

IN THE MATTER OF:

An Appeal of Wage Assessment Number 1-000926 pursuant to section 2-75 of *The Saskatchewan Employment Act*, S.S. 2013, c. S-15.1, as amended, (the "SEA") and a hearing pursuant to section 4-2 of the SEA

BETWEEN:

MBC Engineering Group Inc. & Ross Huartt,



APPELLANTS,

- and -

Laura Franke, Troy Libke, Benjamin Colclough, Parth Nilesbhai Patel, Thomas Williams, Dhruv Dilipbhai Patel, Panagiotis Giannakakos, Joshua Burke, Sean McGarry & Jasmine Ostapowich,

RESPONDENTS (COMPLAINANTS).

APPEARANCES:

No one appearing for the Appellants, MBC Engineering Group Inc. & Ross Huartt,.

Alexa LaPlante for the Director of Employment Standards

Respondents (Complainants), Laura Franke, Troy Libke, Benjamin Colclough, Parth Nilesbhai Patel, Thomas Williams, Dhruv Dilipbhai Patel, Panagiotis Giannakakos, Joshua Burke, Sean McGarry & Jasmine Ostapowich, All Self Represented

BEFORE:

T. F. (Ted) Koskie, B.Sc., J.D.

DECISION DATE:

October 29, 2025

DECISION

1. INTRODUCTION

[1] MBC Engineering Group Inc. ("MBC") and Ross Huartt ("Huartt") appealed (the "Appeal") Wage Assessment No. 1-000926¹ (the "Assessment") issued pursuant to section 2-74 of *The Saskatchewan Employment Act* (as amended)² (the "SEA") by the Director of Employment Standards (the "Director") on January 30, 2025.

[2] The Assessment directed MBC and Huartt to pay \$259,174.03 as follows:

- a) \$18,916.46 to Laura Franke;
- b) \$19,587.05 to Troy Libke;
- c) \$22,881.85 to Benjamin Colclough;
- d) \$4,046.88 to Parth Nileshbhai Patel;
- e) \$56,662.71 to Thomas Williams;
- f) \$1,464.38 to Dhruv Dilipbhai Patel;
- g) \$22,872.58 to Panagiotis Giannakakos;
- h) \$21,255.51 to Joshua Burke;
- i) \$57,056.18 to Sean McGarry; and
- j) \$34,430.43 to Jasmine Ostapowich.

[3] By Order dated May 30, 2025, the Labour Relations Board ("LRB") selected me to hear and determine the Appeal.

2. FACTS

[4] Following my appointment as Adjudicator, I began my efforts to schedule a conference call with all parties to address any preliminary matters and the time required,

¹Exhibit ES-1, Wage Assessment No. 1-000926 dated January 30, 2025

²S.S. 2013, c. S-15.1

dates and venue for the hearing. Though the Respondents gave me dates they were available for such a conference call, the Appellants, despite repeated requests, did not. I warned the Appellants that if they did not provide dates they were available, I would proceed to schedule the conference call without the benefit of same. The Appellants did not advise of their availability and I proceeded to schedule the conference call for September 8, 2025. I gave notice of the time and date to all parties. The Appellants did not attend the conference call. The Respondents did. I proceeded to schedule the hearing—virtually—of the Appeal for October 29 and 30, 2025. I gave notice of the times, dates and participation particulars for the hearing to all parties.

[5] I should note that, at the time of my appointment, I was advised the Appellants were represented by Counsel. Following communication with that counsel, I was told they would not be acting for the Appellants. Subsequently, the Appellants advised they were in the process of retaining Counsel. Despite such advice, no such retainer was ever confirmed with me. No Counsel contacted me on behalf of the Appellants.

[6] The hearing of this Appeal commenced at the appointed time and date. The Respondents appeared and were self represented. The Director of Employment Standards appeared by way of Counsel.

[7] I proceeded with the Appeal in the absence of the Appellants.

[8] Prior to the Hearing, Counsel for the Director of Employments standards distributed an Exhibit Book to all parties. At the Hearing, Counsel tendered the contents of that Exhibit Book in evidence. I admitted the nineteen (19) tabs of material contained therein as Exhibits ES-1 to 19. ES-1 is the Assessment. No further documentation or evidence was submitted.

