

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



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

**Appellants:**

North Park Enterprises Inc. o/a Maxie's Excavating; Vincent Dziadyk, being a director of North Park Enterprises Inc. o/a Maxie's Excavating; Brym Enterprises Ltd. o/a Maxie's Excavating; Myrna Braaten, being a director of Brym Enterprises Ltd. o/a Maxie's Excavating; Dingo Road & Rail Holdings Ltd. o/a Maxie's Excavating; Robert Harasymchuk, being a director of Dingo Road & Rail Holdings Ltd. o/a Maxie's Excavating; Januk Holdings Ltd. o/a Maxie's Excavating; Janice Harasymchuk, being a director of Januk Holdings Ltd. o/a Maxie's Excavating; GKB Holdings Ltd. o/a Maxie's Excavating; Gerald Braaten, being a director of GKB Holdings Ltd. o/a Maxie's Excavating

and

**Respondent**

Sean Bridgette (Employee Witness for the Director of Employment Standards and the Director of Employment Standards)

Date of Settlement: September 24, 2019

Date of Decision: November 4, 2019

[1] This matter was remitted back to me by the Court of Appeal for Saskatchewan. *Saskatchewan (Employment Standards) v North Park Enterprises Inc.*, 2019 SKCA 69 (Para. 50).

[2] Subsequent to the matter being remitted back to me for decision in accordance with certain orders of the Labour Relations Board, but prior to the agreed upon hearing date, Sean Bridgette and each of the appellants settled their dispute, according to the terms of Minutes of Settlement dated September 18, 2019. A copy of those Minutes of Settlement are attached.

[3] On October 2, 2019 Riva Racette indicated on behalf of the Director of Labour Standards that the Director considered the matter resolved.

[4] October 30, 2019 Sean Bridgette confirmed with me that the Minutes of Settlement have been complied with, in that he had received the promised \$3,000 payment pursuant to the Minutes of Settlement.

[5] Wage Assessment 46357 and the appellants appeal are both dismissed, with the agreement of Sean Bridgette, the Director of Employment Standards and each of the appellants.

Dated at the City of Saskatoon, in the Province of Saskatchewan this 4<sup>th</sup> day of November, 2019.



Doug Surtees

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](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 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, 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.