

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



Kristopher O'Neal, Dylan Jarvis, Barry Hill, Linda Hanson,
Tony Ward, and Devon Cooper

COMPLAINANT/EMPLOYEES

-AND-

Castleton Industries Ltd.

APPELLANT/EMPLOYER

DATES OF HEARING: September 3, 2020

PLACE OF HEARING: Yorkton, SK

LRB FILE: No. 084-20

WAGE ASSESSMENT: No. 1-000356

INTRODUCTION

This matter was heard before me on September 3, 2020 at Yorkton, Saskatchewan.

I am satisfied there has been compliance with subsections 2-74(6), 2-75(2) and 2-75(3) of *The Employment Standards Act* (the 'Act'). Therefore, I have determined that I do have jurisdiction to hear this matter.

Dale Schmidt, Employment Standards Officer represented the Department of Employment Standards.

Complainants/Employees, Dylan Jarvis, Barry Hill, Linda Hanson, Tony Ward, and Devon Cooper attended, Kristopher O'Neal was going to attend by telephone.

The Appellant/Employer, Castleton Industries Ltd. and Victor Morales & Mayda Morales, Directors, were represented by Ronald Balacko, Barrister and Solicitor.

The Wage Assessment was prepared pursuant to the Saskatchewan Employment Act s.s.2014 c.s-15.1, herein after referred to as "The Act" is as follows:

• Kristopher O'Neal	\$ 1,110.67
• Dylan Jarvis	\$ 651.48
• Barry Hill	\$ \$1,099.28
• Linda Hanson	\$ 18,830.00
• Tony Ward	\$ 11,902.28
• Devon Cooper	<u>\$ 3,421.82</u>
TOTAL	\$ 37,015.39

I. PRELIMINARY MATTERS

At the outset of the Hearing Mr. Balacko advised that he had attempted to settle the outstanding issues with the parties, however, was unsuccessful.

Mr. Balacko advised that his client, that being the Corporation and the Directors, would not be calling nor presenting any evidence at the hearing and thereafter left the hearing room.

II. EVIDENCE OF THE EMPLOYER AND EMPLOYEE

The Employer did not present any evidence nor filed any documentation to the matter. None of the employees presented any evidence or filed any documents relating to the matter.

III. ANALYSIS/DECISION

Pursuant to Section 2-75(9), which states that the Wage Assessment provided by the Adjudicator is proof, in the absence of the evidence to the contrary, that the amounts stated in the Wage Assessment are due and owing.

There was no evidence presented to the contrary and the Wage Assessment presumption stands.

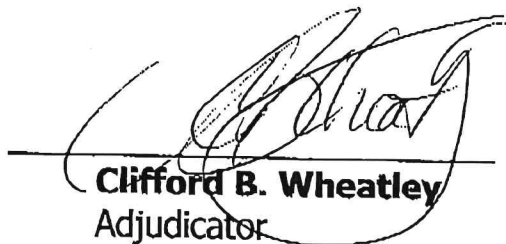
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VI. CONCLUSION

The Appeal is denied, and the Wage Assessment is upheld as follows:

• Kristopher O'Neal	\$ 1,110.67
• Dylan Jarvis	\$ 651.48
• Barry Hill	\$ \$1,099.28
• Linda Hanson	\$ 18,830.00
• Tony Ward	\$ 11,902.28
• Devon Cooper	<u>\$ 3,421.82</u>
TOTAL	\$ 37,015.39

Dated at Moose Jaw, in the Province of Saskatchewan, this 7th of
September, 2020.


Clifford B. Wheatley
Adjudicator

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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 <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.

- (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.