



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

APPELLANTS: **STREAMLINE OILFIELD SERVICES LTD.
and KELLY BRADY, ROGER HARDY,
JASON PETERSON and KIM PETERSON, as
directors of Streamline Oilfield Services Ltd.**

RESPONDENTS: **KYLE HOFFMANN and DIRECTOR OF
EMPLOYMENT STANDARDS**

LRB File No. 199-16; Wage Assessment No. 8126

I. INTRODUCTION

Streamline Oilfield Services Ltd. (Streamline) and its four directors, Kelly Brady, Roger Hardy, Jason Peterson and Kim Peterson appealed Wage Assessment No. 8126 which directed Streamline and its directors to pay \$20,746.28, to Kyle Hoffmann or appeal pursuant to section 2-75 of *The Saskatchewan Employment Act* (the Act).

II. BACKGROUND

On July 27, 2016, the Director of Employment Standards issued Wage Assessment No. 8126 against Streamline and its directors. The Appellants appealed pursuant to section 2-75 of the Act, by way of a 6-page Notice of Appeal dated August 29, 2016.

On September 22, 2016, I was appointed as the adjudicator to hear and decide this matter.

In October of 2016, the parties agreed to hold off on the appeal while a similar matter was making its way through the appeal process. After an appeal by the Director of Employment Standards to the Labour Relations Board (*The Director of Employment Standards and Tim McDonald v. Streamline Oilfield Services Ltd. et al.*), the Board issued its decision on October 29, 2019. The parties subsequently entered into settlement negotiations on this matter.

III. CONSENT AGREEMENT


The parties consent to resolving the Wage Assessment appeal concerning Kyle Hoffmann. The parties agree that Streamline will pay the amount of \$2,303.57, less the \$500.00 appeal deposit, for a net amount owing of \$1,803.57, to the Director of Employment Standards in favour of Kyle Hoffmann. This payment reflects public holiday

pay and is made in consideration of resolving all matters between the parties relating to Wage Assessment No. 8126.

IV. CONCLUSION

The appeal is allowed and the Wage Assessment is varied to reflect the agreement reached by the parties. The Appellants are ordered to pay the remaining sum of \$1,803.57 to the Director of Employment Standards in favour of Kyle Hoffmann.

DATED in Regina, Saskatchewan, this 29 day of November, 2019.



Jodi C. Vaughan
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; and
- (b) to appeal any decision of an adjudicator or the board.