

Decision of Adjudicator
In the Matter of an Adjudication
Pursuant to Sections 2-75 and 4-6 of
The Saskatchewan Employment Act
Wage Assessment No. 1-000716

LRB File No. 172-23



Complainants: Jesus Antonio Rubio Castro and Jonathan Kalyniuk.

Respondent: We-Lift Crane Services Ltd. In Regina Sask.
Directors: Todd Mintz, Rob Thomson and Barry Chamryk.

On March 6, 2024, I was confirmed as adjudicator for the above. On March 7, 2024, I requested the Ministry, by e-mail, to provide me with the relevant documents, concerning an appeal of the wage assessment, by We-Lift.

In response to my March 7, 2024, e-mail to Lorne Deason, Employment Standards Officer, I received, also by e-mail, several documents pertaining to the appeal of the above wage assessment. I received the Deason e-mail on March 8, 2024. I shared those documents with the parties by e-mail, on March 12, 2024.

On March 13, 2024 I provided the parties a summary of the documents, along with my initial concern that I did not have jurisdiction to hear the appeal, due to it being out of time as per 2-74(7)(b). I gave the parties until 5:00 p.m. March 22, 2024, to provide me with their perspective prior to my making my final decision.

On Friday March 15, 2024, I spoke, by telephone, with We-Lift Director, Barry Chamryk. He confirmed receipt of my preliminary ruling and told me he would ask fellow Director, Rob Thomson to get in touch with me.

On March 13, 2024, Lorne Deason, by e-mail, advised myself and We-Lift, that the Ministry agreed with my initial assessment, that the appeal was out of time.

There was no submission or contact made by We-Lift to me, either before 5:00 P.M. March 22, 2024 or since.

The relevant documents sent for me to determine if the requirements of Sections 2-74 and 75 of the Employment Act have been met are as follows:

1. Four Canada Post Registered Domestic Customer Receipts showing copies of the wage assessment were sent out to We-Lift Crane Services corporate office, and the home addresses of Directors Ron Thomson, Barry Chamryk and Todd Mintz. All four are dated November 10, 2023.

2. On November 20, 2023, a fifth copy of the wage assessment was sent to Director Todd Mintz. Apparently the first mailing to Mr. Mintz had been returned due to incorrect address. The first was sent to 4701 Parliament Ave in Regina and the second was addressed to Suite 102-4701 Parliament Ave.
3. On November 14, 2023, Canada Post scanned delivery date and signature receipts forms show acceptance of wage assessments by We-Lift. One is identified to have been sent to Ron Thomson and the other to We-Lift corporate office. Although both signatures are unreadable, Ron Thomson's copy was accepted by a "BRANDY T" and the Corporate office copy by a "DR LIFT".
4. On December 7, 2023, Employment Standards and Workplace Safety Ministry received both We-Lift's appeal document and deposit. The appeal document is signed by Barry Chamryk. It is dated November 23, 2023.

Given receipt of the wage assessment, by We-Lift, being November 14, 2023, 15 business days as per section 2-74(7)(b) to commence an appeal, We-Lift needed to have the Ministry receive the appeal by December 5, 2023.

Therefore, since the Appeal and the deposit were both received at the Ministry on December 7, 2023, it is out of time and I have no jurisdiction to hear it.

Wage Assessment No. 1-000716 is upheld and the amount of \$1269.23 is owed to each of Jesus Antonio Rubio Castro and Jonathan Kalyniuk by We-Lift Crane Services Ltd.

Dated at Regina Saskatchewan this 1st day of April, 2024 .

Adjudicator


Ralph Ermel