

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



APPELLANTS:  
(Employer) Alliance Health Saskatchewan Inc.  
and  
(Directors) Mark Lemstra and Patti Cameron

RESPONDENTS: Lisa Daborn, Janice Waynert, Helen DeRoose, Cheryl-Lynn Zimmer,  
Linda O'Connor, Anna Demonteverde, Angel Rose Paul, and Oleksandra  
Ben Tanfous  
(Employees)

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

**PRELIMINARY ISSUE**

On January 29, 2024 I was appointed by the Registrar of the Saskatchewan Labour Relations Board as the Adjudicator to hear the appeal of the Wage Assessment in this matter.

I subsequently received information via email that Mark Lemstra, named as one of the Directors of the Employer was: a) not a director when the wage claims were made, having sold the business; and b) has subsequently declared bankruptcy and all legal proceedings against him have been stayed.

I contacted the Employment Standards Officer, Christine Rusnak, to request a copy of the Appeal, and evidence that the Employer's and Director Patti Cameron's appeal had been perfected within the 15 day period required by section 2-75(2) of *The Saskatchewan Employment Act*, and that the deposit had been paid.

By email dated February 7, 2024, Ms. Rusnak provided the following information to me:

1. The Wage Assessment 1-000715 is dated November 14, 2023 against Alliance Health Saskatchewan Inc. and corporate director Patti Cameron, and directs the employer to pay a total of \$8,253.55 to eight claimants. The Wage Assessment states any appeal must be commenced within 15 business days and the Appellant must pay the required deposit.

2. Patti Cameron received the Wage Assessments by registered mail, and later email, which Ms. Rusnak confirmed through email and conversation with Ms. Cameron on November 22, 2023.
3. Among other things, Ms. Cameron denies knowing she was a Director, says the business was sold, she is not liable for any wages, and has made her own claim against Alliance.
4. By email to Ms. Cameron, dated December 5, 2023, the Wage and Trust Appeal Administrator noted they had received Ms. Cameron's Notice to Appeal, but requested her appeal deposit of \$500.
5. By email dated Jan 30, 2024, to Ms. Rusnak, the Administrator confirmed the \$500 deposit was never paid.

I contacted Ms. Cameron by email February 8, 2024, requesting evidence that her appeal was properly completed. She replied on February 9, 2024. In the long attachment to her email, she set out some information about the sale of the company and her role in it. She also stated that she could not afford to pay a \$500 deposit and was not going to do so.

### **DISCUSSION**

The Appellant has not complied with the appeal provisions as set out in *The Saskatchewan Employment Act*, section 2(75).

The law in Saskatchewan is clear that as an Adjudicator, I have no authority to alter the statutory requirements for a time limit for an appeal as set out in the legislation.

*Brady v. Jacobs* 2016 CanLII 49900 (SK LA)

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

The requirement to pay a deposit is another statutory requirement that may not be amended by an adjudicator.

### **DECISION**

The action against Mark Lemstra is dismissed.

The appeal of Patti Cameron and Alliance Health Saskatchewan Inc. cannot proceed.

Dated at North Battleford, Saskatchewan: February 14, 2024.



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.