3. ISSUES

[9] The issue herein is the disposition of the Assessment.

4. DECISION

[10] I:

- a) dismiss the Appeal;
- b) uphold and confirm the Assessment; and
- c) further direct the amount deposited by the Appellants pursuant to subsection 2-75(4) of the *SEA* be applied to the Respondents' wage claims.

5. REASONS

5.1 LEGISLATION

[11] The relevant provisions of the *SEA* are as follows:

...

Notice required

2-60(1) Except for just cause, no employer shall lay off or terminate the employment of an employee who has been in the employer's service for more than 13 consecutive weeks without giving that employee written notice for a period that is not less than the period set out in the following Table:

Table

Employee's Period of Employment	Minimum Period of Written Notice
more than 13 consecutive weeks but one year or less	one week
more than one year but three years or less	two weeks
more than three years but five years or less	four weeks
more than five years but 10 years or less	six weeks
more than 10 years	eight weeks

(2) In subsection (1), "period of employment" means any period of employment that is not interrupted by more than 14 consecutive days.

(3) For the purposes of subsection (2), being on vacation, an employment leave or a

leave granted by an employer is not considered an interruption in employment.

(4) After giving notice of layoff or termination to an employee of the length required pursuant to subsection (1), the employer shall not require an employee to take vacation leave as part of the notice period required pursuant to subsection (1).

Payments in case of layoffs or terminations

2-61(1) If an employer lays off or terminates the employment of an employee, the employer shall pay to the employee, with respect to the period of the notice required pursuant to section 2-60:

- (a) if the employer is not bound by a collective agreement that applies to the employee, the greater of:
 - (i) the sum earned by the employee during that period of notice; and
 - (ii) a sum equivalent to the employee's normal wages for that period; or
- (b) if the employer is bound by a collective agreement that applies to the employee, the entitlements provided for in the collective agreement.

(2) For the purposes of subsection (1), if the wages of an employee, not including overtime pay, vary from week to week, the employee's normal wages for one week are deemed to be the equivalent of the employee's average weekly wage, not including overtime pay, for the 13 weeks the employee worked preceding:

- (a) the date on which the notice of layoff or termination was given; or
- (b) if no notice of the layoff or termination was given:
 - (i) the date on which the employee was laid off or terminated; or
 - (ii) a date determined in the prescribed manner.

(3) If an employer lays off or terminates the employment of an employee at a remote site, the employer shall provide transportation without cost for the employee to the nearest point where regularly scheduled transportation services are available.

...

Wages accruing or due to be held in trust

2-65(1) Notwithstanding any other Act, an employer of an employee shall hold all of the employee's total wages due or accruing due to the employee in trust for the employee for the payment of those wages in the manner and at the time provided pursuant to this Part and the regulations made pursuant to this Part.

(2) If total wages are not held in trust as required pursuant to subsection (1), the employer is deemed to hold an amount equal to the amount of the total wages in trust for the employee.

...

Corporate directors liable for wages

2-68(1) Subject to subsection (2), notwithstanding any other provision of this Act or any other Act, the corporate directors of an employer are jointly and severally liable to an employee for all wages due and accruing due to the employee but not paid while they are corporate directors.

(2) The maximum amount of a corporate director's liability pursuant to subsection (1) to an employee is six months' wages of the employee.

...

Wage assessments

2-74(1) In this Division, "adjudicator" means an adjudicator selected pursuant to subsection 4-3(3).

(2) If the director of employment standards has knowledge or has reasonable grounds to believe or suspects that an employer has failed or is likely to fail to pay wages as required pursuant to this Part, the director may issue a wage assessment against either or both of the following:

- (a) the employer;
- (b) subject to subsection (3), a corporate director.

(3) The director of employment standards may only issue a wage assessment against a corporate director if the director has knowledge or has reasonable grounds to believe or suspects that the corporate director is liable for wages in accordance with section 2-68.

...

(6) If the director of employment standards has issued a wage assessment pursuant to subsection (2), the director shall cause a copy of the wage assessment to be served on:

- (a) the employer or corporate director named in the wage assessment; and
- (b) each employee who is affected by the wage assessment.

