

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



Appellants:

101189110 Saskatchewan o/a Phoenix House

Rijuan Luan, being a director of 101189110 Saskatchewan o/a Phoenix House

Lai Hing Chan, being a director of 101189110 Saskatchewan o/a Phoenix House, and

Edward Lau, being a director of 101189110 Saskatchewan o/a Phoenix House

Respondents:

Ping Mui Chan, and Director of Employment Standards

Date of Hearing: May 27, 2019

Location of Hearing: Sturdy Stone Building; 122 Third Avenue North; Saskatoon;
Saskatchewan (with telephone attendance)

Date of Decision: May 27, 2019

[1] Wage Assessment # 1-000181 (hereinafter the 'Wage Assessment') was issued by the Director of Employment Standard's Delegate on January 25, 2019. It directed 101189110 Saskatchewan o/a Phoenix House, Rijuana Luan, Lai Hing Chan, and Edward Lau, all of whom are directors of 101189110 Saskatchewan o/a Phoenix House to pay Ping Mui Chan the sum of \$8,816.45.

[2] Cameron Scott represented all of the appellants. The respondent Kelly Harris was the Director's delegate in this matter. Tiffany Chan represented the employee, Ping Mui Chan. Ms. Harris and Mr. Scott attended the hearing in person, while Ms. Chan and Mr. Chan attended by telephone.

[3] At the hearing Mr. Scott and Ms. Harris indicated they had come to an agreement. A copy of this agreement (Exhibit ER-2) was filed with me. The agreement stipulates that Rijuana Luan, Lai Hing Chan, and Edward Lau will each pay Ping Mui Chan 1/3 of the sum of \$8,816.45. This payment will be made to the Ministry of Labour Relations and Workplace Safety and is due immediately.

[4] Mr. Lau did not sign the agreement, but did send an email indicating that he agreed to be bound by it. A copy of that email is contained at Tab 9 of Exhibit ER-1. At the hearing, Mr. Scott accepted that in the event that one or more of the three directors fails to make the required payment, all three named directors and 101189110 Saskatchewan o/a Phoenix House remain jointly and severally liable for the unpaid amount.

Conclusion:

[5] The Appeal is dismissed. The Wage Assessment is confirmed in the amount of \$8,816.45. Rijuana Luan, Lai Hing Chan, and Edward Lau are to each pay 1/3 of the Wage Assessment immediately. If each of them complies with this, the Wage Assessment will be satisfied. If the Wage Assessment is not fully satisfied in this way, it is confirmed against each of each of 101189110 Saskatchewan o/a Phoenix House, Rijuana Luan, being a director of 101189110 Saskatchewan o/a Phoenix House, Lai Hing Chan, being a director of 101189110 Saskatchewan o/a Phoenix House and Edward Lau, being a director of 101189110 Saskatchewan o/a Phoenix House.

Dated at the City of Saskatoon, in the Province of Saskatchewan this 27th day of May, 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.

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 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.

EXHIBIT LIST

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Respondents:

Ping Mui Chan, and Director of Employment Standards

EE-1

9 Tab Acco binder labeled:
Employment Standards Hearing
Appellant 101189110 Saskatchewan o/a Phoenix House
Date of Hearing: May 27, 2019

EE-2

1 page copy of agreement titled:
Apollo Management Solutions
Memorandum of Understanding – Ping Mui Chan