

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



Marcus Beauchamp

COMPLAINANT/EMPLOYEE

-AND-

Ruff's Furniture Company Limited and Wade Ruff, Director

APPELLANT/EMPLOYER

DATE OF HEARING: August 7, 2024

PLACE OF HEARING: Yorkton, Saskatchewan

LRB FILE: No. 060-24

WAGE ASSESSMENT: No. 1-000770

INTRODUCTION

This matter was heard before me on August 7, 2024 in 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.

Christine Rusnak and Douglas Long, Employment Standards Officers represented The Department of Employment Standards.

Mr. Marcus Beauchamp the Complainant, Employee was present and represented himself.

Ruff's Furniture Company Limited was represented by Wade Ruff, Director and Sandra Ruff.

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 \$3,292.19.

I. PRELIMINARY MATTERS

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

Mr. Ruff advised at the commencement of the hearing that he and the company were withdrawing the first ground of Appeal. That being the employee was an independent contractor and not an employee of Ruff's Furniture Company Limited.

The hearing then proceeded on the second ground of appeal. That being the employee, Marcus Beauchamp was an employee of Ruff's Furniture Company Limited but his employment was terminated with cause.

II. AGREED FACTS

The parties agreed that the employee worked for the employer from September 28, 2022 up to and including October 23, 2023. His rate of pay was \$20.00 per hour.

III. EVIDENCE OF THE EMPLOYER/EMPLOYEE

Mr. Ruff gave evidence on behalf of the company and himself as Director. He was cross-examined by the Employment Standards Officer and Mr. Beauchamp.

Mr. Beauchamp, the employee, gave evidence on his behalf and was cross-examined by Mr. Ruff the employer.

After conclusion of the evidence, but, prior to the summation by the parties, Mr. Beauchamp advised that he had an offer of settlement to make to the employer.

I left the hearing room in order to permit the parties to discuss settlement in private.

When I was called back to the hearing room I was advised that a settlement had been reached by the parties.

The parties had agreed that the Wage Assessment amount owing was to be varied to the amount of \$2,397.28 as full and final settlement of the Wage Assessment.

The settlement amount would be subject to the required payroll deductions.

IV. CONCLUSION

The Wage Assessment is varied to the sum of \$2,397.28.

Dated at Moose Jaw, in the Province of Saskatchewan,
this 12th, of August 2024.



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.