(7) A wage assessment must:

- (a) indicate the amount claimed against the employer or corporate director;
- (b) direct the employer or corporate director to, within 15 business days after the date of service of the wage assessment:
 - (i) pay the amount claimed; or
 - (ii) commence an appeal pursuant to section 2-75; and
- (c) in the case of a wage assessment issued after money has been received from a third party pursuant to a demand issued pursuant to Division 4, set out the amount paid to the director of employment standards by the third party.

(8) The director of employment standards may, at any time, amend or revoke a wage assessment.

...

Commencement of appeal to adjudicator

2-75(1) Any of the following may appeal a wage assessment:

- (a) an employer or corporate director who disputes liability or the amount set out in the wage assessment;

...
2-75(2) An appeal pursuant to this section must be commenced by filing a written notice of appeal with the director of employment standards within 15 business days after the date of service of a wage assessment.

...
(4) If the appellant is an employer or a corporate director, the employer or corporate director shall, as a condition of being eligible to appeal the wage assessment, deposit with the director of employment standards the amount set out in the wage assessment or any other prescribed amount.

(5) The amount mentioned in subsection (4) must be deposited before the expiry of the period during which an appeal may be commenced.

...
(7) An appeal filed pursuant to subsection (2) is to be heard by an adjudicator in accordance with Part IV.

(8) On receipt of the notice of appeal and deposit required pursuant to subsection (4), the director of employment standards shall forward to the adjudicator:

- (a) a copy of the wage assessment; and
- (b) a copy of the written notice of appeal.

(9) The copy of the wage assessment provided to the adjudicator in accordance with subsection (8) is proof, in the absence of evidence to the contrary, that the amount stated in the wage assessment is due and owing, without proof of the signature or official position of the person appearing to have signed the wage assessment.

(10) On the final determination of an appeal, the amount deposited pursuant to subsection (4):

- (a) must be returned if the employer or corporate director is found not to be liable for the wages; or
- (b) must be applied to the wage claims of the employees if the determination is in favour of the employees in whole or in part and, if there is any part of the amount remaining after being applied to those wage claims, the remaining amount must be returned to the employer or corporate director.

...
Adjudicator – duties

4-2 An adjudicator shall:

- (a) hear and decide appeals pursuant to Part II and conduct hearings pursuant to Division 5 of Part II;
- (b) hear and decide appeals pursuant to Division 8 of Part III;
- (c) hear and decide any appeals pursuant to Division 6 of Part V; and
- (d) carry out any other prescribed duties.

Selection of adjudicator

4-3(1) In this section and sections 4-4 and 4-7, "registrar" means an employee of the ministry who is designated as the registrar by the chairperson of the board.

(2) The director of employment standards and the director of occupational health and safety shall inform the board of an appeal or hearing to be heard by an adjudicator.

(3) On being informed of an appeal or hearing pursuant to subsection (2) and in accordance with any regulations made pursuant to this Part, the registrar shall select an adjudicator.

Procedures on appeals

4-4(1) After selecting an adjudicator pursuant to section 4-3 and in accordance with any regulations made pursuant to this Part, the registrar shall:

- (a) in consultation with the adjudicator and the parties, set a time, day and place for the hearing of the appeal or the hearing; and
- (b) give written notice of the time, day and place for the appeal or the hearing to:
 - (i) in the case of an appeal or hearing pursuant to Part II:
 - (A) the director of employment standards;
 - (B) the employer;
 - (C) each employee listed in the wage assessment or hearing notice; and
 - (D) if a claim is made against any corporate directors, those corporate directors;
 - (ii) in the case of an appeal or hearing pursuant to Part III:
 - (A) the director of occupational health and safety; and
 - (B) all persons who are directly affected by the decision being appealed; and
 - (iii) in the case of an appeal or hearing pursuant to Part V:
 - (A) the director of occupational health and safety; and
 - (B) all persons who are directly affected by the decision being appealed.

(2) Subject to the regulations, an adjudicator may determine the procedures by which the appeal or hearing is to be conducted.

(3) An adjudicator is not bound by the rules of law concerning evidence and may accept any evidence that the adjudicator considers appropriate.

(4) An adjudicator may determine any question of fact that is necessary to the adjudicator's jurisdiction.

(5) A technical irregularity does not invalidate a proceeding before or by an adjudicator.

