HAZEN GRANT STEWART, Applicant v. HONEY BEE MANUFACTURING LTD., Respondent and EXECUTIVE DIRECTOR, OCCUPATIONAL HEALTH AND SAFETY, Respondent

LRB File Nos. 193-16 & 208-16; December 6, 2016
Kenneth G. Love, Q.C., Chairperson (sitting alone pursuant to Section 6-95(3) of *The Saskatchewan Employment Act*)

For the Applicant:	Self Represented
For the Respondent:	Kevin Hoy
For the Respondent Executive Director Occupational Health & Safety:	No-one appearing

Summary Dismissal – Section 6-111(1)(o) – Respondent Employer applies to the Board to have the appeal of the Appellant summarily dismissed on the basis that the Board has no jurisdiction to hear the matter. Board hears argument from parties and considers its jurisdiction in respect of questions of law and its authority to summarily dismiss appeals.

Board Jurisdiction – Board considers its jurisdiction and the evidence and arguments raised by the parties – Board finds that questions of law raised by Appellant do not engage the jurisdiction of the Board – Board summarily dismisses application.

Board Jurisdiction – Board's jurisdiction to review Adjudicator's decisions pursuant to section 4-8 restricted to questions of law – Appeals which do not raise questions of law as defined by the Board may be summarily dismissed where jurisdiction not engaged.

REASONS FOR DECISION

Background:

[1] Kenneth G. Love, Q.C., Chairperson: This is an appeal[1] against a decision of an Adjudicator appointed pursuant to Section 4-8 of *The Saskatchewan Employment Act,* S.S. 2013, c.S-15.1 (the *"SEA")*. Hazen Grant Stewart (the "Appellant") appeals against the decision

of an Adjudicator dated August 8, 2016, in which decision the Adjudicator allowed an Appeal by the Employer and revoked the determination of an Occupational Health and Safety Officer, that the Respondent, Honey Bee Manufacturing Ltd., (the "Employer") had terminated the Appellant while he was engaged in a protected activity, contrary to section 3-35 of the *SEA*.

[2] Prior to the hearing of the appeal of the Appellant, the Employer gave notice of its intention to apply[2] to the Board to have the appeal by the Appellant summarily dismissed on the grounds that the Appellant had not raised an arguable question of law for consideration by the Board. This application was dealt with as a preliminary matter by the Board. After hearing from the parties, the Board adjourned to consider the arguments raised and the materials provided by the parties, including the notice of appeal and decision of the adjudicator. Following consideration, the Board granted the application for summary dismissal of the appeal with brief reasons. The Board advised the parties that it would provide more detailed written Reasons. These are those written Reasons.

Facts:

[3] The full factual context of this appeal is set out in the Adjudicator's decision[3]. This Board will not repeat the full factual background here, but will outline the basic facts leading to the decision by the Occupational Health and Safety Officer and by the Adjudicator. The Board will also reference any facts necessary to the analysis set forth below.

[4] The Appellant was employed by the Employer at the Employer's manufacturing plant in Frontier, Saskatchewan. That plant employs approximately 190 persons who are engaged in the production of agricultural harvesting equipment, such as headers and swathers.

[5] The Appellant began his employment with the Employer in August, 2007 and was the operator of a piece of equipment known as a Pangborn Blaster. This Blaster is a large machine[4]. It is used to put a "finish" on machinery parts prior to painting by blasting the surface of those parts with abrasive material.

[6] On July 10, 2015, the Appellant refused to perform duties related to his job as the operator of the Pangborn Blaster. These duties involved loading the infeed line to the Blaster

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[1] LRB File No. 193-16
[2] LRB File No. 208-16
[3] http://www.sasklabourrelationsboard.com/pdfdoc/0281-15%20and%20022-16
[4] Described by the Adjudicator as being the size of a small house

during his down time. After some discussion with the Employer's Human Resources Manager, Henry Fehr, and the Paint Line Supervisor, the Appellant was asked to leave the production floor. He was later allowed to return to his position after agreeing to perform the tasks requested of him.

[7] On August 8, 2015, the Appellant was asked, and agreed, to work an overtime shift at the plant. He was told that during the overtime shift he would be required to load the infeed line to the Blaster. He refused to do that work. The Appellant then left the production floor and punched out. He was told by the shift Supervisor not to return the following Monday until he was called in. Nevertheless, he came to work on Monday, August 10, 2015.

