



LRB FILE No. 030-17

**DECISION OF ADJUDICATOR
IN THE MATTER OF AN APPEAL
PURSUANT TO SECTION 2-75 WITH RESPECT TO A DECISION OF
AN EMPLOYMENT STANDARDS OFFICER PURSUANT TO
*THE SASKATCHEWAN EMPLOYMENT ACT,
R. S. S. S-15.1 (as amended)***

APPELLANT: 101289530 Saskatchewan Ltd. o/a Mr. Ribs Family Restaurant and Mr. Nick Georgiou, director.

RESPONDENT: Chad Genkens

DATE OF HEARING: February 6, 2018

PLACE OF HEARING: Saskatoon, Saskatchewan

I. REVIEW OF HEARING AND ISSUES

This is an appeal by Mr. Nick Georgiou, director of Mr. Ribs Family Restaurant, with respect to a Wage Assessment issued by the Respondent, the Director, Employment Standards Branch, Ministry of Labour Relations and Workplace Safety on January 17, 2017. The Wage Assessment required the Appellant to pay Chad Genkens the sum of \$7,423.72 representing unpaid wages to Chad Genkens. The Wage Assessment was prepared pursuant to s. 2-74 of *The Saskatchewan Employment Act*, R.S.S. S-15.1 (as amended).

Mr. Georgiou was intermittently represented by counsel, but in the end, he was representing himself (and Mr. Ribs). The above hearing date was scheduled. Mr. Georgiou was notified of the date, time and place of the Appeal hearing by a couriered letter. Mr. Georgiou called my assistant and myself to confirm receipt of same. Mr. Georgiou told me that he did not wish to proceed further with the appeal. Mr. Georgiou did not attend the hearing. All parties but Mr. Georgiou were present at the Appeal Hearing.

II. CONCLUSION

Accordingly, the appeal is dismissed, and the Wage Assessment is hereby upheld.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 12 day of February 2018.



Leslie T.K. Sullivan, Q.C.
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;

(b) to appeal any decision of an adjudicator or the board.