

EMPLOYMENT STANDARDS TRIBUNAL
In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act, R.S.B.C. 1996, C. 113

- By -

Peter Haslauer, Director/Officer of Canacon Enterprises Ltd.

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

ADJUDICATOR:	Ib S. Petersen
FILE NO.:	98/115
DECISION DATE:	April 16, 1998

APPEARANCES/SUBMISSIONS

Mr. Peter Haslauer	on behalf of himself
Mr. Frederick Perez	on behalf of himself
Ms. Lesley A. Christensen	on behalf of the Director of Employment Standards

OVERVIEW

This is an appeal by the Mr. Haslauer pursuant to Section 112 of the *Employment Standards Act* (the “*Act*”), against a Determination of the Director of Employment Standards (the “Director”) issued on January 28, 1998 which determined that Mr. Haslauer was liable as a corporate director and officer for two months wages to a former employee of Canacon Enterprises Ltd. (“Canacon” or the “Employer”), Mr. Frederick Perez, for a total of \$8,148.54. A corporate determination was issued on June 21, 1997 against the Employer and was not appealed. The Director’s delegate found that Mr. Haslauer was the sole director and officer of Canacon.

Mr. Haslauer argues for relief from the Determination. He argues that he has been ill and that he left the business in the hands of a manager who did not take care of the “business papers”. He argues that he cannot afford to pay. Mr. Perez disputes the veracity of Mr. Haslauer’s statements.

ISSUE TO BE DECIDED

The issue to be decided in this appeal is whether the Tribunal should vary, confirm or cancel the Determination.

ANALYSIS

Section 96 of the *Act* provides for personal liability for corporate directors and officers. They may be liable for up to two month’s unpaid wages for each employee, if they were directors and officers at the time the wages were earned or should have been paid. Mr. Haslauer does not address any of the issues under Section 96 and, while I have some sympathy for his position, he does not provide any reason why the Determination should be set aside.

In the result, his appeal must fail.

ORDER

Pursuant to Section 115 of the Act, I order that the Determination in this matter, dated January 28, 1998 be confirmed and the amount of the Determination paid out to the employee together with such interest as may have accrued, pursuant to Section 88 of the *Act*, since the date of issuance.

**Ib Skov Petersen
Adjudicator
Employment Standards Tribunal**