[8] About 9:30 am, the Appellant took it upon himself to shut down and lock out the Pangborn Blaster alleging that it was dangerous to operate. There was a discussion with the Appellant and the Human Resources Manager regarding the shut down and the location of the lock's key, which the Appellant had apparently hidden. The Appellant took the view that it was unsafe for him to be more than ten (10) feet from the stop button of the machine in the event of an emergency.

[9] The machine was restarted and production resumed at the plant. The Appellant then met with the Human Resources Manager to discuss the incident. At that meeting, the Human Resources Manager indicated that the Employer would be offering the Appellant a different job in paint production. The Appellant refused this offer. As a result, the Appellant was suspended for two (2) days to consider his rejection of alternate work.

[10] The Appellant returned to work on August 12, 2015 and met with the Human Resources Manager. At the meeting, the Appellant became belligerent and wanted to know why an Occupational Health and Safety Officer was not present at the meeting. The Appellant was again offered alternative work, which he refused on multiple occasions. The Appellant was then terminated and provided a record of employment.

[11] The Appellant contacted an Occupational Health and Safety Officer ("OH & S Officer") and alleged that he had been discharged contrary to section 3-35 of the *SEA*. Following an investigation, the OH & S Officer concluded that the Appellant's dismissal was the result of his refusal to perform unsafe work. The Employer appealed this determination to an Adjudicator who conducted a hearing into the matter and released her decision on August 8, 2015. That

decision is the decision appealed against here and allowed the appeal and quashed the decision of the OH & S Officer.

Relevant statutory provision:

[12] Relevant statutory provisions are as follows:

> ***3-1****(1) In this Part and in Part IV:*
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> *. . .*
>
> *(i)**"discriminatory action"** means any action or threat of action by an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty, but does not include:*
>
> *(i) the temporary assignment of a worker to alternative work, pursuant to section 3-44, without loss of pay to the worker; or*
>
> *(ii) the temporary assignment of a worker to alternative work, without loss of pay to the worker, while:*
>
> *(A) steps are being taken for the purposes of clause 3-31(a) to satisfy the worker that any particular act or series of acts that the worker refused to perform pursuant to that clause is not unusually dangerous to the health or safety of the worker or any other person at the place of employment;*
>
> *(B) the occupational health committee is conducting an investigation pursuant to clause 3-31(b) in relation to the worker's refusal to perform any particular act or series of acts; or*
>
> *(C) an occupational health officer is conducting an investigation requested by a worker or an employer pursuant to clause 3-32(a);*
>
> *…*
>
> ***Right to refuse dangerous work***
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> ***3-31*** *A worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until:*
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> *(a) sufficient steps have been taken to satisfy the worker otherwise; or*

(b) the occupational health committee has investigated the matter and advised the worker otherwise.

. . .

Discriminatory action prohibited

3-35 *No employer shall take discriminatory action against a worker because the worker:*

(a) acts or has acted in compliance with:

(i) this Part or the regulations made pursuant to this Part;

(ii) Part V or the regulations made pursuant to that Part;

(iii) a code of practice issued pursuant to section 3-84; or

(iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention;

(b) seeks or has sought the enforcement of:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(c) assists or has assisted with the activities of an occupational health committee or occupational health and safety representative;

(d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative;

(e) performs or has performed the function of an occupational health committee member or occupational health and safety representative;

(f) refuses or has refused to perform an act or series of acts pursuant to section 3-31;

(g) is about to testify or has testified in any proceeding or inquiry pursuant to:

(i) this Part or the regulations made pursuant to this Part; or

(ii) Part V or the regulations made pursuant to that Part;

(h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Part or the regulations made pursuant to this Part with respect to the health and safety of workers at a place of employment;

(i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part;

(j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the employer; or

(k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that 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 Queen'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 (2) to (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.

(2) If, after conducting a hearing, the adjudicator concludes that an employer or corporate director is liable to an employee or worker for wages or pay instead of notice, the amount of any award to the employee or worker is to be reduced by an amount that the adjudicator is satisfied that the employee earned or should have earned:

(a) during the period when the employer or corporate director was required to pay the employee the wages; or

(b) for the period with respect to which the employer or corporate director is required to make a payment instead of notice.

(3) The employer or corporate director has the onus of establishing the amount by which an award should be reduced in accordance with subsection (2).

(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 Queen's Bench pursuant to sections 31.2 to 31.5 of The Saskatchewan Human Rights Code 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) subject to subsections (2) and (3), 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.

