



DECISION OF ADJUDICATOR

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

APPELLANTS (RESPONDENTS): CHAD LAWLESS and KHRISTINA
LAWLESS

RESPONDENT (COMPLAINANT): JUNALYN TUBAY

**Daniel Corbett, Employment Standards Officer, Appearing for the Director of
Employment Standards**

DATE OF HEARING: April 13, 2016

PLACE OF HEARING: 3rd Floor Boardroom
1870 Albert Street
Regina, Saskatchewan

I. INTRODUCTION

This is an appeal by Chad Lawless and Khristina Lawless (the Employers) of a Wage Assessment for wages owed to Junalyn Tubay (the Employee). On January 14, 2016, the Director of Employment Standards issued Wage Assessment No. 7711 directing the Employers to pay \$1,827.25 to the Employee. The Employers could either pay it or appeal pursuant to section 2-75 of *The Saskatchewan Employment Act*.

In a Notice of Appeal dated February 4, 2016, Roch Dupont of Merchant Law Group LLP outlined the Employers' grounds of appeal. After consulting the parties, I scheduled the hearing for April 13, 2016 in Regina, Saskatchewan. Because the parties live outside of Regina, I agreed to hear evidence by telephone.

Approximately twenty minutes before the hearing, I received an email from Mr. Dupont advising that his clients intended to withdraw their appeal and pay the Wage Assessment. He indicated he and his clients would not attend the hearing. I advised Mr. Dupont and Mr. Corbett that I would go on record to explain what had happened, dismiss the appeal, and confirm the Wage Assessment.

Mr. Dupont, Mr. Lawless and Mrs. Lawless did not attend the hearing. Mr. Corbett attended in person and Ms. Tubay appeared by telephone.

VII. DECISION

The Appellants chose not to attend the hearing. They indicated through their lawyer that they intended to pay the Wage Assessment. Under the circumstances, the amount stated in the Wage Assessment is due and owing. The appeal is dismissed and the Wage Assessment is confirmed.

Chad Lawless and Khristina Lawless must pay Junalyn Tubay outstanding wages in the amount of \$1,827.25.

DATED in Regina, Saskatchewan, this 15 day of April, 2016.



 Jodi C. Vaughan
 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 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.