



**DECISION OF ADJUDICATOR**

**IN THE MATTER OF A HEARING PURSUANT TO PART IV of**

***THE SASKATCHEWAN EMPLOYMENT ACT, CHAPTER S-15, SS, 2013***

**IN RESPECT OF A MATTER ADVANCED PURSUANT TO SECTIONS 62.1 & 62.2 OF THE**

***LABOUR STANDARDS ACT, CHAPTER L-1, RSS, 1978 (AS AMENDED) (REPEALED)***

**LRB FILE NO: 072-15**

**Adjudicator file # 2015-03**

**Wage Assessment # 6871**

**PARTIES TO THE ADJUDICATION HEARING:**

- a) **COMPLAINANTS / APPELLANTS:** KINDERSLEY MAIN LINE MOTORS LTD. AND GERALD MERRIFIELD, DIRECTOR AND CURTIS MERRIFIELD, DIRECTOR [EMPLOYERS] , represented BY JEFF GRUBB, QC AND CARLY ROMANOW [MILLER THOMSON LLP];
- b) **RESPONDENT:** GOVERNMENT OF SASKATCHEWAN, DIRECTOR, EMPLOYMENT STANDARDS, REPRESENTED BY RON BYERS, EMPLOYMENT STANDARDS OFFICER; AND
- c) **RESPONDENT:** CAMILLE GEREIN, [EMPLOYEE].

**ADJUDICATOR:** Maria Lynn Freeland

**PLACE OF HEARING:** Saskatoon, SK

**DATE OF HEARING:** SEPTEMBER 25, 2015

**DATE OF DECISION:** NOVEMBER 15, 2015

**I. INTRODUCTION**

This employment standards adjudication hearing was conducted on Friday September 25, 2015 in the Sturdy Stone Centre Building in Saskatoon, SK pursuant to the provisions of the *Saskatchewan Employment Act*.

**II. PRELIMINARY MATTERS**

- a) Ronald Byers (Employment Standards Officer) advised that he represented the Director in the application and enforcement of the *Saskatchewan Employment Act*; Mr. Byers confirmed that he did not represent the employee.
- b) Jeff Grubb, QC advised that he and Carly Romanow of Miller Thompson LLP represented Kindersley Main Line Motors Ltd.; and Gerald Merrifield, Director; and Curtis Merrifield, Director.
- c) Camille was present; self-represented.

**III. THE DISPUTE**

Subsequent to the conclusion of her employment as a Sales Associate with Kindersley Main Line Motors Ltd., [the Appellant/ Employer], the employee Camille Gerein completed a Complaint to the Ministry of Labour Relations and Workplace Safety.

The claim was for:

- a) Final Pay in lieu of Notice ; and
- b) Annual Holiday Pay.

Pursuant to section 2-74 of the *Saskatchewan Employment Act*, the Director of Employment Standards determined that the employer failed to pay wages in lieu of notice of termination in the amount of \$923.08 [representing 2 weeks salary] and annual holiday pay to the employee in the amount of \$3,035.52 [Wage Assessment No. 6871].

As a result of this wage assessment, the employer appealed the decision pursuant to section 2-75 of the *Saskatchewan Employment Act*. In accordance with the appeal provisions of the legislation, the wage assessment was appealed by way of “**NOTICE OF APPEAL**” from the employer’s lawyers dated March 30, 2015 and stamped “**RECEIVED**” on March 30, 2015 by the Ministry of Labour Relations and Workplace Safety. On April 15, 2015, I was appointed adjudicator pursuant to section 4-3(1) of the legislation. An adjudication hearing was conducted on September 25, 2015.

#### **IV. DECISION**

As an Employment Adjudication Hearing progressed on an earlier case and witnesses testified, the parties on this employment adjudication [with respect to Camille Gerein] privately discussed various possible settlement alternatives [in the absence of the adjudicator]. As a result, prior to the completion of the Employment Adjudication hearing held September 25, 2015, the parties reached an agreement for resolution of the outstanding issue to their mutual satisfaction. Details remained confidential between the parties and particulars were not disclosed to the Adjudicator. The parties further advised that any written documentation with respect to finalization of the settlement reached would be completed directly between the parties.

Dated this 15<sup>th</sup> day of November, 2015.

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ADJUDICATOR – Maria Lynn Freeland, BA, JD, Mediator, LL M (Candidate)