



An appeal

- by -

Khaira Enterprises Ltd.
("Khaira")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

pursuant to Section 112 of the
Employment Standards Act R.S.B.C. 1996, C.113 (as amended)

TRIBUNAL MEMBER: David B. Stevenson

FILE No.: 2011A/20

DATE OF DECISION: August 22, 2011

DECISION

OVERVIEW

1. On February 4, 2011, the Director issued a Determination against Khaira Enterprises Ltd. (“Khaira”) on behalf of fifty-eight former employees of Khaira, some of whom had complained to the Director that they were not receiving wages from their employment with Khaira.
2. The Director conducted an investigation under section 76(2) of the *Employment Standards Act* (the “Act”). The Director found the Act had been contravened and that the former employees were owed wages and interest in the amount of \$236,800.52.
3. The Director also imposed administrative penalties on Khaira under Section 29(1) of the *Employment Standards Regulation* in the amount of \$3,500.00. The total amount of the Determination was \$240,300.52.
4. Khaira appealed the Determination, as did several former employees. In decisions BC EST # D084/11, BC EST # D085/11, BC EST # D061/11, BC EST # D062/11, BC EST # D086/11, BC EST # D087/11 and BC EST # D066/11, the Tribunal varied aspects of the Determinations. Those variances have affected the amounts of wages and interest found to be owing by Khaira to its former employees and which was set out on page two of the Determination. It is now necessary to vary the Determination to make the summary of the statement of amount of wages and interest owed by Khaira under the Act consistent with the above decisions.

ORDER

5. Accordingly, pursuant to section 115 of the Act, I order the summary statement of wages payable to employees found on page two of the Determination dated February 4, 2011, to be varied to show Khaira’s liabilities under the Act to be as follows:

Wages (section 18 of the Act)	\$46,480.26
Overtime (section 40 of the Act)	\$114,955.01
Statutory holiday pay (section 45 of the Act)	\$4,367.24
Annual vacation pay (section 58 of the Act)	\$15,963.75
Compensation for length of service (section 63 of the Act)	\$7,585.00
Unauthorized deductions (section 21 of the Act)	\$48,311.31
Interest (section 88 of the Act)	\$4,042.20
A. Wages payable to employees	\$241,704.77

6. The figure under point **B**, the **Total administrative penalty amount** remains as **\$3500.00** and the figure under point **C**, the **Total amount payable** is varied to show that amount as **\$245,204.77**.

David B. Stevenson
Member
Employment Standards Tribunal