Written decisions

4-7*(1) An adjudicator shall deliver the written reasons for the decision required pursuant to clause 4-6(1)(b) within the following periods:*

(a) with respect to an appeal or hearing pursuant to Part II, 60 days after the date the hearing of the appeal or the hearing is completed;

(b) with respect to an appeal pursuant to Part III:

(i) subject to subclause (ii), 60 days after the date the hearing of the appeal is completed; and

(ii) with respect to an appeal pursuant to section 3-54, the

earlier of:

(A) one year after the date the adjudicator was selected; and

(B) 60 days after the date the hearing of the appeal is completed.

(2) Any party to a proceeding before an adjudicator may apply to the Court of Queen's Bench for an order directing the adjudicator to provide his or her decision if the deadline in subsection (1) has not been met.

(3) A failure to comply with subsection (1) does not affect the validity of a decision.

(4) As soon as is reasonably possible after receiving a decision, the board shall serve the decision on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

Right to appeal adjudicator's decision to board

4-8*(1) An employer, employee or corporate director who is directly affected by a decision of an adjudicator on an appeal or hearing pursuant to Part II may appeal the decision to the board on a question of law.*

(2) A person who is directly affected by a decision of an adjudicator on an appeal pursuant to Part III may appeal the decision to the board on a question of law.

(3) A person who intends to appeal pursuant to this section shall:

(a) file a notice of appeal with the board within 15 business days after the date of service of the decision of the adjudicator; and

(b) serve the notice of appeal on all persons mentioned in clause 4-4(1)(b) who received the notice setting the appeal or hearing.

(4) The record of an appeal is to consist of the following:

(a) in the case of an appeal or hearing pursuant to Part II, the wage assessment or the notice of hearing;

(b) in the case of an appeal pursuant to Part III, any written decision of an occupational health officer or the director of occupational health and safety respecting the matter that is the subject of the appeal;

(c) the notice of appeal filed with the director of employment standards pursuant to Part II or with the director of occupational health and safety pursuant to Part III, as the case may be;

(d) any exhibits filed before the adjudicator;

(e) the written decision of the adjudicator;

(f) the notice of appeal to the board;

(g) any other material that the board may require to properly consider the appeal.

(5) The commencement of an appeal pursuant to this section does not stay the effect of the decision or order being appealed unless the board orders otherwise.

> *(6) The board may:*
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> *(a) affirm, amend or cancel the decision or order of the adjudicator; or*
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> *(b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board considers appropriate.*
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> . . .
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> ***6-111****(1) With respect to any matter before it, the board has the power:*
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> . . .
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> *(o) to summarily refuse to hear a matter that is not within the jurisdiction of the Board;*

Issues raised in the Appeal:

[13] In his notice of Appeal, the Appellant raised 4 issues. These were:

1. *Should legal issues, which arose "first in time" and are a complete defense to a primary issue, be examined "first in time" by the adjudicator?*
2. *When an employer's actions exceed the authority of the OH&S Committee, does that employer's actions void the requirement found in 3-1(1)(i)(ii)(B)?*
3. *Can an adjudicator choose to believe either party regarding a contested physical fact?*
4. *Can The Saskatchewan Employment Act 4-3(2) survive a Canadian Charter of Rights and Freedoms section 15 Constitutional Question?*

[14] By supplemental correspondence to the Board on October 4, 2016, the Appellant also raised a fifth issue which was: "If an adjudicator has given unclear, bad or questionable legal advice to an individual; is that grounds for appeal?"

Analysis:

Jurisdiction of the Board and Standard of Review:

[15] The Board may only review decisions from Adjudicators pursuant to section 4-8 of the *SEA* on a question of law. What amounts to a question of law was defined by the Board in

its decision in *Wieler v. Saskatoon Convalescent Home*[5]: That decision established 3 classes of potential legal errors. Those are:

1. Questions of Law;
2. Questions of mixed law and fact; and
3. Questions of fact which may be considered errors of law.

[16] In that decision, the Board also established the standard of review in respect of each of these classes of errors. Questions of Law are to be reviewed on the correctness standard, error of mixed law and fact are to be reviewed on the reasonableness standard, and errors of fact which may be considered errors of law are to be reviewed on the reasonableness standard.

Summary Dismissal Jurisprudence:

[17] The Board is reluctant to grant summary dismissal for lack of jurisdiction except in the clearest of cases[6]. However, the Board's jurisdiction is restricted by section 4-8 of the *SEA* to review errors of law found in Adjudicator's decisions. As such, the questions of law posed by the Appellant must be questions of law which fall into one or more of the classes of reviewable questions of law set out above.

