



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

LRB FILE No. 140-17
W.A.# 8422

Barbi-Rose Weisgerber
COMPLAINANT/EMPLOYEE

-AND-

Rural Municipality of Maple Creek #111
RESPONDENT/EMPLOYER

DATE OF HEARING: November 9, 2017 and December 7, 2017

PLACE OF HEARING: Swift Current, SK

INTRODUCTION

This matter was heard before me on November 9 and December 7, 2017 in Swift Current, Saskatchewan.

I am satisfied there has been compliance with subsections 2-74(6), 2-75(2) and 2-75(3) of *The Employment Standards Act* (the 'Act'). Therefore I have determined that I do have jurisdiction to hear this matter.

Mr. Randy Armitage, Employment Standards Officer represented the Employment Standards Department.

The Claimant/Employee, Barbi-Rose Weisgerber did not attend.

The Respondent/Employer, Rural Municipality of Maple Creek #111 was represented by their solicitor, Kevin Hoy of W Law Group. Mr. Hoy appeared by telephone.

The Wage Assessment was prepared pursuant to the Saskatchewan Employment Act s.s.2014 c.s-15.1, herein after referred to as "The Act" is for \$11,413.38.

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Prior to the hearing commencing on December 7, 2017 the Wage Assessment was recalculated by the Labour Standards Officer to \$6,901.44.

I. PRELIMINARY MATTERS

There were no preliminary objections from any of the parties.

The Hearing commenced on December 7, 2017 @ 10:00 a.m., Mr. Hoy and Mr. Armitage advised that the new Wage Assessment in the amount of \$6,901.44 was acceptable to Mr. Hoy.

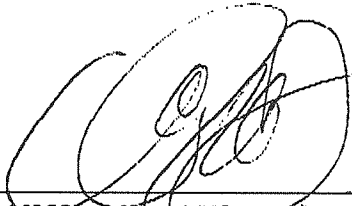
Mr. Armitage advised that he had spoke with Ms. Weisgerber prior to the hearing and she was satisfied with the recalculated amount as representing the amount of monies owing to her by the Respondent/Employer.

The Hearing was concluded.

II. CONCLUSION

The wage assessment is varied to the sum of \$6,901.44.

Dated at Moose Jaw, in the Province of Saskatchewan, this 20th of
December, 2017.



Clifford B. Wheatley
Adjudicator

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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.