**Arbitration precedents**

Name

Institution Affiliation

Course

Instructor

Date

**Name of Arbitration Case:** 6992803 Canada Inc. v. Pawar, 2011 CanLII 16739 (ON LRB)

**Date of Case:** March 29, 2011

**Issue**

The main concern of the complainant in the subject of " 6992803 Canada Inc. v. Pawar, 2011 CanLII 16739 (ON LRB)" is the employers' lack of compliance with the ESA, which requires them to pay their employees overtime correctly, get the necessary time off, and wages for holidays (Ontario Labor Relations Board, 2011). The case presents a complicated dispute in that the plaintiff argues that they did not receive overtime pay for the hours they worked over the regular 44-hour workweek and compensation for the last couple of weeks they were terminated.

The aspects of this problem are fraught with multiplicities. In the first instance, it deals with respect for the above two-sided conditions: the right to fair wages for hours worked, the fundamental principle of the ESA. Amar Pawar, the employee, said that for his entire working period with the company, they made him work 44 hours per week or more regularly without giving a supplementary payment for overtime (the additional fee that equals 1.5 times the regular salary) (Ontario Labor Relations Board, 2011). When the company cited the managerial approval for written work-related overtime, a claimed employer's policy, the matter took a muddy turn.

Secondly, the owner's duties towards the employees under the ERA Act ensure that wages are paid on time up to this point. The PA context claims that he was not paid for the period from 3/23/09 to 4/13/of this year, and this statement was not the subject of controversy (Ontario Labour Relations Board, 2011). This absence of payment for hours worked by the employer's representative after the hearing represents a direct violation of the ESA regulations, which protect employee's right to regular and timely ones.

However, this grievance is a picture of wider social conflicts over employers' compliance with employment standards, particularly in wage payment and overtime. It points out that the employees who enforce their entitlement to fair pay for all hours worked, including overtime, are crucial, as the state authority and the formal system themselves need to do their jobs in this process (Ontario Labour Relations Board, 2011). This example, "6992803 Canada Inc v Pawar", is a precedent on why wage laws meant to safeguard employees should be obeyed and adhered to at work. This paragraph also sheds light on alternative mechanisms for workers to seek redress in case they encounter unpaid wages or overtime disputes. The judicial avenues also serve as an instrumental tool in combating unfair labor practices.

**Award**

The Labour Relations Board's decision on March 29, 2011, between 6992803 Canada Inc. and Amar Pawar becomes a key precedent in the employment law as it concerns unpaid wages, overtime, and vacation pay (Ontario Labour Relations Board, 2011). The core of the matter involved the company's request to challenge an Order to Pay, which a Commissioner of the Employment Standards decided upon. Therefore, the court passed this order in which the employer was ordered to pay the employee, Mr. Amar Pawar, all outstanding wages of $4,993.30, including the overtime and vacation pay the employer had in dispute (Ontario Labour Relations Board, 2011).

The Board was busy having an intense deliberation where all the evidence presented by both parties, including work schedules, policies regarding overtime, and records of hours worked by Pawar, were looked into. The employer claimed that their rule did not allow overtime work without written managerial prior approval, and, as a result, Pawar worked overtime without their authority. On the other hand, Pawar's evidence was very compelling, and, among others, he provided a personal backup work time record, attesting to a consistent 44-hour work week without appropriate pay (Ontario Labour Relations Board, 2011).

The Board found the employer's allegation and evidence unconvincing, gaining the Board's position of the company having no payroll records that could have backed their claim. Pawar's testimony and the documents she submitted depicted a different image sharply contrasting to her employer's, where she was not only obliged to work overtime but also not paid as required by the Ontario Employment Standards Act 2000 (Ontario Labour Relations Board, 2011).

The Board accepted Pawar fair and square, refuting the employer's request for appeal and confirming the ESO's Order to Pay. There was no question that 6992803 was liable for unpaid wages, overtime pay, and vacation pay totaling the sum of CA$ 4,993.30 (Ontario Labour Relations Board, 2011). This decision, among others, asserted the Board's commitment to enforcing labor standards and protecting employees.

This decision is the very picture of the general rule of thumb for employment law, which requires that all hours worked by the employee be recorded correctly and compensated accordingly in the way the law provides, including overtime (Ontario Labour Relations Board, 2011). This conveys to the employers how they should make adherence to employment standards necessary and face the possible consequences of not keeping it in mind. The award hit two objectives, first by delivering justice to Pawar and then by establishing legal safeguard systems to guarantee workers' rights in the future (Ontario Labour Relations Board, 2011). These standards would be followed as precedents for similar cases.

**Why does this support your grievance?**

The case of "6992803 Canada Inc. v. Pawar, 2011 CanLII 16739 (ON LRB)", which protects the rights of the complainant in these terms and ensures that all employees are fairly compensated, is a critical precedence in this regard. This decision is a forceful reminder to employers about measuring their legal compensation of personnel for all hours worked, including overtime, and maintaining accurate records depicting such hours. It states that implementing employment standards is not only about procedures but rather about fairness and equality.

Firstly, this case underlines the fact that employees for all the hours are entitled to be paid for, inclusive of overtime hours calculated at one and one-half times the standard rate, as set out in the Employment Standards Act, 2000, for hours over 44 per week (Ontario Labor Relations Board, 2011). The ruling of the Board to quash the case was in keeping with the basic principle that scamming the fairness requirements will not be countenanced, nor will it go without due retribution being meted out. It conveys the unambiguous message that on the side of justice is the law, which seeks to protect employees from being abused or being unduly paid for their labor.

Secondly, thoroughly studying this evidence with the employee's diary and the company's vague response is the best testimony of compliance with the employer's records. This case illustrates the role the burden of proof has and how it can significantly affect the outcome of non-payment of wages and overtime disputes (Ontario Labour Relations Board, 2011). It underlines the importance for the employer to keep detailed, chronologically sorted, and legally valid documents that may be required for defending and supporting their viewpoints and meeting specific legal requirements.

Thirdly, this scenario reveals the function of the boards and standards regarding work - they settle disputes and provide justice. The validation by the Board of the Employment Standards Officer's decision testifies the machinery in operation for the protection of workers and the prosecution of labor legislation, respectively. Moreover, this gives not only an individual redress for the wage claim and unpaid overtime but also helps to develop labor rights and the importance of a fair and decent workplace.

Lastly, Amar Pawar's case resolution sends the message to employers who are generally negligent to the employment rules and regulations (Ontario Labour Relations Board, 2011). An employer can be sure that the fair labor system offers a remedial channel for grievances and also demonstrates the social responsibility of employers by ensuring that workers' rights are honored. This precedent also constitutes a solid foundation for the grievance because it shows that the legal instrument is innovative and has effectively dealt with the problem of fair wages and working conditions, which are the rights belonging to the employees.

**Reference**

Ontario Labour Relations Board. (2011, March 29). *6992803 Canada Inc. v. Pawar, 2011 CanLII 16739 (ON LRB)*. Retrieved from CanLii: https://www.canlii.org/en/on/onlrb/doc/2011/2011canlii16739/2011canlii16739.html?resultIndex=12&resultId=17fc486e06964bf69cd9513e62c9a6b2&searchId=2024-02-29T01:49:08:169/8affd22d6c154509a5ba4313445ea11b&searchUrlHash=AAAAAQAVT3ZlcnRpbWUgUGF5IERpc3B1dGVzA