Analysis of the Issues raised in the Appeal:

The "first in time" issue:

[18] In his submission to the Board with his notice of appeal, the Appellant took the position that because his refusal to work on an unsafe machine was justified, that that justification should be a complete defence to his termination and that fact should have been examined by the adjudicator as it occurred "first in time". In his submission, the fact that his refusal was justified precluded the Employer from assigning him to alternative work and the refusal of that work that was the justification adopted by the Employer for his termination.

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[5] [2014] CanLII 76051 (SKLRB)
[6] See Metz v. S.G.E.U. [2008] CanLII 58436, *Soles v. Canadian Union of Public Employees, Local 4777*, [2006] CanLII 62947 (SK LRB), Ajak v. United Food And Commercial Workers, Local 1400, [2008] CanLII 87262 (SK LRB)

[19] The Employer argues that the Appellant did not even seek to take the benefit of the right to refuse unsafe work until August 10, 2015.[7] Additionally, the Employer argues that this issue is not a question of law.

[20] With respect, we believe that this issue arises out of the Appellant's misunderstanding of the process under the *SEA* for dealing with issues of discrimination (i.e.: in somewhat simplistic terms, the imposition of some penalty by an employer in retaliation for an employee seeking to avail themselves of the protections of the *SEA*). The adjudicator, as outlined in her decision[8], was required to first determine if the Appellant was exercising his right to refuse unsafe work pursuant to section 3-31, and, if so, did the Employer take discriminatory action against the Appellant contrary to section 3-35 of the *SEA*.

[21] The Adjudicator was charged with looking at the facts in support of a justified refusal and then the facts with respect to any alleged retaliatory action taken. She was not charged with a wholesale review of whether or not the equipment was safe or whether appropriate operating standards were in place for its operation. She was required to focus on the issues before her as properly outlined in her decision.

[22] The Adjudicator dealt with the issue as necessary to her determination of the issues before her. At paragraph [95] she concluded:

> *[95] In the result, I am inclined to conclude that Stewart used the work refusal process improperly to prove a point or bring to a head his opinions that there should be two operators, that the line should not run continuously and justify why he should not have to load the line anymore. In any case, I am not satisfied that Stewart had reasonable grounds to believe the work refused on August 10 was unusually dangerous. In 23 the result, I must find that Stewart has failed to establish prima facie that he was engaged in an activity protected by section 3-35(f).*

[23] There is no allegation that the adjudicator misapplied or misinterpreted the legislative provisions and this Board finds none. This was a factual determination, not an error of law and as such, it is not reviewable by the Board.

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[7] See paragraph 81 of the Adjudicator's decision.
[8] See paragraphs [6] and [7]

When an employer's actions exceed the authority of the O H & S Committee, does that employer's actions void the requirement found in 3-1(1)(i)(ii)(B)?

[24] The Appellant explained the basis of this issue as the adjudicator having allowed that the Employer was permitted to assign the Appellant to alternative work where there was no investigation being conducted by the Occupational Health Committee in the workplace. The Appellant argued that the Employer's action in assigning him to alternative work was improper when there was no such investigation.

[25] The Employer countered that there was no question of law raised, simply a request for a statutory interpretation by the Board. Alternatively, if there was a broad issue of statutory interpretation engaged, the Employer argued that there is no requirement that the Occupational Health and Safety Committee to be engaged in an investigation to permit the assignment of alternative work to the Appellant.

[26] In the context of the issues to be considered by the Adjudicator, there is no question of law raised here. The Board agrees with the Employer that the Board is being asked to interpret section 3-1(1)(i)(ii), the interpretation of which does not bear upon the Adjudicator's decision. The Adjudicator found that the Appellant had not established that he was engaged in a protected activity.

[27] This issue does not raise an error of law within the jurisdiction of the Board in its review of the Adjudicator's decision.

Can an adjudicator choose to believe either party regarding a contested physical fact?

[28] The Appellant explained in his submissions that the Adjudicator accepted testimony from the Employer in preference to his testimony. He alleged that the Employer had fabricated certain evidence as well. He argued that the Adjudicator ignored his written submissions of his closing arguments.

[29] The Employer argued that this question did not engage a question of law. Alternatively, the Employer argued that the Adjudicator was empowered by section 4-4(4) of the *SEA* to make all determinations of fact necessary to her jurisdiction.

[30] Again, with respect, the Board agrees with the submissions of the Employer in this regard. The decision makes it clear that the Adjudicator was live to the issue of credibility of witnesses[9]. Clearly she was required to make findings of fact, which may involve findings with respect to credibility of witnesses in order to fulfill her mandate. This Board can find no reviewable error here within the jurisdiction of the Board.

Can The Saskatchewan Employment Act 403(2) survive a Canadian Charter of Rights and Freedoms section 15 Constitutional Question?

