

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



APPELLANTS:

(Employer) 626932 Saskatchewan Ltd. o/a Esquire Stylists  
and  
(Director) Quincy Kokoski

RESPONDENT: Bryanna Fritz  
(Employee)

Wade Schmidt, Employment Standards Officer, acting for Government of Saskatchewan,  
Ministry of Labour Relations and Workplace Safety, Employment Standards Division

**PRELIMINARY ISSUE**

On August 23, 2021 I was appointed by the Saskatchewan Labour Relations Board as the Adjudicator to hear the appeal of the Wage Assessment in this matter.

I contacted the parties to inquire of their availability for a hearing date; the Employment Standards Officer, Wade Schmidt, told me he had a preliminary issue concerning when the appeal was filed by the Employer.

On August 24, 2021 he forwarded to me and the parties by email copies of the following documents:

1. Email dated July 20, 2021 from Wade Schmidt to the Employer with a copy of the Wage Assessment. The Wage Assessment clearly states that any appeal must be commenced within 15 business days.
2. Employer cheque payable to Minister of Finance in the amount of \$500 dated August 11, 2021.
3. Receipt dated August 16, 2021 issued by the Ministry for the Employer cheque.
4. Letter from the Employer dated August 11, 2021, stating that written appeal and \$500 deposit were enclosed.
5. Envelope containing the August 11 letter/deposit, date stamped "Received August 16, 2021."

Mr. Schmidt also provided a written submission which argued that the Employer/Appellant did not properly file the appeal from the Wage Assessment within the 15 business day appeal period set out in section 2-75(2) of *The Saskatchewan Employment Act*. He notes that the 15 day period ended August 11, 2021. The cheque and appeal documents were not received by the Ministry until August 16, 2021.

I emailed the parties August 26, 2021 asking if they had any reply to the Employment Standards Officer's submission. Nothing was received.

### **DISCUSSION**

I accept the evidence that the cheque and the written appeal were not received by the Director of Employment Standards within the 15 days required by statute.

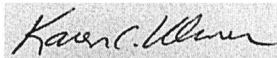
The law in Saskatchewan is clear that as an Adjudicator, I have no authority to extend the timeline mandated in the statute. As noted in *Brady v. Jacobs* 2016 CanLII 49900 (SK LA), "... time limits are to be interpreted as mandatory and relief against failure to meet a time limit is not available unless expressly stated in the Act."

See also: *Egware v. City of Regina*, 2016 SKQB 388 (CanLII)

### **DECISION**

The Employer's appeal cannot proceed.

Dated at North Battleford, Saskatchewan: August 30, 2021



Karen C. Ulmer  
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.

(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.