Phone: s.22 _____ E-mail: _____

CONTACTS MADE

DATE	METHOD	PERSON	TIME	METHOD CODE		PERSON CODE
				P..... In Person LT..... Letter to LF..... Letter from FT..... Fax to FF..... Fax from	TT..... Telephone Call to TF..... Telephone Call from TMT..... Telephone Message to TMF..... Telephone Message from EMT..... Email Message to EMF..... Email Message from	ER..... Employer EE..... Employee A..... Accountant/Bookkeeper L..... Lawyer O..... Other
				INITIAL CHECKS ESB jurisdiction? ER still in business? Filed within 6-months? EE under collective agreement? EE an independent contractor? EE exclusions? SHK used? EE info (address) confirmed? ER info (legal name, cobra, address) confirmed? ER contact has case knowledge and/or signing authority? 6-month period of time ESB can investigate?		

ISSUES

COMMENTS

DATE	METHOD	PERSON	TIME	COMMENTS
12/6/2013	TT	O	9:55 AM	Confirmed business name w/ City of Vancouver. David Ramsay