[31] The Appellant argued that section 4-3(2) breached section 15(1) of *The Canadian Charter of Rights and Freedoms*. He also argued that the Adjudicator had failed to provide her decision within the timeframe mandated by the *SEA* for delivery of decisions[10]. He also argued that the Board should have used a random selection mechanism for the appointment of the Adjudicator.

[32] The Employer conceded that the constitutional aspect of this question may engage a question of law. However, the Employer argued that no factual basis had been shown for any discriminatory action against the Appellant.

[33] Insofar as any arguments concerning the Charter are engaged, the provisions of section 13 of *The Constitutional Questions Act*[11] provide an answer. That provision requires that a Notice of Constitutional Question be served on the Attorney General for Canada and Saskatchewan in order to engage a constitutional question. In this case, although advised of the requirement to provide notice, the Appellant failed to do so. Accordingly, pursuant to section 13, the Board is unable to make any declaration concerning the constitutionality of this provision. Section 13 provides as follows:

> *13. No Court shall hold any law to be invalid, inapplicable or inoperable if a constitutional question is raised nor shall it grant any remedy unless notice is served on the Attorney General of Canada and on the Attorney General for Saskatchewan in accordance with this part.*

[34] Furthermore, this issue was not raised before the Adjudicator, nor was there any factual determinations made by the Adjudicator in respect of any purported constitutional

[9] See paragraph 10 of the decision and paragraphs 84 et seq.
[10] See section 4-7
[11] S.S. 2013 c-C-29.01

irregularity. There is simply no factual basis to support any allegation of discrimination contrary to section 15.

[35] The Appellant may be confused by the use of the term "discriminatory action" in the *SEA* and in section 15 of the *Charter*. While the words may be similar, there is a wide difference in their legal meaning and applicability. Discrimination under the *Charter* and discriminatory action under the *SEA* are quite dissimilar in concept.

[36] In respect of the issue of the timeliness of the Adjudicator's decision, the *SEA* provides for a remedy in the event an Adjudicator fails to provide a decision in a timely fashion. Section 4-7(2) provides for an application to the Court of Queen's Bench for an Order directing the Adjudicator to provide his or her decision in the event the timelines are not met. No application was made by the Appellant in this case.

[37] The Appellant also raised a concern regarding the appointment of the Adjudicator by this Board. He argued that it should have been done by random selection. The Board, in making its selections of Adjudicators cannot simply throw a dart at the possible names to determine in totally random fashion who will be selected. Adjudicators may have conflicts both in the parties who are involved in the issues as well as with respect to their schedules. Adjudicators are appointed by the Lieutenant Governor in Council and only some of those adjudicators are appointed to deal with issues involving discriminatory action. The Board must select from those specially appointed adjudicators and insure that the adjudicator does not have a conflict of interest with respect to the matter and/or that the adjudicator can complete the hearing and render a decision within the statutory timeframes.

[38] None of these issues raises a reviewable error of law before this Board.

If an adjudicator has given unclear, bad or questionable legal advice to an individual; is that grounds for appeal?

[39] The Appellant raised this issue in his correspondence to the Board on September 29, 2016. In his correspondence, he alleged that the Adjudicator had provided him "unclear, bad, or questionable legal advice…on at least three occasions". These, he claimed, were when the Adjudicator requested that he not badger witnesses, when he was advised by email that closing arguments could be made in writing, and finally that there was a "systemic" error in the process for appeal outlined by the Adjudicator in her decision.

[40] None of these issues raise a reviewable question of law. The Adjudicator is entitled to conduct the hearing as she sees fit in accordance with the rules of natural justice. A direction not to badger witnesses would not, absent other evidence, be considered to be a breach of those rules. Similarly, provision of written arguments at the conclusion of a case is not unusual and would also conform to the rules of natural justice, again absent some other evidence in support.

[41] Finally, the last objection does not engage a question of law. While the Board appreciates that some persons may not be familiar with the appeal process, the Board does not "stand on ceremony" so to speak and liberally applies the saving provisions of section 6-112 of the *SEA* to insure that proceedings are not invalidated by technical irregularities. The Board's officers, as was the case here, will assist parties to insure that their appeals are properly presented. The Appellant has again failed to make out that the Adjudicator has made a reviewable error of law.

[42] For these reasons, the appeal in LRB File No. 193-16 is summarily dismissed. An appropriate Order will accompany these reasons.

DATED at Regina, Saskatchewan, this **6th** day of **December, 2015**.

LABOUR RELATIONS BOARD

Kenneth G. Love, Q.C.
Chairperson