

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



Jennifer Rayner

COMPLAINANT/EMPLOYEE

-AND-

Megan Wieterman operating under the firm name and style, Spike Grooming

APPELLANT/EMPLOYER

DATES OF HEARING: July 25, 2023

PLACE OF HEARING: Moose Jaw, SK

LRB FILE: No. 069-23

WAGE ASSESSMENT: No. 1-008433

## **INTRODUCTION**

This matter was heard before me on July 25, 2023, at Moose Jaw, 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.

Randy Armitage, Employment Standards Officer represented the Department of Employment Standards.

Complainant/Employee, Jennifer Rayner, attended in person and represented herself.

No one appeared for the Appellant/Employer.

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 for \$1,091.01.

**I. PRELIMINARY MATTERS**

There were no preliminary matters raised by any of the parties.

**II. ANALYSIS/DECISION**

The Appellant/Employer had advised the Employment Standards Officer that she was intending to make payment to the Employee in accordance with the Wage Assessment and no evidence was presented on the Appellant/Employer's behalf.

The Employee was in agreement with the amount of the Wage Assessment.

Pursuant to Section 2-75(9) the amount presented in the Wage Assessment is presumed to be due and owing in absence of evidence to the contrary.

With there being no evidence to the contrary the Wage Assessment presumption stands.

### **III. CONCLUSION**

The Appeal is denied and the Wage Assessment is upheld in the amount of \$1,091.01.

Dated at Moose Jaw, in the Province of Saskatchewan, this 27<sup>th</sup>, of July 2023.

  
**Clifford B. Wheatley**  
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 <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.