

Citation: Parvin Rahimi
2025 BCEST 21

EMPLOYMENT STANDARDS TRIBUNAL

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

- by -

Parvin Rahimi

- of a Determination issued by -

The Director of Employment Standards

PANEL:	M. Diane Irvine
SUBMISSIONS:	Davood Foroughi Shafiei, on behalf of Parvin Rahimi
FILE NUMBER:	2024/138
DATE OF DECISION:	February 4, 2025

DECISION

OVERVIEW

1. Parvin Rahimi is a director and officer of See the Sea Alimentation Ltd., which carried on business as See the Sea Cafe.
2. On September 11, 2024, a delegate (the “**Delegate**”) of the Director of Employment Standards (the “**Director**”) determined that an individual who made an Employment Standards complaint had been an employee of See the Sea, and that See the Sea owed the complainant \$41,491.04 in wages. In addition, the Delegate ordered See the Sea to pay \$4,000.00 in mandatory administrative penalties. I will refer to this September 11, 2024, determination as the “**Corporate Determination.**” See the Sea did not appeal the Corporate Determination.
3. Subsequently, on September 23, 2024, the Delegate determined that Ms. Rahimi was a director and officer of See the Sea at the time the wages owed to the complainant were earned or should have been paid. Consequently, she was personally liable for \$5,940 in unpaid wages to the complainant, plus interest (sections 96 and 88 of the *ESA*). In total, Ms. Rahimi was ordered to pay \$5,940 within five working days. I will refer to this September 23, 2024, determination as the “**Section 96 Determination.**”
4. Ms. Rahimi appeals the Section 96 Determination on the grounds of a failure of natural justice. Her submission says that the Director failed to consider that the complainant had entered into what was intended to be a business partnership with another director of See the Sea, Davood Foroughi Shafiei, and not an employment relationship with See the Sea. Further, she requests that the \$5,940 found owing in the Section 96 Determination “be held” until a lawsuit Mr. Foroughi Shafiei has brought against the complainant has concluded.
5. Although Ms. Rahimi’s appeal submission did not cite the grounds of new evidence becoming available, she has submitted a substantial amount of documents in support of her appeal that were not submitted to the Director during the investigation of the complaint including the Notice of Claim against the complainant filed by Mr. Foroughi Shafiei in Small Claims Court on October 25, 2024, and an affidavit sworn by Mr. Foroughi Shafiei on the same day.
6. For the reasons that follow, I conclude this appeal has no reasonable prospect of success. I therefore dismiss the appeal without seeking submissions from the other parties pursuant to section 114(1)(f) of the *ESA*.

DISCUSSION

7. The issue I must decide is whether Ms. Rahimi is able to argue the merits of the Section 96 Determination that the complainant is owed wages.
8. The bulk of Ms. Rahimi appeal submission argue the merits of the Corporate Determination which found that the complainant was an employee of See the Sea and was owed wages.

9. While I appreciate that Ms. Rahimi disagrees with the Corporate Determination, as a director/officer of an employer corporation she is not able to argue the merits of that employer's liability under section 96 or 98 of the *ESA*: *Abram Neudorf, a Director or Officer of Styro-Mold Manufacturing Ltd.*, BC EST # D076/07. As noted above, See the Sea did not appeal the Corporate Determination and the findings in that determination stand as final.
10. Instead, Ms. Rahimi is limited to arguing the merits of the Section 96 Determination which concerned her personal liability under section 96 and 98 of the *ESA*. As stated in *Abram Neudorf*, she is limited to arguing the following issues:
1. whether she was a director or officer of the company at the time wages were earned or should have been paid;
 2. whether the calculation of the amount determined to be owed by her is correct; and
 3. where a penalty has been imposed, whether she should not be liable for the penalty on the grounds that she did not authorize, permit or acquiesce in the company's contravention.
11. Ms. Rahimi has not raised any arguments in respects of those issues to which this appeal is limited. The doctrine of issue estoppel applies to the issues she has raised in the appeal.
12. The appeal does not have any reasonable prospect of success.

ORDER

13. Pursuant to section 114(1)(f) of the *ESA*, I dismiss this appeal.
14. Pursuant to section 115(1)(a) of the *ESA*, I order the Determination dated September 23, 2024, be confirmed in the amount of \$5,940.00, together with any interest that has accrued under section 88 of the *ESA*.

/S/M. Diane Irvine

M. Diane Irvine
Member
Employment Standards Tribunal