(6) Notwithstanding that a person who is directly affected by an appeal or a hearing is neither present nor represented, if notice of the appeal or hearing has been given to the person pursuant to subsection (1), the adjudicator may proceed with the appeal or the hearing and make any decision as if that person were present.

(7) *The Arbitration Act, 1992* does not apply to adjudications conducted pursuant to this Part.

Powers of adjudicator

4-5(1) In conducting an appeal or a hearing pursuant to this Part, an adjudicator has the following powers:

- (a) to require any party to provide particulars before or during an appeal or a hearing;
- (b) to require any party to produce documents or things that may be relevant to a matter before the adjudicator and to do so before or during an appeal or a hearing;
- (c) to do all or any of the following to the same extent as those powers are vested in the Court of King's Bench for the trial of civil actions:
 - (i) to summon and enforce the attendance of witnesses;
 - (ii) to compel witnesses to give evidence on oath or otherwise;
 - (iii) to compel witnesses to produce documents or things;
- (d) to administer oaths and affirmations;
- (e) to receive and accept any evidence and information on oath, affirmation, affidavit or otherwise that the adjudicator considers appropriate, whether admissible in a court of law or not;
- (f) to conduct any appeal or hearing using a means of telecommunications that permits the parties and the adjudicator to communicate with each other simultaneously;
- (g) to adjourn or postpone the appeal or hearing.

(2) With respect to an appeal pursuant to section 3-54 respecting a matter involving harassment or a discriminatory action, the adjudicator:

- (a) shall make every effort that the adjudicator considers reasonable to meet with the parties affected by the decision of the occupational health officer that is being appealed with a view to encouraging a settlement of the matter that is the subject of the occupational health officer's decision; and
- (b) with the agreement of the parties, may use mediation or other procedures to encourage a settlement of the matter mentioned in clause (a) at any time before or during a hearing pursuant to this section.

Decision of adjudicator

4-6(1) Subject to subsections (4) and (5), the adjudicator shall:

- (a) do one of the following:
 - (i) dismiss the appeal;
 - (ii) allow the appeal;

(iii) vary the decision being appealed; and

(b) provide written reasons for the decision to the board, the director of employment standards or the director of occupational health and safety, as the case may be, and any other party to the appeal.

...

(4) If, after conducting a hearing concerned with section 2-21, the adjudicator concludes that the employer has breached section 2-21, the adjudicator may exercise the powers given to the Court of King's Bench pursuant to sections 38 to 41 of *The Saskatchewan Human Rights Code, 2018* and those sections apply, with any necessary modification, to the adjudicator and the hearing.

(5) If, after conducting a hearing concerned with section 2-42, the adjudicator concludes that the employer has breached section 2-42, the adjudicator may issue an order requiring the employer to do any or all of the following:

- (a) to comply with section 2-42;
- (b) to pay any wages that the employee has lost as a result of the employer's failure to comply with section 2-42;
- (c) to restore the employee to his or her former position;
- (d) to post the order in the workplace;
- (e) to do any other thing that the adjudicator considers reasonable and necessary in the circumstances.

...

5.2 ANALYSIS

[12] The only evidence I have before me are the Exhibits numbered ES-1 to ES-19. ES-1 is the Assessment.

[13] Section 2-75(9) of the *SEA* provides as follows:

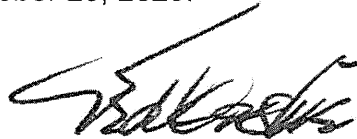
The copy of the wage assessment provided to the adjudicator in accordance with subsection (8) is proof, in the absence of evidence to the contrary, that the amount stated in the wage assessment is due and owing, without proof of the signature or official position of the person appearing to have signed the wage assessment.

[14] The Assessment has been properly put before me. There is no evidence before me to the contrary of same. I therefore find the amounts stated in the Assessment are due and owing to the Respondents.

[15] For the reasons above, I:

- a) dismiss the Appeal;
- b) uphold and confirm the Assessment; and
- c) further direct the amount deposited by the Appellants pursuant to subsection 2-75(4) of the *SEA* be applied to the Respondents' wage claims.

Dated at Saskatoon, Saskatchewan, on October 29, 2025.



T. F. (TED) KOSKIE, B.Sc., LL.B.,
ADJUDICATOR