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Khaira tree planters win EI appeals after almost six years

(Vancouver) February 3, 2016. Almost 6 years after closure of the Khaira Enterprise Ltd. camp in Golden, BC, Canada Revenue Agency (CRA) has sided with former Khaira tree planters in EI and income tax appeals stemming from work they did in 2010.

Most of the workers came to Canada through the refugee resettlement process from various countries in Africa and worked long hours for Khaira, but were not paid for much of their work, which included long hours traveling between campsites and worksites in remote locations around BC.

CRA initially found that the travel time between campsites and worksites and unpaid overtime did not count towards time being worked for EI purposes. This meant that many workers did not have enough hours to qualify for EI in 2010, despite having worked these hours (and more in many cases).

The BC Public Interest Advocacy Centre (BCPIAC) filed appeals on behalf of the workers, and following a lengthy process, the Minister of National Revenue decided that unpaid overtime must be included in EI insurable hours and travel time must be included in EI insurable hours and earnings. The workers now have to wait for Service Canada to issue decisions accepting CRA's appeal decisions, and to get the EI they are entitled to.

"This is the latest victory in a long saga of legal proceedings for the workers, who have endured almost 6 years of investigations and appeals", said Sarah Khan, a staff lawyer with BCPIAC. The workers have previously been successful in unpaid wage claims before the BC Employment Standards Branch (ESB) and Employment Standards Tribunal, and in race discrimination proceedings before the BC Human Rights Tribunal.

John Betts, Executive Director of the Western Silviculture Contractors Association, stated that "It is important for silviculture contractors and workers to know that CRA views travel time to and from camps or motels to the worksite to be insurable for EI purposes. This is consistent with the BC Employment Standards Regulation for silviculture workers, which specifies that time spent traveling between worksites and camps or motels must be considered hours of work for calculating minimum wage for piece work employees."

Ngakira Gazire, a former employee of Khaira in 2010, added "I am glad that we have finally won these appeals, I hope that Service Canada issues decisions quickly as we have waited a long time to get EI for 2010".

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