

**LRB File No. 167-17**

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



Appellant:

Scott Steel Erectors Inc.

Respondent:

Director of Employment Standards;

Date of Hearing: November 27, 2017

Place of Hearing: Telephone Hearing

The Director of Employment Standards (the 'Director') issued Wage Assessment No. 8677, in the amount of \$1,523.06 against Scott Steel Erectors Inc. in favour of Shane Knox.

Prior to this hearing I contacted the Director and confirmed 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.

Greg Thomas represented Scott Steel Erectors Inc. Employment Standards Officer Dale Schmidt represented the Director.

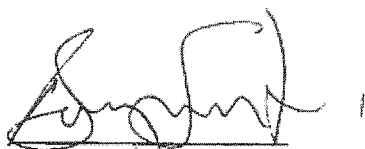
While I was communicating with Mr. Schmidt, Mr. Thomas and Mr. Knox for the purpose of setting a hearing date, Mr. Schmidt indicated that he, as the Director's delegate, was prepared to consent to my overturning the Wage Assessment. A telephone hearing was set for November 27, 2017 at 9:00 am Saskatchewan time. I informed Mr. Knox of this on November 22 by telephone, and confirmed the information on that same date by email. I indicated to Mr. Knox that he was entitled to be part of the telephone hearing and that he could participate by letting me know prior to the start of the hearing, that he would like to participate. He did not do so.

At the hearing Mr. Schmidt and Mr. Thomas both agreed that I should allow the appeal and that no funds are owing from Scott Steel Erectors. Mr. Schmidt agreed that Scott Steel Erectors should receive their \$500.00 deposit back.

**Decision:**

The appeal is allowed. Wage Assessment No. 8677, against Scott Steel Erectors in the amount of \$1,523.06 is overturned. Scott Steel Erectors is entitled to the return of their \$500.00..

Dated at the City of Saskatoon, in the Province of Saskatchewan this 27<sup>th</sup> day of November, 2017.



Doug Surtees  
Adjudicator

The Parties are 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 viewed at [www.saskatchewan.ca](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.

(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:

(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 of the adjudicator's decision or order with any directions that the board considers appropriate.

**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 or the director of occupational health and safety, 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 and the director of occupational health and safety have 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.