

REASONS FOR DECISION***Employment Standards Act, 2000*****Claim/Inspection Number:** 90000236**Business Name:** Kashruth Council of Canada /Le Conseil Cacherout Du Canada**Standard(s) At Issue:**

1. Overtime Pay
2. Minimum Wage
3. Public Holidays/Public Holiday Pay
4. Vacation time
5. Hours of Work: Excess Daily or Weekly

Evidence, Decision and Reason(s) With Respect to Each Standard at Issue:

Payroll records for the period June 8, 2011 to November 8, 2011 were produced by the employer in accordance with the request dated January 27, 2012. The employer and employees were interviewed concerning hours of work, wages, minimum wage, overtime pay, vacation pay and public holiday provisions of the Employment Standards Act 2000. A full-audit was completed on public holiday pay, overtime pay, and minimum wage.

The evidence indicates that the employer violated the following sections of the Act:

Section 22(1) - Overtime Pay:

- the employer's work week began on a Tuesday and ended on Monday
- the employer failed to pay overtime pay in accordance with section 22 of the Act

Section 23 - Minimum Wage

- the employer paid an employee \$5.75 per hour
- the employer failed to pay at least the prescribed minimum wage, which was \$10.25 per hour

Section 24 - Public Holiday Pay

- the employer failed to pay public holiday pay

Section 26, 27, 29, 30 - Public Holidays

- the employer required or permitted employees to work on public holidays
- the employer did not submit any written agreement in this regard

- no evidence of substitute day being provided or payment or premium pay

Section 34 - Vacation Time:

- the employer had an alternative vacation entitlement year that began on January 1st of the each year
- the employer paid 4% vacation pay for the stub period
- there was no provision of vacation time for the stub period

Section 17(1) - Limits on Hours of Work:

- the employer permitted or required employees to work in excess of the limits of hours of work

Action(s) Taken by Officer:

Compliance Order #80018891 was issued to comply with the overtime pay, minimum wage, public holidays/public holiday pay, vacation time, and limits on hours of work provisions of the Employment Standards Act, 2000, S.O. 2000, Chapter 41 by September 21, 2012.

Order to Pay Wages #80018892 was issued on behalf of 58 employees under the Employment Standards Act, 2000, S.O. 2000, Chapter 41, with respect to overtime pay, minimum wage, public holiday pay, and applicable vacation pay. Payroll records were reviewed that revealed employees are owed overtime pay, minimum wage, and public holiday pay. See attached spreadsheet for details.



Grace Tam

Employment Standards Officer # 693



ORDER TO PAY WAGES
EMPLOYMENT STANDARDS ACT, 2000
Statutes of Ontario, 2000, Chapter 41

ORDER #:
80018892-OP

DATE ISSUED:
August 16, 2012

ISSUED TO:

Kashruth Council of Canada /Le Conseil Cacherout Du Canada

Pursuant to section 103, you are ordered to pay the following amounts to the Director of Employment Standards in Trust:

Wages \$10,116.68 for Inspection # 90000236.

Administrative Costs \$1,011.67.

Total Amount of Order \$11,128.35. Reasons for Decision are attached.

Grace Tam

Employment Standards Officer # 693

You are required to pay the total amount indicated to the Director of Employment Standards even if you are applying for a review of the Order. Failure to pay the Order within 30 days of the date of service may result in further enforcement action, including referral of this matter to a collection agency whose fee will be added to the amount of the Order.

Detach this bottom portion and submit with your payment

ORDER #:
80018892-OP

ORDER AMOUNT:
\$11,128.35

Inspection #:
90000236

Choose one of these options:

☐ ***I am paying this Order in full and I am not applying for a Review of this Order.***

My cheque or money order, for the total amount of the Order, payable to the "Director of Employment Standards in Trust" is enclosed. The Director will pay this amount, less the administrative costs, to the employee(s) in respect of whom the Order was issued.

☐ ***I am paying this Order in full and I am applying for a Review of this Order.***

My cheque or money order for the total amount of the Order, payable to the "Director of Employment Standards in Trust" is enclosed. The Director will hold the amount paid in trust pending the completion of the review proceedings.

Send this part of the form, along with payment to:

Employment Practices Branch
Ontario Ministry of Labour
400 University Avenue, 9th Floor
Toronto, ON M7A 1T7