



**DECISION OF ADJUDICATOR  
 IN THE MATTER OF AN ADJUDICATION  
 PURSUANT TO SECTION 2-75 and 4-6 OF  
 THE SASKATCHEWAN EMPLOYMENT ACT**

Anthony Smuk, Matthew Gillies, Jason Hauser, Joel Jordison,  
 Jason Ross, Daryl Thorn and Jared Mayer  
 Represented by Randy Armitage  
 Labour Standards Officer

COMPLAINANT

-AND-

Mosaic Potash Belle Plaine

RESPONDENT

DATE OF HEARING:           September 9, 2014

PLACE OF HEARING:       Conference Room 1  
                                   110 Ominica Street W  
                                   Moose Jaw, SK

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## **1. INTRODUCTION**

This matter was heard before me on September 9<sup>th</sup>, 2014 in Moose Jaw, Saskatchewan. Mr. Randy Armitage, Labour Standards Officer represented the Complainants, Anthony Smuk, Matthew Gillies, Jason Hauser, Joel Jordison, Jason Ross, Daryl Thorn and Jared Mayer.

The Wage Assessment was prepared pursuant to the Labour Standards Act is for \$55,625.72.

The hearing commenced at 9:30 a.m. in the Board Room in Moose Jaw.

The Labour Standards Officer and the Arbitrator were present.

The Respondent, Mosiac Potash Belle Plaine did not attend; however Steven Seiferling, corporate counsel for Mosiac, had previously advised by email that the Employer, Mosiac Potash Belle Plaine would be paying all assessments at the assessed amounts and did not intend to appear at the hearing.

## **II. ANALYSIS/DECISION**

Since the Respondent Employer, Mosiac Potash Belle Plaine, advised the adjudication that they were intending to make payment to the employees

in accordance with the wage assessments, no evidence was presented on the Respondent's behalf.


Pursuant to Section 2-75(9) the amounts stated in the Wage Assessment are presumed due and owing in absence of evidence to the contrary.

There being no evidence to the contrary the Wage Assessment presumption stands.

### **III. CONCLUSION**

The appeal is denied and the Wage Assessment in the amount of \$55,625.72 is upheld.

Dated at Moose Jaw, in the Province of Saskatchewan, this 28<sup>th</sup> of September, 2014.

  
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**Clifford B. Wheatley**  
Adjudicator

The Parties are hereby notified of their right to appeal this decision pursuant to Sections 4-8, 4-9 and 4-10 of *The Saskatchewan Employment Act* (the "Act").

The information below has been modified and is applicable only to Part II and Part IV of the Act. To view the entire sections of the legislation, the Act can be accessed at <http://www.saskatchewan.ca/>.

#### **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.
- (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 pursuant to Part II, the wage assessment or the notice of hearing;
  - (c) the notice of appeal filed with the director of employment standards pursuant to Part II;
  - (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:
- (a) affirm, amend or cancel the decision or order of the adjudicator; or
  - (b) remit the matter back to the adjudicator for amendment of the adjudicator's decision or order with any directions that the board

#### **Appeal to Court of Appeal**

- 4-9(1)** With leave of a judge of the Court of Appeal, an appeal may be made to the Court of Appeal from a decision of the board pursuant to section 4-8 on a question of law.
- (2) A person, including the director of employment standards, intending to make an appeal to the Court of Appeal shall apply for leave to appeal within 15 business days after the date of service of the decision of the board.
- (3) Unless a judge of the Court of Appeal orders otherwise, an appeal to the Court of Appeal does not stay the effect of the decision being appealed.

#### **Right of director to appeal**

- 4-10** The director of employment standards has the right:
- (a) to appear and make representations on:
    - (i) any appeal or hearing heard by an adjudicator; and
    - (ii) any appeal of an adjudicator's decision before the board or the Court of Appeal; and
  - (b) to appeal any decision of an adjudicator or the board.