



**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: Cooltech Commercial Maintenance Inc.

RESPONDENT: Travis Wiebe
and
Director of Labour Standards
Ministry of Labour Relations and Workplace Safety

DATE OF HEARING: August 13, 2020

PLACE OF HEARING: Saskatoon, Saskatchewan (*via teleconference*)

I. REVIEW OF HEARING AND ISSUES

This is an appeal by Cooltech Commercial Maintenance Inc. with respect to a Wage Assessment issued by the Respondent, the Director, Employment Standards Branch, Ministry of Labour Relations and Workplace Safety, on January 3, 2020. The Wage Assessment required the Appellant to pay Travis Wiebe the sum of \$518.27 representing unpaid wages to Travis Wiebe. The Wage Assessment was prepared pursuant to s. 2-74 of *The Saskatchewan Employment Act*, R.S.S. S-15.1 (as amended).

A conference call was arranged with the Appellant and the Respondents for August 13, 2020 to discuss the issues and arrange a further virtual hearing date. The employee, Travis Wiebe, advised that he no longer wished to pursue his claim for unpaid wages and that he did not want to participate in any hearing. Therefore, by the agreement of the Appellant and Respondents, the conference call of August 13, 2020 was determined to be the hearing proper. No evidence was presented.

II. **CONCLUSION**

The appeal is allowed. Pursuant to s.4-6(1)(a) of *The Saskatchewan Employment Act*, the wage assessment and the decision of the Director are revoked.

DATED at the City of Saskatoon, in the Province of Saskatchewan, this 9th day of November 2020.

A handwritten signature in black ink, appearing to be 'LTS', written over a horizontal line.

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.